



# **“Silindele ukuza kukaNxele”**

## **Reflections on Prospects of an Inclusive National Dialogue in eSwatini**



by Mbuyiseli Lwazi Somya

“Silinde ukuza kukaNxele” (we are waiting for the return of Nxele) is an IsiXhosa expression used as a euphemism to describe waiting endlessly for something to happen. It is derived from the 19th century’s brave Makana, a prophet and military doctor of the Xhosa people, who died while attempting to escape colonial captivity on Robben Island; his family refused to have a funeral for him, as they believed that he would return<sup>1</sup>. This hope that is undermined by futility as a result of facts on the ground can be used to describe the prospects of pro-democracy forces throughout the region, as King Mswati III continues to close the democratic space while buying himself time to suppress pro-democracy activists in eSwatini.

On the 2nd of November 2021, Chairperson of the Southern African Development Community (SADC) Organ on Politics, Defence, and Security, President Cyril Ramaphosa, met with King Mswati III to discuss the civil unrest in eSwatini and the calls for democratisation by pro-democracy forces within eSwatini. In this discussion, the two leaders agreed to mandate the SADC secretariat to draw up terms of reference for a national dialogue forum<sup>2</sup>.

However, concerns by Multi-Stakeholders Forums’ (MSF) Mary Pais da Silva at a public virtual dialogue hosted by SALO on the 28th of April 2022 (**please insert link to dialogue**), unpacked a number of shortcomings to the approach undertaken by the region, and recommended five conditions for an inclusive dialogue process:

- 1) The proposed dialogue forum should be an externally mediated process that will allow regional institutions such as SADC and the Organ on Politics, Defence, and Security to play the role of mediator or assist in the identification of a neutral mediator between the monarchy (and its government) and the people on democratisation and political reforms.
- 2) The total and unconditional unbanning of political parties should be a precursor to such a dialogue, as they are the drivers of the political agenda in the country. Part of the unbanning is changing the description of political parties such as PUDEMO from “*terrorist groupings*” to political parties.
- 3) The creation of a transitional authority, while dialogue processes are ongoing toward democratic and political reforms. “*You cannot have the same people and architects of the problem continuing to lead the reform process*” - Mary Pais da Silva (2022).
- 4) The crafting and adoption of a new democratic constitution. The constitution adopted in 2005 did not carry the aspirations and hopes of the Swazi people, due to it being the outcome of a process that sidelined organisations and people that are representative of constituencies such as political parties. The consultation process was held with individuals linked to the monarch and took place at local authority venues, where pro-democracy actors were sidelined, thus

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<sup>1</sup> SA History Online. 2022. Makhanda Nxele. <https://www.sahistory.org.za/people/makhanda-nxele> [accessed 10 May 2022]

<sup>2</sup> Ramaphosa, C.M. 2021. Statement by Chair of SADC Organ Troika on engagement with His Majesty King Mswati III of Eswatini. <https://www.gov.za/speeches/president-cyril-ramaphosa-engagement-his-majesty-king-mswati-iii-eswatini-3-nov-2021-0000> [accessed 10 May 2022]

entrenching the status quo. A democratic constitution would allow for the government to be held accountable to the people which the current constitution does not allow for.

5) The introduction of a multiparty dispensation that is founded on the rule of law. Everyone must be seen as equal before the law. The law must give protection to everyone irrespective of class, gender, and other classifications.

While platforms such as the MSF highlight five principled aspects of an inclusive national dialogue, King Mswati III and his government have utilised diplomatic efforts to continue stalling deliberations on the situation in eSwatini.

Initially, King Mswati III requested that the national dialogue forum happens following a traditional custom called *Incwala*<sup>3</sup>. Since this ceremony requires a period of abstinence and reclusion, the King requested that a period of 3 months be observed before said national dialogue forum. Since November 2021, very little in terms of progress has been made concerning the publication of the Terms of Reference for the National Dialogue Forum, or preparations concerning such a forum.

The Extraordinary SADC Troika Summit of April 2022 resulted in eSwatini being pulled from the agenda at an Inter-Ministerial level. Discussions were then centered around the Southern African Mission in Mozambique (SAMIM).

For the international community, the arrest of Swazi Members of Parliament (MP) Bacede Mabuza and Mthandeni Dube in July 2021 had cast a spotlight on the closing down of the democratic space in eSwatini. Their arrest has drawn the ire of organisations such as Amnesty International, with even the US government releasing a statement, through its embassy in eSwatini, demanding their release from detention. The Inter-Parliamentary Union (IPU) deployed an observer team to assess the human rights situation of these detained MPs<sup>4</sup>, however, the IPU has not taken a longer-term monitoring and observer mission to eSwatini, which would allow it to have a longer-term outlook on the protection of the rights of MPs.

For SADC, failing to address the political impasse in eSwatini has dire consequences for the broader trajectory of meeting its stated commitments under Articles 4 and 5 of the SADC Treaty<sup>5</sup>. Furthermore, outside of the creation of Terms of Reference for the national dialogue forum, the SADC Organ on Politics, Defence, and Security needs to utilise the SADC Organ's mediation reference group for longer-term mediation efforts that operate in an inclusive manner. The Panel

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<sup>3</sup> Dube, P. 2021. Swaziland: eSwatini Crisis - Why King Mswati III Declined to Engage Demonstrators. <https://allafrica.com/stories/202110240025.html> [accessed 10 May 2022]

<sup>4</sup> Ndebele, L. 2022. Observer team heads to Eswatini to check on two opposition MPs arrested nine months ago. <https://www.news24.com/news24/africa/news/observer-team-heads-to-eswatini-to-check-on-two-opposition-mps-arrested-nine-months-ago-20220413> [accessed 10 May 2022]

<sup>5</sup> SADC. 2015. Consolidated Text of the Treaty of the Southern African Development Community. <https://www.sadc.int/documents-publications/sadc-treaty/> [accessed 10 May 2022]

of the Elders also has a role to play in facilitating pre-dialogue and post-dialogue engagements between the monarch and relevant political actors in eSwatini.

For South Africa, eSwatini remains an immediate issue of national interest and concern, due to its geographical proximity and economic, social, and historic linkages that have intertwined the destinies of both nations. The governing party, the ANC, should begin to implement its resolutions on eSwatini stemming from its 53rd National Conference, particularly resolution 21 in the International Relations section in its entirety<sup>6</sup>. Furthermore, as the current Chair of the Organ on Politics, Defence, and Security, South Africa should take the lead in the mediation processes by firstly identifying the appropriate mediator for an inclusive national dialogue, through persistent diplomatic engagements designed with an outcome of an inclusive national dialogue that will lay the foundations of the democratic and political reforms in eSwatini.

In conclusion, while the people of eSwatini await the various aspects for a genuinely inclusive national dialogue to converge, they too, like the family of Makana, wait endlessly, as regional actors remain idle to their lived reality. May an inclusive national dialogue in eSwatini not die, but may it become a reality in the near future. Mabangalindi ukuza kukaNxele (may they not wait for the return of Nxele).

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<sup>6</sup> ANC. 2012. Resolutions and Declarations of the 53rd National Conference of the African National Congress. <https://www.anc1912.org.za/wp-content/uploads/2021/01/Resolutions-2012.pdf> [accessed 10 May 2022]

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