



Liaison, Dialogue and Research

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The Southern African Liaison Office (NPC)

Liesbeek House, River Park,  
Gloucester Road, Mowbray, Cape Town 7700

Tel: +27 (021) 680 5306

Email: [info@salo.org.za](mailto:info@salo.org.za)

[www.salo.org.za](http://www.salo.org.za)

[@salo\\_info](https://twitter.com/salo_info)

Policy Dialogue Report

7 October 2021, Zoom Platform

# SALO Public Multistakeholder Dialogue: Building Regional Solidarity on eSwatini

## BUILDING REGIONAL CIVIL SOCIETY SOLIDARITY FOR ESWATINI

THURSDAY 7 OCTOBER 11:00 - 13:00 (CAT)

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MLUNGISI MAKHANYA  
PRESIDENT, PUDEMO



CHIKONDI CHIJOZI  
SOUTHERN AFRICA  
LITIGATION CENTRE  
(SALC)



ARNOLD TSUNGA  
CHAIR, SOUTHERN  
AFRICA HUMAN  
RIGHTS DEFENDERS  
NETWORK



MICKEY MOYO  
SOCIAL ACTIVIST &  
POLITICAL ANALYST



THEMBINKOSI DLAMINI  
SWAZI ACTIVIST



JANET ZHOU  
SG, SOUTHERN AFRICAN  
PEOPLE'S SOLIDARITY  
NETWORK



PETER MUTASA  
PRESIDENT, ZCTU

## Executive Summary

On the 7th of October 2021, the Southern African Liaison Office (SALO) hosted a dialogue titled “*SALO Public Multi-stakeholder Dialogue: Building Regional Solidarity on eSwatini*”. SALO member Munjodzi Mutandiri chaired the dialogue. It aimed to highlight the importance of solidarity work done by activists, monitor the developments in eSwatini, and identify the gaps and strengths of this work. The speakers included Mlungisi Makhanya, President of PUDEMO; Thembinkosi Dlamini, Swazi Activist; Arnold Tsunga, Southern Africa Human Rights Defenders Network; Chikondi Chijozi, Malawi Human Rights Commission; Peter Mutasa, Zimbabwe Congress of Trade Unions President; Qhawekazi Khumalo, Southern African People’s Solidarity Network; Mickey Moyo, Social Activist & Political Analyst; and Mumbi Namwawa, Centre for Trade Policy and Development.

## Summary of the Presentations

### **Mlungisi Makhanya**, President of PUDEMO

Mlungisi Makhanya started the conversation by explaining that the country has arrived at a critical juncture in its political battle for democracy. The Swazi people recognise that an end to the political crisis without removing the oppressive regime is impossible. The killing of nearly 80 people was not a mistake, but rather a reflection of the regime’s desperation regarding the challenges it faces. Those that the government has identified as being at the forefront of the revolution are increasingly threatened and at risk. When activists are threatened, organisations must be ready to help with additional safety and security support. Safety and security are not just about arrests, it also includes kidnappings, killings, and disappearances, all of which are incredibly serious matters.

President Makhanya also discussed the five-point plan as highlighted by the Multi-Stakeholder Forum. Political parties have accepted these as vital demands that must be addressed if the country’s challenges are to be solved. An all-inclusive mediated dialogue is called for to solve the predicament eSwatini faces. The second demand is the unconditional release of all political parties, including the People’s United Democratic Movement and its youth league, SWAYOCO, which are both criminalised under the Terrorism Suppression Act. All political prisoners should be released unconditionally. Both of these actions will pave the way for the establishment of an interim transitional authority since King Mswati and his administration have lost all moral authority to rule over and govern the people of eSwatini in the current situation. After extensive consultations and consideration of all issues arising from an all-inclusive constitution-making process, this would serve as the starting point for discussion and possible

adoption. The result will be the adoption of a democratic constitution and there will be a multiparty election. President Mlungisi highlighted that *"we do not believe that the demands our people are fighting for will be met based on the royal constitution; a people's constitution must precede multiparty elections."*

### **Thembinkosi Dlamini, Swazi Activist**

Thembinkosi started his input by answering the following question: why is the eSwatini pro-democracy movement not using constitutional procedures, as mentioned by envoys from the UK, US, and EU, among others? The reason for this is that the Swaziland Royal Constitution was drafted exclusively to solidify the 1973 decree, which prohibited political parties and concentrated authority in the person of King Mswati III. As a result, there are particular entrenched clauses in the Constitution and changing them will require either a two-thirds majority in Parliament or three-quarters of the Houses of Parliament.

Thembinkosi mentioned that numerous issues affect eSwatini. The first is the appropriation of significant swathes of land under Silulu Royal Holdings, a company belonging to the royal family. The second issue is the purchase of businesses by the King and his business associates using underhanded tactics. The *"willing-buyer, willing-seller"* principle does not apply to the sale of businesses. The third issue involves the question of taxes; according to Section 10 of the Constitution, the King's enterprises do not have to pay profit tax, corporate income tax, or dividend withholding tax. Their cost of doing business is reduced by the absence of VAT or input taxes. Therefore, they can compete more effectively in the free market. Lastly, there is the issue of public procurement, which involves a lot of projects being done by companies associated with the King, which causes the costs to escalate up to three or four times. Therefore, prices increase dramatically and it is unclear where the profits are going.

### **Arnold Tsunga, Southern African Human Rights Defenders Network**

Arnold Tsunga acknowledges that the international community has been pushing the pro-democracy movement to work within the parameters of the Constitution of eSwatini. The argument against this strategy is that the Constitution is the result of the King's attempt to consolidate royal power and capture governmental institutions. He highlighted this by saying, *"the creation of what we call authoritarian consolidation is a phenomenon where the legal system, the law, and the institutions of government are weaponised to achieve dictatorships or authoritarian outcomes so that there is a decline in democracy."*

Following this, Arnold highlighted the importance of human rights and the rule of law. In eSwatini, many agitations are related to human rights, the separation of powers, and

checks and balances. However, the struggle is not only about human rights but also about changing the system of government and questioning the monarchy's role within the governance of the country.

He concluded by highlighting a few questions regarding whether dialogue is an appropriate tool and whether it will bring change to the eSwatini struggle:

- What are the points of leverage for dialogue between the government and the opposition?
- What role does the international community play in facilitating this?
- Will there be a transitional authority?
- How will that discussion take place?
- Will SADC be present?
- Is the parliamentary forum going to be involved?

What is the Customs Union and how can it be used for economic leverage?

Previously, when there was the Sedition Act and civil society arrests, the US withdrew eSwatini from the African Growth Opportunity Act (AGOA) list of countries to pressure the King to make some concessions. Are these kinds of instruments available?

### **Chikondi Chijozi, Malawi Human Rights Commission**

Chikondi Chijozi delivered a presentation on the legal frameworks that created the problems in eSwatini and what assistance Malawi's chairship of the SADC Organ Troika can offer eSwatini. She began her presentation by giving a brief overview of how the Suppression of Terrorism Act and other legal frameworks in eSwatini have allowed the King and his dictatorship to carry out several crimes. Political parties are not permitted in eSwatini, and some are labelled as terrorist organisations, making it hard for citizens to campaign for human rights and demand the democracy that they desire. She further emphasised that COVID-19 regulations are used to silence dissenting views: *"[I am] thinking about the worldwide COVID-19 problem and [I am] seeing the news that the MPs who have been detained have also been charged with a violation of the COVID-19 regulations. [I am] thinking in solidarity and looking at how, in all of our nations, [we are] dealing with concerns about COVID-19 enforcement and how this affects human rights."*

She further answered the question of what role the Malawi chairship of the Organ Troika has and what assistance it can give to improve the solidarity:

*"In terms of civil society, we can leverage that and put pressure [on the regime] by highlighting the issues that are occurring in [eSwatini], by highlighting the issues that have been shared, making joint statements for civil society organisations in*

*Malawi, and demanding that the SADC chairman engages in dialogue with the King and his regime to ensure that we are speaking with one voice.”*

In closing her discussion, she emphasised that cooperation between countries creates an opportunity, but capitalising on this requires civil society to work together and commit to having a consistent voice to ensure that the desired changes are made.

**Peter Mutasa**, president of the Zimbabwe Congress of Trade Unions

President Mutasa started his input by sharing his concerns regarding the level of repression, the brutality of the state, impunity, and the lack of accountability that the people of eSwatini are facing. He highlighted this by saying, *“we are concerned at the lack of concern from international governance institutions regarding the visible crimes against humanity; on our part, we must also take responsibility for not contributing enough to the struggle of the people of eSwatini.”*

For eSwatini to be victorious in its pro-democracy struggle, it must examine what has worked/not worked and what continues to work for other countries like Zimbabwe and Sudan. As a result, they will be able to comprehend the direction in which the revolution is headed, allowing them to speak from a position of informed understanding. He pointed out that there is much that can be done and this should be anchored in information dissemination, which will enable access to correct and authentic information from the people of eSwatini.

His closing comments focused on information distribution and how to get reliable updates from comrades in eSwatini to utilise reliable and factual information. He also recommended putting pressure on the governments and considering engaging in sustained collective action to demonstrate their solidarity.

**Qhawekazi Khumalo**, Southern African People Solidarity Network

Qhawekazi began his address by acknowledging that it is SADC's and the African Union's mandate to publicly address issues relating to human rights violations as well as peace and stability within the region. When looking at solidarity, the people of eSwatini are asking for freedom and a multiparty system. Governments must be pressured to bring the matter to the international stage and shine a spotlight on eSwatini's human rights violations. Organisations such as the United Eswatini Diaspora in South Africa have kept the issue in the public eye. *“We [have] also seen political groups back home lobbying for party-to-party solidarity with the EFF and PUDEMO. So there has been a lot of effort made in terms of drawing attention to the issue in [eSwatini],”* she added.

She further raised questions regarding the issues that affect eSwatini's people. What is it that can be done? What are we doing to help eSwatini fight the struggle and issues affecting them?

*"It is up to us as activists to determine whether we stand with the people of [eSwatini] or with the dictatorship since we are witnessing that regional organisations such as SADC continue to support the regime because they are not now acting against it. We can tell that they are not responding since we know that the [eSwatini] matter is critical and yet we have seen no attempts from such regional entities."*

In conclusion, solidarity must be implemented. There has been much lobbying on the international level, but this is difficult when regional structures do not address the issue. Human rights issues cannot be resolved in eSwatini unless the five demands made by Swazis through the Multi-Stakeholder Forum are addressed. Regionally and internationally, the mechanisms and frameworks are in place and action needs to be taken by solidarity activists and movements.

**Mickey Moyo**, Social Activist & Political Analyst

Mickey Moyo spoke about what can be done to continue the work on the ground, reiterating the inclusion of youth in all processes to amplify their voices and extend the reach of information, and also understand what the youth want from the government. She said, *"it's important to note how young people envision the future as they are the root cause of the current political uprisings."*

She emphasised the significance of the absence of diplomatic actors. Until a political process begins, usually through agitators and players on the ground pushing against a government or a system that actively opposes the values of its structures, there are seldom tangible outcomes for all institutionalised actors.

She concluded by pointing out the importance of technology such as Facebook and websites in allowing actors to easily share information. Through this, people in other countries can easily gain access to verified information and know what is happening in eSwatini. This will also allow them to share the information and know how they can find solutions to help Swazi people with their struggle.

**Mumbi Namwawa**, Centre for Trade Policy and Development.

Mumbi Namwawa emphasised the need for active solidarity and action beyond the borders of eSwatini. External support should not only be financial and can come in the form of human resource development, capacity building, and hosting an information hub in South Africa or Zambia where Swazi people can input information and that information can be disseminated.

Mumbi posed the following questions:

- How can the region claim the eSwatini fight to say that it is also their fight?
- Can the eSwatini conflict be studied to look at how it has spread to other countries and what impact it is having not only on the SADC region but also on other parts of Africa and beyond?

## Contributions and Questions from the Floor

Dr Clever Chikwanda asked President Mlungisi Makhanya about the all-inclusive mediated dialogue process. *“Developments in mediation scholarship indicate that we no longer need an individual as a mediator but instead [need] teams of experts. Do you have individuals so far who fit into that?”* and *“Would you want to take the SADC route, the local, tradition-based or religious one, or is it a hybrid?”*

## Responses from panellists

- President Mlungisi's response: *“It has been proven that almost 80% of mediated exercises on our continent have resulted in failures. So, it is not a guarantee that when you have an externally mediated political dialogue, it will succeed. From where we stand, our biggest weapon, or ammunition in this dialogue, remains the vigilance of our people. It is for these reasons that we overemphasise the point of making sure that our people remain mobilised to ensure that whoever is mediating does not, at the end of the day, give us an undesirable outcome.”*
- Responding to the question regarding the individual versus teams, President Makahanya agrees that the situation needs teams to be effective, as well as a key person who is responsible and not easily swayed. *“Our preference would be to have teams, but even in that case, it would still be necessary for each team to be led by a key person. We would prefer a situation in which we have teams, but we prefer an individual who has demonstrated that he or she is not easily swayed by the issue of money.”*

## Conclusion

This dialogue highlighted how interconnected the struggles in eSwatini are. eSwatini has reached a tipping point in its history and is facing a strategic moment in terms of what needs to be done moving forward. The people of eSwatini are starting to change their beliefs on what they believe should be reformed, however, the monarchy remains unwilling to accommodate the interests and aspirations of the people. The dialogue highlighted the importance of amplifying the voices of Swazi people in the region and on international platforms which will help to define the kind of solidarity that is needed from the international community. The dialogue added to building consensus about what the international community could do to intervene and support the country.

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### About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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