



The People's United Democratic Movement of Swaziland

31st July 2005

PUDEMO rejects the Dlamini family constitution as it is meant to legitimize the continued oppression of our people by one family, King Mswati's family.

- 1.0 A brief Historical background to the Constitutional making process.
 - 1.1 The Peoples United Democratic Movement (PUDEMO), was founded in July 1983 to work with and for the people of Swaziland to free themselves from the yolk of Royal oppression. The people of Swaziland have been under the chains of slavery of one family for 255 years. This is the Dlamini family which Mswati represents today. This is the same family that is forcing down a fraudulent constitution that seeks to continue the oppression of our people.
 - 1.2 The people under the leadership of PUDEMO were the ones who demanded a written Constitution for the country, not the Dlamini family.

For the past twenty two years of struggle, PUDEMO has been the leading voice calling for an all-inclusive political process that would ensure the free participation of all sectors of our society in the constitution making process. Such representatives would have had a clear mandate of the people through their respective constituencies.

- 1.3 As mentioned above, the Royal Family consistently opposed the idea of a Constitution as they said a constitution is a foreign idea. However, pressure from the people under the leadership of PUDEMO forced it to relent and hence the so called constitutional reforms.

This is a historical fact that we would like the Swazis not to forget nor ignore as it has a bearing on the future of this country. The entire world should also know this fact so that they can understand our peoples' concern and fears.

The reforms failed the litmus test for a democratic constitution making process by:

- 1.3.1 Refusal to allow civic formations representing their constituencies to be part of the process.
- 1.3.2 All commissions were chaired by Princess
- 1.3.3 Commissioners handpicked from the Conservative camp.
- 1.3.4 Divergent views not tolerated as those with differing views were discouraged to voice their aspirations and concerns during the so-called consultations.
- 1.3.5 Process was a fattening ranch where Princess were making themselves rich i.e. R100 Million over 11 years.
- 1.3.6 Lack of political education on the populace on Constitutionalism for effective participation during the so-called community consultations.
- 1.3.7 Lack of freedom of the media in reporting divergent views.

- 1.3.8 Chiefs who control about 67% of the country and its population were used to intimidate people who were pro democracy. Those who called for multi party democracy were threatened with evictions from their land.

This resulted to the process lacking legitimacy, and consequently;

- Was never trusted to produce a universally acceptable document.
- It was never in the royal family's interest to have a document that will transfer power from it (the family) to the people safeguarded by democratic Constitution.

As PUDEMO predicted and always maintained, the royal constitution as presented by the King is political poison that, if allowed will legitimize the continued Royal oppression of our people. It is because of these reasons that PUDEMO calls for the people of Swaziland and the international community to reject it with the contempt it deserves.

2.0 Current Constitution and its shortcomings.

2.1 Political parties

Political parties are banned and the people can therefore not exercise their right to govern themselves through representatives of their choice through political parties' mandate.

2.2 Executive powers of the King and no separation of powers

The king has given himself power over the three arms of government; the Executive, Judiciary and legislature. History has taught us that a nation cannot hope for a benevolent leader for its freedom, but there must be guarantees of their freedom under a supreme document, a

democratic constitution. In Swaziland the King remains above the constitution.

He continues to appoint the following:

- ❑ Prime Minister, Cabinet,
- ❑ Judges
- ❑ Regional Administrators
- ❑ Army Commander
- ❑ Police Commissioner
- ❑ Correctional Services Commissioner
- ❑ Secretary to Cabinet

This therefore means all these structures continue to be under his control and consequently work for him and his family.

In addition he can summon and Dissolve Parliament.

He has control over land, Minerals, and the Armed forces.

3.0 The critical issue in Swaziland is the control of the land, and by extension the people who live on it and the economy by one family as opposed to a democratically elected government.

3.1 The people of Swaziland have first hand experience of poverty whilst the King lives luxurious life like that of the Sultans of the oil rich countries of the Middle East.

3.2 Our people live on less than a dollar a day, have more than 40% HIV infection and have the highest mortality rates in the region. Unemployment is almost 50%, and the economy is declining at an alarming rate.

POVERTY and ROYAL LOOTING

Most of these problems are a product of looting of the resources of the country by the King and his family.

As mentioned above, it is not a secret that the King and his family live luxurious life against a backdrop of abject poverty of our people. His luxury trophies include;

- ✚ 11 wives who each have expensive palaces, top of the range German luxury cars (BMW X5s), Escorts and body guards, expensive education in overseas schools for the children, expensive trips overseas for shopping and medical attention. In addition, extended families of these wives line up to benefit from the meager resources of our country. Some are appointed Ambassadors, head some parastatals.
- ✚ The King has shares in such major companies like the sugar industry and MTN (the monopoly Mobile phone provider).
- ✚ The King's late father's (King Sobhuza), wives continue to be a burden on our people as they are being built luxury houses and bought expensive BMWs.
- ✚ The King's birthday celebrations and many annual cultural activities like reed dance, lutsango, and Lusekwane.
- ✚ The King controls a financial Investment institution, TIBIYO (Money to start this company stolen by the Royal family from our people), which has shares in the majority of companies in Swaziland.

HIV/AIDS and CULTURE / TRADITIONS

Swaziland is a patriarchal society which has ensured the continued oppression of our women folk for the pleasure of the King and his brothers. Culture and traditions continue to be used to control our women. It is through these cultural practices that our women folk easily get infected with HIV/AIDS. These include denial to land to women, forced marriages (Kungenwa) when a brother dies, even when the death was a result of HIV/AIDS.

LAND AND CONTROL OF 67% OF OUR PEOPLE.

The King, through the traditional leadership, chiefs, control land and by extension the people who live in these lands. These people offer the Royal family with free labour, and free wives.

You take the land away from the control of chiefs and the King, you free our people. This will result to lack of free labour and wives for the Royal family.

CONTROL OF THE THREE ARMS OF GOVERNMENT

This ensures that the cabinet, appointed by the King, will allow for the disbursement of national resources to the King and his family as opposed to the poor people of our land.

CONTROL OF THE POLICE AND ARMY

The police and army is used as private armies to protect the King and his family from the people when they demand their freedom and control of their resources in taxes and other resources

CONTROL OF THE MEDIA

The Royal family controls the media in order to spread propaganda and ensure continued control of our people.

The above issues make it clear to everyone that the King and his family were never going to allow a constitution that was to remove the control of our resources from his hands to our people. As expected, the King made it a point that the constitution protected his and his family's interests at the expense of our poor people.

On the other side, PUDEMO wants the constitution to protect the rights of our people.

This is the fundamental position of PUDEMO which cannot change until a democratic constitution is in place.

PUDEMO's views on a way-forward.

As early as 1992 PUDEMO published its way-forward. This document proposed a peaceful and all inclusive negotiated settlement under the name "The way forward, towards a constituent Assembly". This was given to the Royal regime and it is as follows;

NEGOTIATION PROCESS.

1. Preliminary negotiation

We as a Movement are firmly convinced that a formal and properly constituted negotiation process can only be effected through a broad-based representative National Convention. However, we are conscious of the fact that certain pre-conditions have to be met to facilitate the laying down of the basis for a fundamental move towards the envisaged convention, and of creating a conducive climate for the negotiation process would be able to lay the foundation for a National Convention.

2. Memorandum of intent.

To ensure that the democratisation process is itself democratic at the initial stage, the preliminary negotiations must not only be confined to the progressive forces but also be inclusive of traditional institutions-in-fact it must be a microcosm of our society i.e. political parties, political organisations, labour organisations, the youth, women's organisations, traditional institutions and other interest groups.

- a) The outcome of the preliminary negotiations will be a Memorandum of Intent where His Majesty King Mswati III unreservedly commits himself and the Government to formal and properly constituted peaceful negotiations through a national convention.

NATIONAL CONVENTION.

The Movement reaffirms its conviction that formal and properly constituted negotiations can only be done through a National Convention, with its immediate objective of creating an interim government and electing a Constituent Assembly. A national convention is a forum whereby all political parties, political organisations, labour organisations, the youth, women's organisations, traditional institutions and other interest groups would come together to work out the details of the democratic process and to lay down acceptable parameters on the modalities leading to the Constituent Assembly.

A constituent assembly must act as the place where a new constitution guaranteeing a truly democratic Swaziland must be drawn up, but the run-in period leading up to actual election of the constituent assembly and the overseeing of the elections to the constituent assembly requires some interim authority to manage the process.

NATIONAL REFERENDUM.

Subject to the outcome of the national convention, a national referendum if necessary, would have to be held to solicit views on a desirable constitutional dispensation- whether the independence constitution should be re-invoked and amended or a new one drafted.

However, from our viewpoint the issue of a national referendum becomes redundant in view of the King's (Sobhuza II) solemn commitment on a new constitution drafted by the people of Swaziland for themselves, and the fact that the tinkhundla was not envisaged to be a substitution for a constitution.

CONSTITUENT ASSEMBLY

A constituent assembly is a body elected by all the people and its main responsibility will be to draw up a constitution for the democratic Swaziland.

It is our fervent belief that there can be no genuine political dispensation and constitutional dispensation founded in such a system (Tinkhundla). A new political and constitutional dispensation can only be arrived at, in a properly constituted constituent assembly, where there can be a genuine participation of the masses, ensuring that any future political dispensation will not be dominated by royalty or minority.

The position of our Movement is that a new constitution for the country needs to be drawn up and adopted by the people through a properly constituted constituent assembly. The electoral process of the constituent assembly will be defined at the national convention.

Where to now that the King has forced his royal document on our people?

The struggle continues until we have transferred the power from the family, which has subjected our people to oppression and poverty for 252 years (1750 - 2003), to the people. These powers will be enshrined and protected by the Constitution.

To the International Community

The Zimbabwe situation is better than Swaziland's

If you go to Zimbabwe today you will notice that there is a constitution with all the bill of rights. The law allows political parties to participate in the country's politics. The legislature has members representing diverse political interests. It is true our brothers and sisters on the north of Limpompo have problems, and it pains to see a reversal of the gains of liberation.

However, Zimbabwe problems are nothing compared to Swaziland's problem.

In simpler terms, in Zimbabwe there is a sound and very powerful political vehicle with an engine, wheels, brakes etc. However, it appears it is being driven backwards. In Swaziland

there is not even an ox cart, let alone a vehicle without an engine. The British ignores this fact and wants our people to continue suffering under autocratic rule.

Exclude Swaziland from International bodies like SADDC, AU, Commonwealth and the UN.

The King's constitution does not meet the basic standards of the International bodies on bill of rights, good governance and freedoms. These organizations must give a clear and loud message to the King, and his family and put pressure on him as follows;

To the Commonwealth of Nations we say;

- **Seriously consider the findings of the Commonwealth's Expert Team that observed the 2003 electoral process**
- **Cease its support for the King and his royal project on the basis that it was not democratically constituted and abandon its policy of "quiet diplomacy" and take strong public action against the government of Swaziland until it ceases violating the Commonwealth's principles of good governance.**

PUDEMO strongly recommends that the following actions must be taken:

- **That Swaziland be suspended from all Commonwealth programmes until there is adequate evidence of compliance with the Harare Declaration. We call upon the Commonwealth Ministerial Action Group to give this issue the priority it deserves in its next meeting.**
- **That the Commonwealth strongly considers imposing sanctions against the regime of King Mswati III. We recommend that such sanctions must include:**

- financial and diplomatic isolation of the regime including travel ban on members of the ruling elite, and,
- A freeze on their personal assets held in Commonwealth member states. We believe that these resources are proceeds of corrupt practices and we recommend that they must be held in trust of the Swazi nation and handed over to a democratically elected government.

It is our strong belief that these recommended actions will not only assist the transition to democracy but it will, at the same time, help stamp out the theft and misuse of public resources by members of the regime.

We are where we are because of the selfless sacrifice that the People of Swaziland under the leadership of PUDEMO made.

This hard fact can never be taken away from our history as a nation, and we salute our comrades, both fallen and alive for their heroic struggle and selfless sacrifice for the people to be free from 254 years (1750 - 2005) of royal bondage.

Finally, we call upon the freedom loving people of the world to support us morally, financially and otherwise for freedom of our people is near.

The struggle for the emancipation of the Swazi people has just begun.

Ignatius Bonginkosi Dlamini
Secretary General