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The legal abolition of racial discrimination and its aftermath : The case of Swaziland, 1945-1973

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Chapter Six

Winds of Change in Swaziland: Early Independence Politics and the Legal Abolition of Racial Discrimination, 1960 - 962.[1]

6. 0 Introduction

The intensified anti - colonial politics worldwide and announcements of changes with regard to British colonial policy in Africa at the beginning of the 1960s triggered various developments in different Asian and African countries. Swaziland also found herself seeking the political and constitutional route she would take. Talks on this route soon brought to the limelight the burning question of racial discrimination which (as shown in the previous chapter) had long been downplayed by the Swaziland colonial Administration. Once this subject was highlighted the main stakeholders in the country approached it from different angles with the hope of securing certain political bargains. This chapter, therefore, explores the manner in which different interest groups in Swaziland dealt with the question of racial discrimination in the country and attempts to identify their ultimate objectives.

The question of racial discrimination was significant for Swaziland because throughout the colonial period the country had a relatively large white settler population compared, for example, to Basutoland and Bechuanaland.[2] It now increasingly became a matter of interest how the blacks and whites in the country would reach a constitutional and political settlement. By the early 1960s, Hilda Kuper came to note that, "Swaziland, like Southern Rhodesia and Kenya, is politically complicated by the presence of white settlers. In this respect it is different from Basutoland and Bechuanaland, where whites are restricted to an administrative cadre and to traders and missionaries with limited land

[1]My discussion of political developments and formations fundamentally focuses on the subject of racial discrimination. For an analysis that focuses on class but also overlaps to race relations, see, Martin Fransman, "The State and Development in Swaziland,1960 - 1977", PhD Thesis, University of Sussex, 1978, pp. 135 - 224.

[2]Richard, W. Hull, *Southern Africa: Civilizations in Turmoil*(New York and London: New York University Press, 1981), p. 151.

rights".[3] In 1960 the Swazi population in the country was approximately 250 000 and the European population 9 000, 60% of which were South Africans, the latter being three times the 1946 figure.[4] Persons identified as Coloureds were estimated at 2000. The numerical element in the race categorisation and its implications for political and constitutional developments in Swaziland became an issue of concern to certain sections of the population.

In 1960 Swaziland's Paramount Chief, Sobhuza rejected the one man – one vote system on the basis of the claim that it would lead to the swallowing of the rights of the white minority group in the country.[5] It appears that white immigration was officially encouraged in the print media in the UK to increase the numerical strength of whites in the country. It was also noted, for example, by an anonymous contributor to *Makatolle International* magazine in 1961 that, "We have seen the settlers come into Swaziland at the rate 3 000 a year in the last three years and the total settler population is now 10 000 and every London paper is advertising the urgent need of immigrants to Swaziland".[6] Concerning such immigration Sobhuza expressed the view that, "If new people are to be brought into a country to build it up and prosper with it, well and good. But if these people are imported primarily to balance up voting powers they are not welcome. Their presence in the country is a sign that one race fears the power of the other".[7] The issue of white immigration into Swaziland at this time and comments around it served further to highlight the importance that race relations had begun to occupy in the country's politics.

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[3]H. Kuper, *The Swazi: A South African Kingdom*(New York: Holt, RineHart and Winston, 1963), pp. 78 - 79.

[4]L. P. Green and T. J. D Fair, *Development in Africa: A Study in Regional Analysis with Special Reference to Southern Africa* (Johannesburg: University of the Witwatersrand Press, 1962), p. 104.

[5]University of the Witwatersrand Library (hereafter, UWL) / William Cullen Africana Library, Historical Papers , A 410 / E 2.37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April, 1960.

[6]Swaziland National Archives (hereafter, SNA), File 3047Q II, Undesirable Publications, *Makatolle International* Vol.1 No. 2, 1961, p. 12. This magazine was published by the Basutoland Congress Party which worked in close collaboration with the Swaziland Progressive Party.

[7]Killie Campbell Africana Library (hereafter, KCAL), File 209, *The Swaziland Recorder*, May, 1961, pp. 21 - 22. All material from this Library is from the Miller collection unless otherwise stated.

Racial discrimination gained prominence during this period and became an issue of serious deliberation. The question of racial discrimination will be discussed in this chapter in the context of the socio - political changes in Swaziland at the beginning of the 1960s. Among other things, the chapter will examine the impact of Harold Macmillan's "Wind of Change" speech on Swaziland's political landscape and assess the extent to which it influenced relations between the main races in the country.[8] An analysis of the manner in which the main interest groups dealt with racial discrimination will be carried out in order to unveil the significance of the subject as it was experienced by the main socio - political players in these developments.

Specifically, the focus of the chapter will be on the roles played by the white officials and settlers, the Swazi indigenous leadership and the emergent modern political formations in the country. An attempt will be also made to understand the extent to which these players agreed / disagreed on issues of interests and reasons for agreement / disagreement. The views of these stake holders will inform us of the type of racial society that they envisaged. The immediate reaction of these interest groups with regard to the legal abolition of racial discrimination will also be probed in order to explore the subject further and reveal what each of the groups hoped to take home at the end of the bargaining enterprise. Alan Booth, writing on the politics of Swaziland around this time noted that, "Political events from the early 1960s onward were dominated by the struggles between the various classes and interest groups that had emerged as the century progressed".[9] These classes mainly comprised of the monarchy and its traditionalists supporters, modern political parties and white settlers of various political beliefs and affiliations.[10] It is on these groups that the chapter will focus. The extent to which

[8]For an examination of the preparation for Macmillan's tour and the manner in which the words "Winds of Change" entered his speeches in Ghana and South Africa , see, C, Baker ,"Macmillan's 'Wind Of Change' Tour, 1960", *South African Historical Journal* vol. 38 (May 1998), pp. 171 - 182.

[9]Alan R. Booth, *Swaziland: Tradition and Change in a Southern African Kingdom* (Boulder, Colorado: West view Press, 1983), p. 63.

[10]See, *Ibid.* , pp. 66 - 67. For a further breakdown and discussion of social classes in Swaziland in the 1960s, see, Martin Fransman, "The State and Development …", pp. 100 - 133.

developments in Swaziland were influenced by external and internal factors will be also explored.

6. 1 Winds of Change

Despite the argument outlined in the previous chapter that the protests made by the Swaziland Progressive Association against racial discrimination were limited and unable to persuade the colonial Administration to seek an alternative path, Nquku, who was the president of this association from 1945, claimed that these protests led to the outlawing of racial discrimination in Swaziland. He, in fact, stated before the United Nations (UN) Special Committee, which was taking views on political developments and the elimination of racial discrimination from some prominent nationalist leaders from different countries worldwide that, "as a result of protests made, legal discrimination had been removed".[11] These leaders including Nquku had petitioned the UN to intervene and give political direction in their respective countries. During an interview with Arthur Khoza who was a politically active university student around this time, I inquired whether the protests made by the SPA under Nquku could have been the cause for the outlawing of racial discrimination in Swaziland. He responded saying,

> No! I don't think they did. It was in the 1960s during the upsurge for decolonization politics that things began to move. The British administration could read the documents written by the Swaziland Progressive Association and discard them, seeing that they were reflecting undercurrents of the time in international politics but not necessarily nationally driven. Harold Macmillan's speech and developments in wider African politics did a lot to bring about many changes in Swaziland. Though internally things were not moving these events made a fundamental difference. You know J. J. Nquku could write anything strong but, feared, any court of law. He had the courage to say some things but no corresponding action matched his speech. He is the kind of person who could talk and people would get excited but nothing beyond that.[12]

[11]SNA, File 3076, United Nations Organization, Special Committee of 17 Concludes Questioning of Petitioners From Basutoland, Swaziland and Bechuanaland, Press Release, 14 May, 1962.

[12]Interview, Arthur Khoza, Mbabane, Selection Park, Swaziland, 4 January, 2005.

On 3 February 1960 Harold Macmillan the then Prime Minister of the United Kingdom who was visiting British colonies in Africa made his momentous speech in Cape Town. His speech caught the attention of the world.[13] Macmillan had been Britain's Prime Minister from January 1957 at a time when British foreign policy was unsettled. One major development in Britain's political history had exposed its inability to pursue foreign policy independently of the United States of America. This was the Suez Crisis. Myers observed that

> When Harold Macmillan became Prime Minister in January 1957, British foreign policy was unsettled. The Suez Crisis of the previous November had made plain Britain's inability to pursue foreign policy independently of the United States. The soviet development of the ICBM was underscoring this point by its revelation to the British leaders that their country was defenceless against soviet nuclear attack and that security lay in deterrence, with American cooperation. The Empire, which had not entirely evolved into the commonwealth, was becoming an international liability because of its demands on British resources and its association with European domination of the Third World.[14]

Britain's attempts to alter relations with her African colonies presented two sets of problems. The first concerned the future of colonies such as Nigeria and the Gold Coast (Ghana) in which the population of European settlers was insignificant. Independence for these countries could be achieved without confronting the problem of black - white racial tension. More complex was the situation in areas such as the Federation of Rhodesia and Nyasaland where the European minority regarded the British government as having committed itself to the preservation of white privilege. Beyond these colonial possessions lay the Union of South Africa whose leaders were becoming anxious about any signs of change in Britain's policy of tacit support of apartheid.

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[13]For the full speech, see, UWL / William Cullen African Library Manuscripts, Souvenir of Visit The Rt. Hon. Harold Macmillan Prime Minister of the United Kingdom to the Houses of Parliament, Cape Town on 3 February, 1960.

[14]Frank Myers, "Harold Macmillan's "Winds of Change" Speech: A Case Study in the Rhetoric of Policy Change", *Rhetoric & Public Affairs* vol. 3, no. 4 (2000), p. 556.

Myers further noted that, "Macmillan was aware that resistance to change in Britain's relationship with its African colonies was equally firm in the British Conservative Party where, an important group of back benchers thought of Britain's imperial role as greatly important to the country's international position".[15] Myers contends that after the Suez Crisis, "Macmillan proceeded cautiously. Throughout 1957 and 1958 he downplayed policy on Africa, avoiding public statements in order to give time for wounds inflicted by Suez to heal".[16] However, in his 1960 speech in Cape Town Macmillan announced major changes with regard to British colonial policy. Macmillan explained this change of direction in the following terms;

> In the twentieth century, and especially since the end of the war, the processes which gave birth to the nation states of Europe have been repeated all over the world. We have seen the awakening of national consciousness in peoples who have for centuries lived in dependence on some other power. Fifteen years ago this movement spread through Asia. Many countries there, of different races and civilizations pressed their claim to an independent national life. Today the same thing is happening in Africa. The most striking of all impressions I have formed since I left London a month ago is of the strength of this African national consciousness. In different places it may take different forms. But it is happening everywhere. The wind of change is blowing through this Continent. Whether we like it or not, this growth of national consciousness is a political fact. We must all accept it as a fact. Our national policies must take account of it.[17]

Getting directly to the point he remarked,

> If I may be very frank, I will venture now to say this. What Governments and Parliaments in the United Kingdom have done since the last war in according independence to India, Pakistan, Ceylon Malaya and Ghana, and what they will do for Nigeria and other countries now nearing independence - all this though we must and do take full and sole responsibility for it, we do in the belief that it is the only

[15] *Ibid.* , p. 557.

[16] *Ibid.*

[17] UWL / William Cullen Africana Library Manuscripts, Souvenir of Visit The Rt. Hon. Harold Macmillan Prime Minister of the United Kingdom to the Houses of Parliament, Cape Town on 3rd February, 1960, p. 4.

> way to establish the future of the commonwealth and the free world on sound foundations.[18]

Macmillan's speech announced Britain's decision to support black majority rule in British Africa. This marked a total turn around from British policy of supporting white minority rule in colonial Africa. Concerning this change in British policy, Frank Myers noted that the speech marked a "final chapter in the history of the British Empire".[19] The speech also signified a change in Britain's century - old support for white domination. Myers has observed that the nature of Cold War politics at the time dictated the change of policy in Britain. Commenting on the Prime Minister's "real politic", he remarked that, "Macmillan the realist exemplifies a leader forced by circumstance to adopt a policy that, while not his first choice, is nonetheless necessary in order to avoid the greater harm of a Communist triumph in the Cold War".[20] As much as international diplomacy and political developments had an influence in the change of British policy, there were certain specific developments within African countries that dictated the nature and pace of political developments. Swaziland is one case in which such developments unfolded and signified a specific and unique response to changes informed by the worldwide anti - colonial politics and diplomacy.

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[18] *Ibid.* , p. 5.

[19] Frank Myers, "Harold Macmillan's …", p. 556.

[20] *Ibid.* , p. 570.

6. 2 Sharpeville and Langa Refugees in Swazi Politics

One month after Macmillan's speech the massacre of Africans at Sharpeville, south of Johannesburg in South Africa took place where a crowd of 5, 000 had gathered to protest against pass laws. Macmillan's speech, quite possibly contributed to this event in which 67 black South Africans were killed. Following this development, Myers has noted that, "The movement against apartheid, and the repression of that movement, then entered a new and harsher phase that did not end for another thirty years".[21] With his focus on Swaziland, Potholm has remarked that, "Increasing numbers of refugees were entering the country from South Africa following the massacre in March and the subsequent banning of the Pan African and African National Congresses".[22] He further observed that, "British reluctance to turn away political refugees meant that Swaziland was attracting increasing numbers of refugees".[23]

The presence of South African refuges stirred up debate, for example, in the meetings of the EAC. Concerning the presence of refugees, Carl Todd warned that, "We may very well find that we are housing agitators that will disrupt the peace and contentment that prevails in Swaziland".[24] In addition Todd proposed that laws prohibiting refugees should be put in place in the country. In support of Captain J. J. Prinsloo, Mr. A Millin maintained that, "I disagree with the view that because these people have fled under conditions in the Union at a special time, everyone of them is a dangerous person and must be put back, disregarding international standards on these matters ".[25] Emphasising the same point Captain George Wallis added that, "It has been a British tradition to give political asylum to refugees from other countries".[26] The Resident Commissioner who

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[21]Myers, "Harold Macmillan's …", p. 574

[22] Christian P. Potholm, *Swaziland: The Dynamics of Political Modernization*(Berkeley and Los Angeles: University of California Press, 1972), p. 45.

[23]*Ibid.*

[24]UWL / William Cullen Africana Library, Government Publications, Minutes of the Ninth Session of the Special Session of the Third Reconstituted European Advisory Council, 16 and 17 June, 1960, p. 78.

[25]*Ibid.* , p. 79.

[26]*Ibid.* , p. 80.

was chairing this session concurred with the latter view and supported it on legal grounds. The matter was then concluded.

The refugees usually brought with them political ideas and often participated in the politics of Swaziland, giving support to those political parties that developed in opposition to the Swazi traditionalists and Europeans.[27] One prominent figure in this respect, who, however, arrived in Swaziland sometime after the Sharpeville incident was Macdonald Maseko, a South African activist believed to be trained in Moscow. Dudley Barker maintained that, "Macdonald Maseko, is or was a professed Communist".[28]

While in Swaziland, Maseko worked closely with some Swazi politicians. His association, in particular, with Dumisa Clement Dlamini in the Ngwane National Liberatory Congress (NNLC) posed a serious threat to the political *status quo*.[29] Dumisa was a Swazi with strong blood connections with the Swazi royal family. Kuper described him as "son of the late Mkukwane, younger son of the Ndlovukazi Nukwase, almost as high in the royal genealogy as Sobhuza's own children".[30] Explaining how he became exposed to politics, Kuper noted that, "He had gone for further education to Basutoland where the king was paying for his education at the University of Roma. There, as he said, a new world opened. He started reading history and was inspired by debates, and worked with the anti-colonial Basutoland Congress Party".[31] Of him Peter Gosnell

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[27] *Ibid.*

[28] D. Barker, *Swaziland* (London: Her Majesty's Stationery Office, 1965), p. 131. For a summary of Maseko's political career and involvement in the industrial strikes, also see, Alan. R. Booth, *Historical Dictionary of Swaziland*(Lanham, Maryland: Scarecrow, 2000), pp. 179 - 180.

[29] At the height of his political career in the country Maseko became the Vice - President of the Ngwane National Liberatory Congress.

[30] H. Kuper, *Sobhuza 11: Ngwenyama and King of Swaziland*(London: Duckworth, 1978), p. 221.

[31] *Ibid.*

remarked that, "The fiery Prince Dumisa was talking openly of revolution".[32] To one of the political magazines published at the time Dumisa submitted a poem entitled "I See New Africa". The poem attempted to capture his political aspirations and it ran as follows:

> From above the high sky
> Where eagles amuse themselves
> I saw new soil– African soil,
> Where imperialism and exploitation hold sway[sic].
> I saw the distant clouds fuming high
> White as snow and spread in village form,
> Bee – hive shaped like woollen huts.
> Beautiful world, beautiful, I said.
>
> Further in the West I saw the red glowing sun
> Fast racing to golden horizons wide;
> Could this be a sign of setting Imperialism?
> Further I saw the Blue Congo River
> Mighty, gigantic, fierce and creeping like a snake.
> All was quiet but for the zooming of the aeroplane.
> I shut my eyes and saw new independent Africa.[33]

The love of poetic expression may have contributed to the development of Dumisa's oratorical skills. Together with other politicians Dumisa and Macdonald passed in and out of prison in the early 1960s serving sentences connected to their political activities. Another prominent exile in Swaziland was Philip Kgosana of the Pan Africanist Congress (PAC).[34] Kgosana had organized a ten-day strike (from 21 to 30 March, 1961) in and around Cape Town and also led a march of about 30 000 demonstrators from Langa to

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[32]P. Gosnell, *Big Bend: a history of the Swaziland Bushveld* (Durban: Peter Gosnell, 2001), p. 225.

[33]UWL / William Cullen Africana Library, Historical Papers, A 1931/ FB3 (File 2), *Uhuru: The Swaziland Freedom Star* (a publication of the Youth League of the Swaziland Progressive Party), August, 1961, p. 12. The magazine was among prohibited literature in Swaziland.

[34]For the effect of Macmillan's "Winds of Change" speech on Kgosana's political career, see, for example, Philip Ata Kgosana, *Lest We Forget*(Johannesburg: Skotaville, 1988), p. 30.

the Caledon Square Police Station on March 30 1961.[35] He escaped South Africa while awaiting trial and being released on bail. In Swaziland he interacted closely with Chicks Nkosi of the Swaziland Progressive Party (SPP), Dr. Malabhane Nxumalo of the SDP and Dr. Ambrose Zwane of the NNLC.[36] Upon arrival in Swaziland he also briefly met Francis Mbelu of the SPP in Mbabane who later accompanied him to Tanganyika where Julius Nyerere of the Tanganyika African National Union (TANU) had agreed to host him. Many other political activities and alliances involving South African political refugees and the Swazi arose in the 1960s and 1970s.[37]

6. 3 Sobhuza Initiates Dialogue

When Macmillan's speech was made announcing changes in British colonial policy, Swaziland was administered on an indirect rule basis which placed the Swazi and their affairs under traditional authority, while the white colonial Administration attended to affairs pertaining to the white community. The day after making his speech in Cape Town Macmillan paid a brief visit to Swaziland. The EAC had been alerted of the visit during its special session on 18 January 1960.[38] Macmillan's intention was to meet the Resident Commissioner, the Paramount Chief, Sobhuza II and some other notables. The gesture by the Prime Minister signified that Swaziland was expected to play a significant role in Southern Africa in relation to the changing British colonial policy. Macmillan's speech had also caught the attention of political leaders in Swaziland and the general Swaziland population. From the day that Macmillan's speech was made, the pace towards Swaziland's political independence speeded up in an unprecedented manner.

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[35]For details, see, *Ibid.* , pp. 19 - 36. These activities followed Robert Sobukwe's announcement of the anti - pass laws campaign which he made on 18 January, 1960.

[36]For some details, see, *Ibid.* , pp. 59 - 60 and Interview, Edward Chicks Nkosi, Matsapha, Kwaluseni, 23 September, 2004.

[37]For more details, see, Interview, Edward Chicks Nkosi, Matsapha, Kwaluseni, 23 September, 2004 and Interview, Father Patrick Ahern, Manzini, Salesian School, 9 October, 2005.

[38]See, UWL / William Cullen Africana Library, Government Publications, Special Session of the Third Reconstituted European Advisory Council, 18 January, 1960, p. 1.

Before Macmillan's speech Swaziland had indicated her desire to move towards self-government but no major strides were taken in that direction. Prince Mfanasibili, for example, recalled that some time between 1959 and 1960 Sobhuza II wrote to the British requesting independence for the country.[39] Here he was probably referring to a memorandum that Sobhuza addressed to the Secretary of State for Commonwealth Relations, through the Resident Commissioner, B. A. Marwick in May 1959. Through this memorandum, Hilda Kuper, pointed out that Sobhuza, "related the awareness of his people to the land and mineral situation".[40] In addition to his concern that political power should be handed to the traditional elite, Sobhuza's interest was in economic power. His focus on land and minerals was motivated by the desire to acquire economic power. The direction Sobhuza was taking appears to have prompted the EAC to present its view point on the governance of Swaziland to the Secretary of State for Commonwealth Relations on 18 January 1960. Kuper explains that

> The European Advisory Council heard of this and at a special meeting held in January, submitted its own memorandum to the Resident Commissioner to forward to the Secretary of State, advocating a multi - racial legislative council in which both European and Swazi interests would be represented through their separate organizations.[41]

According to the memorandum the establishment of such a council would, "promote a better understanding between the principal racial groups and help in avoiding the mutual suspicions inevitable in the separate development presently practiced".[42] However, it appears that it was Macmillan's speech that triggered official and public discussions on

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[39]See, Prince Mfanasibili (Guest Writer), TOS Sunday, "How Imbokodvo Was Formed", 4 September 2005 and Interview, Prince Mfanasibili, Manzini, Town Council Offices, 12 October, 2005.

[40]Kuper, *Sobhuza II*, p. 209.

[41]*Ibid*. Also, see, D. Barker, *Swaziland*, p. 128 and J. S. M. Matsebula, *A History of Swaziland* 3rd ed. (Cape Town: Longman, 1988), p. 232.

[42]See, Van Wyk, A. J. *Swaziland: A Political Study* (Pretoria: Africa Institute, 1969), p. 17.

Swaziland's political and constitutional developments. Christian Potholm has rightly commented that, "In many ways, Macmillan's trip to Southern Africa heralded a new era in Swaziland".[43] The significance of Macmillan's official visit to Swaziland was however, downplayed by colonial officials in the country who reduced it to a private affair by ensuring that while in the country he received minimal exposure and interaction with the broader sections of the Swazi society.

About Macmillan's visit, Hilda Kuper noted that, "He also came briefly to Geodgegun (present day Nhlangano) to meet the Resident Commissioner, Sobhuza and other notables. Sobhuza had summoned warriors to pay their respects and Harold Macmillan danced with them. Sobhuza spoke to him privately, but was not given the opportunity to a make a public address".[44] Giving a clue to what the officials may have presented to Macmillan as reasons for not affording Sobhuza an official public address, Kuper reveals that, "A confidential minute, which found its way into the hands of the Swazi National Council, stated that Sobhuza was of low education, had many wives and had a speech impediment".[45] This might have been the administration's strategy to ensure that changes and developments in the country occurred within a particular framework. Also, this partly reflected the administration's uneasiness about Macmillan's presence in the country and their fears of possible Swazi reaction thereafter.

Of the visit the European Advisory Council only noted that Macmillan was welcomed at Goedgegun with visible police security. As a result the Council remarked that, "Everything went off well without any incidents".[46] The strategy of the Administration to minimize the impact of Macmillan's speech on Swazi society was not wholly successful. Official meetings and discussions around the speech were held to deliberate on the country's political and constitutional path.

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[43] Potholm, *Swaziland*, p. 45.

[44]H. Kuper, *Sobhuza II*, p. 207. See, also, Great Britain, *Swaziland Annual Colonial Report* (London: Her Majesty's Stationery Office, 1960), p. 3.

[45]*Ibid*.

[46]SNA, File 3133 / 20, European Advisory Council– General Correspondence, p. 19.

Soon after Macmillan's visit, an informal meeting was held on 5 February 1960[47] between Sobhuza who was attended by SNC councillors, J. M. B. Sukati, S. T. M. Sukati and Sifunti Matsebula, and Resident Commissioner, Mr. B. A. Marwick who was attended by the Deputy Resident Commissioner, Messers. R. Armstrong, the Acting Government Secretary, J. C. Martin and the Secretary for Swazi Affairs, J. F. B. Purcell. In this meeting Sobhuza started by thanking the Government for having made it possible for Macmillan to come to Swaziland despite the brevity of his visit. During this meeting Sobhuza diplomatically reviewed some issues which were raised by Macmillan's speech and noted among other things, that the UK Prime minister, like his predecessor, Winston Churchill, had assured the Protectorates that no changes would be made regarding their political status without consultation. Sobhuza also took the opportunity to protest certain forms of government rule in the country and expressed hope that since Marwick would be soon leaving for England, he would communicate these concerns to those in authority.

Marwick generally agreed with Sobhuza though he expressed the view that in some respects, he was being unnecessarily critical of Government. Marwick argued, for example, that the Government had taken practical steps in introducing the Swazi to modern forms of Government. In response, Sobhuza indicated that while he was grateful to the Government for the improvements, he wished them to be compatible with the African way of life. He cited the case of Basutoland as one that displeased him. He claimed that, "The whole thing was un - African. It would appear that the Basutos had imported a western culture in toto with no room for indigenous institutions".[48] Sobhuza's main concern seems to have been the loss of political power by traditional leaders. The writer of the minutes in the meeting noted that, "He feared that the minds of the people would be confused as to whom to choose between political and traditional leaders".[49] It appears that Sobhuza's real fears were about where political power would go in the event

[47]For details of discussions during this meeting, see, SNA, File 3012D V, Meetings between Administrative Officers and Paramount Chief, Informal Meeting, 5 February, 1960.

[48]SNA, File 3012 D V, Meetings between Administrative Officers and Paramount Chief (bearing an official stamp of the Open Registry, dated, 16 February, 1960), p. 6.

[49]*Ibid*.

of the ongoing contest. The point of difference between Sobhuza and Marwick was over the form of governance that Swaziland had to adopt. While Sobhuza preferred a type of government that embraced the traditions and customs of the Swazi Marwick viewed such a position as backward and undemocratic as it did not accommodate persons who wished to express their political aspirations outside the traditional structures.

While Marwick was away on leave in England Sobhuza took the opportunity to develop his ideas concerning the implications of the Prime minister's speech for Swaziland.[50] On 23 April 1960 he summoned his councillors and invited some members of the colonial Administration to an historical meeting at his royal residence in Masundvwini. Hilda Kuper described this meeting as a "landmark in Swaziland's political history".[51] Those present according to Kuper were,

> The Acting Resident Commissioner, R. Armstrong (Mathendele– *the Partridge*) and Secretary for Swazi Affairs, Purcell (Sgwili– *the swank*) attended; the whites he invited were Dr. David Hynd (Medical missionary in Swaziland since 1925 and educator) and William G. Lewis (a self-educated man and a successful cattle farmer who had opened the first creamery in Swaziland). In Sobhuza's view, Hynd and Lewis complemented each other. Also present were Princes Magongo, Madevu, Masitsela and Matsafeni, Councillours Sifunti Matsebula, Benjamin Simelane, Samuel A. Sibiya, Mfundza Sukati, Msindazwe Sukati, Abednego Kuseni Hlophe, Mabalizandla Nhlabatsi, Polycarp Dlamini and Mkhulunyelwa Matsebula.[52]

About the presence of the medical doctor and missionary, Dr. David Hynd, in this meeting, his son explained that, "Apart from the fact that he was close to Sobhuza he was

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[50]Sobhuza and Marwick's relationship as Resident Commissioner was characterized by disagreement over the political and constitutional path Swaziland was to take. For some of the issues of disagreement, see, Booth, *Historical Dictionary,* pp. 176 - 178.

[51]Kuper*, Sobhuza II,* p. 210.

[52]See, *Ibid.* , UWL / William Cullen Africana Library, Historical Papers, A 410 / E 2.37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April, 1960, p. 5 and TOS, "The Nwenyama, Sobhuza II C.B.E. Gives Expression to His Views on the Constitutional Future of Swaziland", 1 July, 1960. In these other documents, Kuper's list of those who were present is confirmed.

also accepted by all sides".[53] Opening his speech, Sobhuza remarked that, "We are met here to consider and talk about what is happening in the world today. We have seen from reading newspapers and hearing radio reports that there is quite an unrest and a number of things happening around us".[54] His speech was largely focused on colonial rule and its associated feature of paternalism. Arguing that the turbulence in Africa was brought about by the way whites had treated blacks, he remarked that

> Let us take for instance, the case of Europeans and place them in the position of parents who have to bring up their child and we watch how they bring up the child. We find that what actually happens today is that the Europeans will so handle the African that they would not like to see him grow and be something to contend with. The treatment the African receives is such that it aims at keeping him at that level so that he does not achieve complete independence.[55]

Explaining how the way Europeans had dealt with Africans was now forcing them to react, he observed that

> In a way you could say that the European is defending himself, is protecting his interests. Can anyone tell me if it is a good state of affairs that the European must seek to protect his interests in this way? What will be the position if the white man acts thus? The African too will seek to do that at some stage, I am sure you will agree with me that if that were to obtain things would lead to a bad state of affairs. It would mean that we do not trust one another and we do not regard each other as a family. There are many ways of stifling the development of a person so that he does not grow or thrive.[56]

Elaborating on the last point, Sobhuza added that

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[53]Interview, Dr. Samuel Hynd, Manzini, Hynd's Private Clinic, 13 August, 2005. Samuel's claim that his further was accepted by all sides needs to be investigated further.

[54]UWL / William Cullen Africana Library, Historical Papers, A 410 / E 2. 37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April 1960, p. 6.

[55]*Ibid.* , p. 2

[56]*Ibid.* , p. 3

> One way of trying to stifle that development is one in which the elder man will not give full rights to the younger one. Another way is to apply economic pressure that the African has no incentive to develop. In certain cases you will find that there are many obstructions that are on the way of development of the younger man. Yet another way is to deny him a full, and fundamental education that will enable him to stand on his own, as a man. All those are ways and means of trying to debar the progress of the junior man to develop to the stage where he compares with his senior[57].

Sobhuza addressed the meeting largely by appealing to British colonial paternalism. For much of the colonial era paternalism had provided a legitimation, in colonial eyes, for white supremacy. One possible, though not inevitable, consequence of paternalism was the infatilisation of Africans. Sobhuza in his address to the meeting had focused attention on the more positive dimension of paternalism, the requirement to 'bring up a child'. This was his main pre-occupation then and later. Both aspects were taken up at this meeting.

One key arena in which paternalist racial ideology was manifested was in the manner in which whites addressed blacks. Kuby has observed that, "The minor civilities and daily courtesies which made social relationships easy and pleasant in Swazi culture were ignored by the European who often used abusive forms of address as the necessary way of establishing his own superiority".[58] One of the ways in which the ideology manifested itself was in the reference to old Swazi men as "boys".[59] This reference occurs often in Millller's diary.[60] The reference to Swazi adult men as "boys" reflected the white racist undertones which were part and parcel of the white supremacist the ideology.

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[57]*Ibid.*

[58]Kuby, "Elitism and Holiness …", p. 41.

[59]For the usage of the word by a prominent white settler during an official meeting, for example, see, UWL / William Cullen Africana Library, Government Publications, Seventh Session of the Third Reconstituted European Advisory Council, 26 and 27 May, 1959, p. 93.

[60]See, KCAL File 1, KCM 154 A, Diary of Allister Miller.

The negative dimension of paternalism - the eternal "infantilisation" to which the Swazi were subject at the hands of the settlers and the administration, was taken up by one of Sobhuza's councillors. Here he condemned a core component of settler racial etiquette, which constituted one of the most humiliating experiences of racial discrimination experienced by Swazi at white hands. Pointing to the humiliating effect of this European habit, during the same Swazi National Council Meeting, Councillor Sibiya argued that it was disrespectful. He put his case to the meeting as follows;

> As a young man I taught for a short while but abandoned that job and joined the Police Force, and one day a Police Officer with whom I worked said to me in English, 'Sibiya I want you to go outside and call that boy'. I went outside and seeing an adult person outside I went back to tell the officer that I did not see a boy outside. And he said 'But what is this, can't you see this?'– Pointing to an adult police constable– and then I replied to say that 'No I see only an old man here'. And in giving this short story I just wanted to illustrate how much I appreciate the education we are receiving today from Ingwenyama, because we Africans as a whole regard the Europeans as our teachers and as such we should respect them. And one wonders if this word 'boy' referred to an old man, did show respect that we should expect from our educators. To me it illustrates what Ingwenyama has said, in the same way as Ingwenyama has explained today, if you have a son and you have got to bring him up on the same lines as you wish him to be when he becomes a man. In accordance as you have been able to train him he should be able to appreciate your training and value it in future years as something that was given to him by his parents.[61]

Here, Sibiya was protesting the white supremacist racial ideology prevalent in the country. The persistence of such practices to both settlers and whites was reflected through the response of one white settler who was present during the session in which Sibiya made his protest. In reply Mr. Lewis said,

> You see there, Mr. Sibiya mentioned the question of his superior calling a man a boy. Now these are little things but it's the little things that upset people– it's not the big things. From my side, is there anything more beautiful than

[61]UWL / William Cullen Africana Library, Historical Papers, A 410 / E 2. 37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April, 1960, pp. 12 - 13.

> to hear a man, a Swazi man, calling a European 'Nkosi'. It's something nice, it's something that makes you feel nice inside, you follow? But then what must I call him?.[62]

Lewis' response reflected some degree of complacency if not self - satisfaction with the relations that placed whites in a position above that of blacks in Swazi society. To be on top, to be regarded superior, made him feel "nice" hence, his reluctance to have the comfortable arrangement altered. This attitude was emphasized when Lewis went on to point out that,

> We in Swaziland must remember this, that we have three races here – we have the British, well I won't give the little ones, but there's the British essentially, we have the Afrikaner and we have the Swazi. Now how easy isn't it– this man comes into my office– I've got an Afrikaans typist or a clerk and he says to her in Afrikaans he wants something or other to buy and she gives it to him and she speaks to him in Afrikaans and he says to her, he himself says 'Goodbye Missus'. Is that true or is it not true. It's nice isn't it?.[63]

Lewis' reluctance therefore, to adapt to a new "racial order", should be partly understood within this context. He was sufficiently content with the prevalent relations between the blacks and the whites that he suspected an alteration could bring serious disturbances. His position was a product of the fact that he was a member of the privileged and dominant group. Having been provoked by the Paramount Chief, Ngwenyama Sobhuza to strive for human equality regardless of race, Lewis hesitantly said,

> Let us try now, from the time we leave here, to do something about it, whatever it is, it might be we find that we are making mistakes, they might chop us to pieces, but let us each and every individual just try in a quiet way to bring about this. The Ngwenyama has given us the lead. Let us shake hands with each other in the street, don't be afraid of it, shake hands.[64]

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[62] *Ibid.* , p. 15.

[63] *Ibid.* , pp. 15 - 16.

[64] *Ibid.* , p. 16.

Clearly, Lewis was uncertain as to whether the racial order which placed whites on top of the social pyramid had to be altered and what the consequences would be, if it were. He also thought one way of altering it was slowly and quietly to bring about some changes that would include the shaking of hands between a few people, across the colour line. About the shaking of hands Kuby noted that, "Physical contact between the European and Swazi was taboo unless initiated by the former. Hand-shaking across the colour line was avoided because it "lowered white prestige' and was 'an unnecessary familiarity".[65]

Sobhuza himself was less concerned with racial etiquette than with political and economic power. It was for this reason that he made an angry denunciation at the same meeting of the speech by Sir de Villiers Graaff who expressed that the idea of equality between whites and blacks was far fetched, remarking that

> I read the other day something that was said by the leader of the Opposition in the Union, Sir de Villiers Graaff, where he said he did 'not think that the people overseas who thought that there should be equality even in the economic world were genuine in what they said'. He thought that would never obtain. He thought they merely meant there should be equality in a shallow way because no African could be at the same level with the European at the present moment. When I read the article I wondered what Sir de Villiers really meant. What sort of equality was he referring to, that of stature or what? I could hardly appreciate his idea, because as an African together with many others we are looking for fair play and justice only.[66]

The "fair play and justice" Sobhuza and other Africans were looking forward to was the transfer of political power. Commenting on the issue of power in reference to the new direction in British colonial policy, Sobhuza observed of Africans that, "They feel that to be sitting on a people, in that old Imperialism and Colonialism fashion when they are unhappy and all that, is not a healthy state of affairs. Give them independence and let them carry on, on their own– just in the way that Harold Macmillan mentioned in

[65]Kuby, "Elitism and Holiness …", p. 41.

[66]UWL / William Cullen African Library, Historical Papers, A 410 / E 2. 37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April, 1960, pp. 3 - 4.

Parliament in Cape Town".[67] Sobhuza's major concern appears to have been that of the transfer of power from whites to the Swazi traditionalist sector of which he was a prominent figure.

At the same meeting Sobhuza laid out two other key elements of his political thinking. The first related to the political system of democracy. On this he remarked,

> I don't see how we can adopt European ways of doing things which we don't know. Yes it is quite true that we should copy those good practices that the Europeans have, but when we come to consider what is this democracy of which they speak you ultimately get lost in the idea – I don't even understand what is meant by democracy – because each man will display his wealth and say that he wants to do such and such but one without capital will not be able to do any of these things or display. When people speak of democracy one wonders what democracy it is they want to maintain because we, the Africans, as a matter of fact, have bigger numbers than the other people and one cannot understand what is meant by democracy when we speak along those lines.[68]

He went on to amplify his position, arguing that

> Let us regard this as a European practice ... I don't think democracy would be the correct word because democracy is not there. A man promises his constituency that I will do such and such for you and then he is not able to do it. I think it would be better democracy if people went into it as de Gaulle took up his position in France. He was called by the people to come to their rescue ... I appreciate that it was the people who suggested he should be appointed. I thought that was a good form.[69]

Sobhuza's reference to the manner in which de Gaulle came to power was probably influenced by his belief that his assumption of political power would enjoy the backing of the majority of the Swazi. He envisaged that if he assumed power like de Gaulle it would

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[67] *Ibid.* , p. 7.

[68] *Ibid.* , p. 10 - 11.

[69] *Ibid.* , p. 11.

be a sign that the Swazi were fully behind the traditional leadership. Commenting on Sobhuza's stance with regard to democratic reforms, Hilda Kuper concluded that

> He saw this type of individual freedom and competition as a threat to the rights of others; his basic premise was that the ideology of kinship, extending from the family to the nation imposed essential moral constraints and reciprocal obligations. 'Freedom' allowed one to flout constraints and shirk obligations; it was not a contrast between democracy and a tyranny, but between an egoistic and communal approach.[70]

A second key element in Sobhuza's political thinking was also laid out at this meeting. This was the notion of a 'racial federation'. Here, he suggested the view that

> I think a solution to that would be that the Advisory Council, the European public, should elect their own men under their system of election, and we would get our men, chosen by us to meet and legislate for the country. They would then join together. It would be better to call the method that of Federation, where we would not count how many represent so and so and how many represent that unit, but they would merely meet as a Federation together.[71]

One possible implication of such a proposition was that Sobhuza was prepared to permit and tolerate whites to own their communities and affairs much as they chose. A definite distance, at least in terms of priorities, seemed to exist between Sobhuza's and Sibiya's positions. Sobhuza's proposal was widely publicized and captured the attention of the media in Swaziland. The Resident Commissioner, Brian Marwick on his return was disturbed to find that a matter of such importance had happened and had been made public in his absence.

In June the Secretary of State for Commonwealth Relations replied to the memoranda that had been submitted by the EAC in January 1960. In his reply he instructed the Resident Commissioner to pursue the idea of establishing a legislative council on which

[70]H. Kuper, *Sobhuza II*, p. 223.

[71]UWL / William Cullen Africana Library, Historical Papers, A 410 / E 2.37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April 1960, p. 11

European and Swazi interests would be represented, so that the Swazi could more effectively play a part in government.[72]

On 25 July, Sobhuza called a second meeting at Masundvwini inviting a few more whites. He made the same points as on April 23, repeating that the policy of "one man one vote was fatal for Africa because the race with the largest numbers would swallow the other race, take away its rights and nationalize its institutions".[73] At this meeting Carl Todd, an influential member of the EAC came out in support of Sobhuza's policy.[74] On 29 July the SNC publicly endorsed Sobhuza's proposal as the policy of the nation.[75] During one meeting of the Swazi National Council around this time Nquku suggested that it was time to introduce more fundamental changes to bring the Swazi system of government into line with western political developments but they did not agree. Barker observed that, "The more conservative of the white community, in fact, who controlled the EAC – and of whom Carl Todd had become an official spokesman – had accepted with delight Sobhuza's 1960 speech proposing ' an equal basis ' and his dislike of democratic processes".[76] The Resident Commissioner, Marwick returned to Swaziland at the beginning of August 1960. It distressed him that Sobhuza was moving in a different direction along with Carl Todd, an elected member of the European Advisory Council, whom he did not trust as a strong supporter of the administration.[77] Outlining the history of constitutional developments three years later, the Resident Commissioner recalled that,

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[72]Barker, *Swaziland*, p. 129.

[73]UWL / William Cullen Africana Library, Historical Papers, A 410/E 2. 37, Discussions on Disturbances in Africa, with particular reference to Swaziland, 23 April, 1960, p. 11.

[74]For some more details, see, Kuper, *Sobhuza II*, p. 218.

[75]*Ibid.*

[76]Barker, *Swaziland*, pp. 133 - 134.

[77]Kuper, *Sobhuza*, p. 218. Debates of the EAC reveal that Todd was particularly critical of government policies. This stance was radically articulated during the constitutional debates in the 1960s.

"I was seriously disturbed when I came back from leave to find the lack of appreciation among Swazi and European of what was involved".[78] Further discussions continued between Sobhuza and a close circle of advisors as well as between members of the EAC.[79] Sobhuza also made effort to sell his views about the constitution to the rest of the Swazi population in rural Swaziland. On 30 January 1961 he commissioned a committee of five men led by the Secretary of the SNC, Polycarp Dlamini and Senior Development Office and *indvuna* of *Tinkhundla*, Mfundza Sukati to make an extensive tour of all *Tinkhundla* in Swaziland. The main intention of the tour was to engage these constituencies concerning Sobhuza's views on constitutional reforms in Swaziland. At the meetings in the Tinkhundla Polycarp Dlamini would address the people as follows;

> Since the Ngwenyama's speech of the 23rd April, 1960, a number of things have come to pass– some for, others against his views. These include political parties, newspapers and individuals who go about misreporting and misrepresenting the Ngwenyama. I am to warn you that if such as these should come your way, please ask them for a link which connects them to the royalty. As check and guide we will leave you with these documents which are a recorded speech of what the Ngwenyama actually said on the 23rd April 1960, and at subsequent meetings.[80]

Dlamini went on to emphasize other aspects of speech of 23 April, 1960 by warning those present against supporting political parties. He appealed to the Swazi to give their support to their traditional leaders. In this way Sobhuza way casting his influence on the Swazi living in the countryside and appealing for their support on the ongoing constitutional proposals

[78]TOS, "Strong Words On the Constitution", 24 April, 1964.

[79]*Ibid.*

[80]SNA, File 3012 V II, Tinkhundla Committees, Tour of Tinkhundla for Year 1961.

6. 4 Swaziland Progressive Party

Yet two days after the SNC had endorsed Sobhuza's constitutional proposals as national policy, the SPA, at its annual conference in July 1961 at Kwaluseni formed itself into Swaziland's first political party known as the Swaziland Progressive Party (SPP) under the presidency of J. J. Nquku. This party was an offshoot of the SPA which had been in existence in the country since 1929. Alan Booth remarks that, "the SPP was established by John June (J. J.) Nquku out of the shell of the Swaziland Progressive Association of which he was president. Nquku a man of exceptional ability and ambition, considered the independence movements of West Africa replicable in Swaziland".[81] There was absolutely nothing that had indicated in the previous year's annual conference of the SPA that it would be turned into a political party the following year. Kuper described the President of the SPP as "a Zulu who has lived for many years in Swaziland, where he has held the post of supervisor of schools. As an educated foreigner without recognized ties of kinship or locality to substantiate his claims to loyalty, his position is more difficult and less secure".[82] His Secretary was Dr. Ambrose Phesheya Zwane. Zwane who had recently resigned as a medical practitioner due to being discriminated against on the basis of race by some white staff at Mbabane Government Hospital, was invited to be the party's Secretary – General soon after the party was formed. Of Zwane, Kuper noted that, "he is acutely sensitive to the discrimination imposed by whites on all Africans in the south, and his politics have an African Nationalist motivation and Pan – African affiliation".[83] Christian Potholm described him as "the first Swazi physician …born in 1922 in Manzini, Swaziland, and … educated at Fort Hare and the University of the Witwatersrand; South Africa. He was attracted to the African National Congress of South Africa during the 1950s"[84]. The president and secretary of the SPP were among

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[81]Alan. R. Booth, *Historical Dictionary*, p. 309.

[82]Kuper, *The Swazi*, p. 80.

[83]*Ibid*. For Zwane's personal views on racial discrimination, see, UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4. 6 .3, SAIRR, Protectorates and High Commission Territories: Swaziland Progressive Party, Paper For Consideration By Working Committee of the Constitutional Committee: Racial Discrimination in Swaziland (25 pages).

[84]Potholm, *Swaziland*, p. 52.

some of the educated Africans in the country who vigorously fought against racial discrimination. Outlining the party's principles and policies, Potholm notes that

> The Swaziland Progressive Party inherited the general principles of the old Swaziland Progressive Association and supported the 'essential dignity of every human being irrespective of Race, Color or Creed regardless of Race, Color or Creed to see that every human being is given freedom of, worship, expression, movement, assembly and association'. It also stood for a non-racial constitutional monarchy, with universal suffrage and the principle of one man, one vote. Initially, the SPP attracted a number of urbanized Swazis and non-Swazi Africans who did not feel a part of the Swazi traditional structure and who might well have formed the basis of an emergent national movement.[85]

From the foregoing it can be seen that two central concerns informed the party's programme. The first concern was that the educated elite might be politically excluded by a traditionalist / settler deal. The second was that the educated elite might continue to suffer racial discrimination at the hands of the ruling white power bloc and a less racially sensitive traditional elite. Booth noted of the SPP that, " Its platform like the SPA's, was liberal, not radical, espousing a non-racial constitutional democracy based on universal suffrage (i.e., one person one vote)".[86] Initially the SPP recruited only Africans but, it soon also attracted some whites. In September 1961 the editor of *The Swaziland Recorder* remarked that, "The Progressive Party in Swaziland, previously all African in composition, is reported to have admitted its first European members recently. At the same time it pledged itself to "serve all inhabitants of the territory, irrespective of colour or race".[87] He further observed that, "In the political language of its leaders, it aims at a non-racial and democratic state".[88]

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[85]*Ibid*.

[86]*Ibid*.

[87]KCAL, File 209, Miller Papers, *The Swaziland Recorder* (Editorial), March, 1962, p. 5.

[88]*Ibid*.

At its peak, the SPP enjoyed wide support inside and outside Swaziland. Apart from the material and ideological support it received from Kwame Nkrumah's Ghana it also enjoyed morale support from, and joined in solidarity with Ntsu Mokhehle's Basutoland Congress Party among others. As a student at Mbabane Central School at the time, John Sibandze who was a member of the SPP recalled that, "The Swaziland Progressive Party caught my attention as a vehicle through which white domination and discrimination would be fought. I joined the party while I was a student at Mbabane Central".[89] Sibandze also remarked that, "Though I was not at the forefront, I was a member and strong supporter of the party. Among other activities, I faithfully attended the party meetings at Msunduza Hall in Mbabane. In those meetings we were being stirred to fight against white domination and racial discrimination".[90] In light of the proposed alliance between traditional leaders and some prominent white settlers the party faced the possibility of being excluded from the future governance of the country.

Reacting to the possible danger of exclusion the SPP registered the view that, "there can be little health in a system which makes no adequate provision for the more modern, educated and politically aware Africans of the territory to have a voice in the government".[91] In this respect, it becomes apparent that in embracing non-racialism the SPP was not simply advocating power sharing between Whites and Blacks in the country but wished to see whites participating on an equal basis with, the "more modern, educated and politically aware" blacks. The majority of the blacks they were talking for were to be found within their membership circles. In the political arrangement envisaged by the SPP the king was to be a symbolic head of state and a unifying figure of all living in Swaziland. The party warned that, "The technique of sharing political power between traditional Chieftainship, the British Administration and some white settlers– to the exclusion of more modern democratic elements among the Africans– must tend to isolate

[89]Interview ,John Sibandze, Dvokolwako, 10 August, 2005.

[90]*Ibid*.

[91]UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4. 63, SAIRR: Protectorates and High Commission Territories: Swaziland Progressive Party-Reaction to the Constitutional Proposals of 1 March, 1962 by the Swaziland Administration, p. I.

the Chieftainship from the people, and will lead quickly to its destruction".[92] In the view of the SPP the multi – racial method proposed by the Constitutional Committee was misguided and detrimental to the political and constitutional development of the country mainly because it would perpetuate racist principles and lead to less harmonious race relations. Later the SPP was split over personality differences and accusations of Nquku over financial mismanagement. Nquku remained with a small following while Dr. Phesheya Ambrose Zwane and Obed Mabuza led their own group. There was as a result Nquku's SPP, Zwane's SPP (which later became the Ngwane National Liberatory Congress) and Mabuza's SPP.

6. 5 Swaziland Student Union (SSU)

Reflecting on the political upsurge of the early 1960s in Swaziland, R. P. Stevens has remarked that, "Another political phenomenon of 1960 was the emergence of the Swaziland Student Union".[93] The Swaziland student Union (SSU) was a body of Swazi secondary and university students from various institutions within and outside the country. Timothy Zwane, a Swazi student at Pius College in Lesotho founded the union fundamentally as a vehicle for articulating students' interests. As he argued, the Swazi traditional structures were limited in so far as capturing the feelings of this class.

Arthur Khoza who was an active member of this union explained that, "as students mostly studying outside the country we did not want to be left behind regarding the country's political developments as things were moving so fast. This body became our official mouthpiece".[94] He further described the student body's political orientation by observing that, "We were under no political party's influence, we maintained an independent identity. However, our sympathies were with the Swaziland Progressive Party".[95] Stevens making the same point, noted that, "While having no official ties with

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[92]*Ibid*. ,p. II.

[93]R. P. Stevens, "Swaziland Political Development", *Journal of Modern African Studies* vol. 1. no.3 (1963), p. 339.

[94]Interview, Arthur Khoza, Mbabane , Selection Park, 9 December, 2004.

[95]*Ibid.*

the Progressive Party, this remarkably well organized body of Swazi secondary and university students has thus far endorsed a programme identical with the constitutional demands of the Progressives".[96]

At the time of writing Stevens further noted that, "As the SSU has grown in numbers and influence all the various power elements have attempted to enlist its support or sympathy".[97] The support of the student body was desired because its voice was significant in the country's pending power relations. Like the SPP, the SSU challenged white domination and discriminatory principles in the affairs of the country with the intention of moving the country towards a political power arrangement in which Africans would hold a fair share. The embracement of non - racialism was believed to be a means for achieving this end.

[96]Stevens, "Swaziland", p. 339.

[97]*Ibid.*

6. 6 Constitutional Proposals, October 1960 to 1 March 1962

While the Resident Commissioner was away between January 1960 and August 1960 Mr. R. Armstrong acted in that capacity. Armstrong does not appear to have made any substantial progress in as far establishing a constitutional committee. Perhaps the fact that he was acting in that position and would be going on leave pending retirement in September inhibited his full commitment to the constitutional developments of the country. He however, submitted his reasons for the delay to the EAC stating that

> First, discussions have started spontaneously among the European section of the community. Second, although the Ngwenyama has expressed his own personal views about this matter, these have not yet been endorsed by the Swazi National Council, and cannot therefore, at this stage, be regarded as representative of the views of the Swazi nation as whole. Third, a committee of the Joint Advisory Council of the Bechuanaland Protectorate, where conditions are very similar to our own, has recently concluded a very close study of the most suitable way of achieving constitutional advance in the Protectorate. I regard the findings of this committee as being so valuable, that in my view it would be premature to initiate consultation here, until we had the opportunity to study them and to consider how far they are applicable to our own conditions.[98]

The Resident Commissioner who had returned from England in August began formal discussions on the constitutional issue in October. He first met with the European Advisory Council (EAC) and members of the European public, and later with the members of the SNC. He met Sobhuza privately who made it clear that he did not accept the western model of elections and political parties. On 4 November the first official joint meeting of Swazi and Europeans was held in Mbabane with Marwick presiding. Members of the SNC, three officials of the SPP, some whites including members of the reconstituted European Advisory Council and four government representatives who accompanied Marwick attended this meeting.

[98]UWL / William Cullen Africana Library, Government Publications, Minutes of the Ninth Session of the Special Session of the Third Reconstituted European Advisory Council, 16 and 17 June, 1960, p. 6.

Due to customary procedures Sobhuza could not be present since the *Ngwenyama* could not attend a meeting with commoners unless he was the one who had summoned it. The meeting went ahead despite Sobhuza's absence. Reporting to the EAC, Marwick reflected that, "the meeting was characterized by its good will and a determination to face realistically the problems of devising a joint constitution suited to the circumstances of the Territory".[99] He further noted that since his last presiding over the EAC in January 1960, "the people of the Territory have devoted much thought and energy to problems of constitutional development on multi - racial lines".[100] A reporter of the *Times of Swaziland* noted that, "The outcome of the meeting was a general agreement that the Territory should proceed as rapidly as possible to full Legislative Council status on the lines broadly suggested by the Ngwenyama in his statement of the 23rd April 1960".[101] The constitutional committee decided to appoint a working committee consisting four members of the EAC, four officials members and nine members of the SNC. J. S. M. Matsebula remarked that

> The working committee had an immense task. Before it could draw up proposals for constitutional reform in Swaziland, it had to clear away certain obstacles. Accordingly, it prepared a series of papers on topics such as the historical background of Swaziland, Swaziland Swazi institutions, the position of Eurafricans, the Lifa Fund and the matter of discrimination of any kind in the territory.[102]

In September 1961 the British government sent Sir Charles Arden Clarke to Swaziland to advise the committee on matters connected with the framing of the new constitution. The committee finally completed its report on 20 November 1961. The report was taken to London by the Resident Commissioner, with two members of the SNC and two members of the EAC. Since the *Incwala* ceremony was about to begin, Polycarp Dlamini, the

[99]UWL / William Cullen Africana Library, Government Publications, Swaziland: Tenth Session of Third Reconstituted European Advisory Council, 8 and 9 November, 1960, p. 3.

[100]*Ibid.*

[101]TOS, "Important Meeting on Swaziland's Constitutional Reform", 24 February 1961.

[102]Matsebula, *A History*, p. 234.

Secretary of the SNC announced that no further discussions could be held until the ceremony was over. The date of the next meeting was set for 17 February, 1961.

However, on 16 December, 1960 the SPP under Nquku called for a meeting at Msunduza Hall in Mbabane. At this meeting Kuper noted that, Dumisa Dlamini "made an impassioned plea for the rights of all people, pointed to the racial inequalities in Swaziland and advocated radical changes and new alliances".[103] A majority of the SNC now objected to the idea of Nquku continuing as an official representative, and on 18 May, 1961 he found himself dismissed from his position in that body and therefore, excluded from the next session of the Constitutional Committee. J. S. M. Matsebula has explained that, "The difference arose out of the claim by the Swaziland Progressive Party members that they had the right to state their own party's case, while the other Swazi members felt strongly that they were representing the Swazi National Council, not their party".[104] Ambrose Zwane and Obed Mabuza of the SPP resigned in protest against Nquku's dismal.

The Swazi members of the Constitutional Committee, which was to carry on the major task of formulating and discussing proposals, thereafter consisted only of members of the SNC. Regarding this development Potholm observed that

> There can be little doubt that the decision to leave the committee and to adopt an increasingly uncompromising stance was influenced by Nquku's and Zwane's perceptions of what had happened elsewhere in Africa particularly in the Gold Coast … As with the Conventions People's Party, the SPP hoped to circumvent the existing power elite by appealing directly to the masses and to emerge victorious. The attempt to emulate this tactic overlooked the differences in the political situations, especially the strength of the traditional authorities and small number of Swazi who would be willing to break with their king. This oversight was to greatly hamper the SPP's drive for power and was further compounded by the failure of the SPP

[103]Kuper, *Sobhuza II,* p. 221.

[104]Matsebula, *A History*, p. 235.

> leadership to organize effective local branches and transform the party into a true mass organization.[105]

At the meeting of the Constitutional Committee on 17 February, 1961 three major political viewpoints had emerged– that of the members of the SNC, that of settlers on the EAC, and that of the British through its senior civil servants. Members of the SNC advocated a "racial federation" whereby each racial group would retain its institutions. Councillor S. T. M. Sukati justified this proposal arguing that the Council "did not consider that the Swazi had yet developed to a stage where they would be in a position to participate fully with Europeans in a number of activities".[106] When the Resident Commissioner, B. A. Marwick queried whether non - racial was not what he meant, Sukati maintained that he advocated participation on a federal basis. The Resident Commissioner and Carl Todd who was representing the EAC "did not like this idea of racial federation and tried to discourage the use of the term".[107]

Concepts such as non-racialism, multi-racialism and racial federation though frequently used by prominent figures during the constitutional proposals of the 1960s were inadequately developed and hence, would not translate into clear and distinct models of race relations. During an interview with Arthur Khoza I probed what concepts such as non-racialism and multi-racialism meant in the context of Swaziland. He responded to my inquiry saying,

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[105]Potholm, *Swaziland*, p. 55.

[106]UWL / William Cullen Africana Library, Historical papers, Enerst Wentzel Collection, A 1931 / FB3 (File 1), Memorandum on the Constitutional Talks in Swaziland by the lawyers of the Swaziland Progressive Party and the Eurafrican Welfare Association, p. 3.

[107]*Ibid.*

> Many people spoke about these concepts but they did not know what they were talking about. In societies such as those of the US, they speak of multi - racialism recognizing the co - existence of different racial groups and others talk of non - racialism implying that they are adopting a colour - blind approach in their societies.[108]

During the meeting of 17 February, 1961 it was mainly agreed that a Legislative Council (Legco) should be formed. It was resolved that other complex issues such as details about the protection of Swazi institutions would have to be clarified in the working committee. A statement, arising out of the meeting was then prepared for release to the press. The key paragraph read as follows;

> The unofficial membership on the Council should be divided between the Swazi Nation and the European community; that the Swazi representatives should be selected in the traditional fashion; And that the European representatives should be elected. It was also agreed that Swazi traditional institutions should be preserved and given due recognition under whatever new form of constitution was devised.[109]

Conspicuously missing in the statement was the issue of representation for persons who embraced Coloured identity and consciousness. This silence motivated these persons to agitate for their distinct political rights and representation. Consequently the SPP published its own constitutional report in collaboration with the Eurafrican Welfare Association. Professor D. V. Cowen, an expert on constitutional matters from the University of Cape Town assisted in the drawing up of the report which was submitted directly to the British government. On the other hand, the report of the constitutional committee was officially released on 1 March, 1962. The four official members of the committee including the Resident Commissioner signed the report with reservations.

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[108]Interview, Arthur Khoza, Mbabane, Selection Park, 4 January, 2004.

[109]UWL / William Cullen Africana Library, Historical papers, Enerst Wentzel Collection, A 1931 / FB3 (File 1), Memorandum on the Constitutional Talks in Swaziland by the lawyers of the Swaziland Progressive Party and the Eurafrican Welfare Association, p. 4.

6. 7 Coloureds and Early Constitutional Talks

The proposed constitutional development plan clearly frowned upon representation on the basis of political parties and ignored the representation of Coloured people who had been accorded a separate legal status by the colonial Administration and who represented their concerns through their body known as the Swaziland Coloured (Eurafrican) Welfare Association SCWA. The view of the SNC on this matter had been articulated in the meeting of the Constitutional Committee of 17 February, 1961 by Councillor Abednego Kuseni Hlophe who said "it was difficult to understand why a special class was made for Eurafricans; why they could not fit into the existing groups– the Swazis and the Europeans".[110]

Hlophe's submission was virtually adopted as the official stand of the Constitutional Committee on this matter. Capturing this position the editor of *The Swaziland Recorder* observed in September that, "The Committee is reluctant to recognise a third racial body, for official purposes, in a country whose future is to be built on non - racial lines".[111] Elaborating on how the committee planned to go about the representation of Coloured persons in the upcoming constitution the editor explained that, "It therefore proposes that the Coloured people who have adopted the Swazi way of life (and the bulk majority of them have apparently have) should express their political rights through the discussions and choices of leadership at the Swazi Council meetings".[112] About those who did not fit in this category the editor went on to submit the view that, "The more literate in the community, those more naturally fitted to have voting rights, would be accepted on the European roll".[113]

When I probed Hlophe during an interview on the basis of his reasoning when he suggested Coloured people should fit into the existing races, he explained that, "I was against the recognition of Coloureds as a separate entity because it would encourage the

[110]*Ibid.* , p. 2.

[111]KCAL, File 209, *The Swaziland Recorder*, "Constitutional Matters", March 1962, p. 25.

[112]*Ibid.*

[113]*Ibid.*

same racial discrimination we were fighting. It would be like adding fuel to the fire. In my view they had to take their place either on the side of their mothers or that of their fathers".[114] When I queried him on whether such a position did not imply the acceptance of the division of Swazi society according to race, he emphatically rejected that interpretation and replied saying:

> No! no! no! the position we were holding as leaders of the Swazi nation was that the whites should cease to exist as a separate entity and instead come under the authority of the Swazi king as the case is today. We were against this idea of a separate white community in Swaziland. We really wanted to see that coming to an end.[115]

Hlophe went on to explain his perception of the genesis of Coloured demands as follows:

> The Coloureds had no separate interests whatsoever. Their representation in the Constitutional struggles was encouraged by the whites. Their association was a brain child of the white colonial government. You will tempt me to mention names … the government even picked up one Coloured man to represent the Coloureds in the constitutional talks in London.[116]

Hlophe's claim that Coloured persons had no distinct interests whatsoever highlights the SNC's position, of which he was a member towards the Coloured Welfare Association. The SNC did not recognise the Coloured Welfare Association. Hence his claim that the representative of the Association had been hand - picked by the colonial administration, yet in reality, he had been a leading member of the Association. The position maintained by Hlophe with regard to Coloured people is generally typical of that maintained by the black Swazi towards Coloured people. This position has its roots in the anti-colonial struggles and maintains that Coloured people were not to be accorded an identity and a status distinct from that of the black Swazi. Such a position was well articulated in an

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[114]Interview, Abednego Kuseni Hlophe, Lancabane, Lozitha, 16 November 2004. My interviewee was a representative of the Swazi National Council in these talks. For details of his involvement in Swaziland's political and constitutional history, see, Wandile Simelane, "A . K. Hlophe in the Constitutional and Political History of Swaziland, 1951 - 2004", B. A. Thesis, University of Swaziland, 2005.

[115]Interview, Abednego Kuseni Hlophe, Lancabane, Lozitha, 16 November, 2004.

[116]*Ibid*. It was Mr. Aelfik Sellstroom of the Eurafrican Welfare Association who represented the Coloured community in the Constitutional Conference in London.

interview with Aurthur Khoza when he referred to Coloured people as "*Bomshana betfu laba, Bantfwana babo dzade wetfu, bantfwana betfu sinebelumbi*",[117] which is Siswati for, "These are our nieces and nephews, our sisters' children, our children together with the whites". It is not uncommon among the black Swazi today to refer to Coloured people as "*bomshana*", "our nieces and nephews".[118]

A subsequent meeting was held on the 29th and 30th May, 1961 to consider the position of Coloureds who were represented by Mr. Sellstroom, Mr. Steward and Mr. Kirk. Mr. Sellstroom pointed out that, "as far as the new constitution was concerned, Eurafricans wished to be placed on a common roll and if there were also to be nominated representatives they hoped that one or two might be nominated for the Eurafricans".[119] He further observed that there was a minority who wished to be regarded a Swazi, but all others wished to exercise their vote.[120]

The lawyers of the Coloured Welfare Association contended that Coloureds should be accorded a distinct constitutional representation. They claimed that the Coloured population consisted of 2 000 people and argued that leaving them out of the constitutional proposal as a separate and legal entity was tantamount to swallowing up their rights. The exclusion of political parties and Eurafricans from the constitutional proposal brought the SPP and the SCWA into some sort of alliance, causing a shift in the position taken up by the SPA a few years earlier that, "The Mullatoes amongst us are Swazis". Carl Todd for his part argued that the representatives of Eurafricans had not made a convincing case for additional nominative representation. His reasoning was that

[117]Interview, Arthur Khoza, Mbabane, Selection Park, Swaziland, 4 January, 2005.

[118]It is not usually used in direct reference, but used when black Swazis talk among themselves.

[119]UWL / William Cullen Africana Library, Historical papers, Enerst Wentzel Collection, A 1931 / FB3 (File 1), Memorandum on the Constitutional Talks in Swaziland by the lawyers of the Swaziland Progressive Party and the Eurafrican Welfare Association, p. 3.

[120]*Ibid.*

if they were placed on to the common roll they would have enough representation on the Legislative Council.

As proposals on the constitution were being made, the influential figures among blacks, whites and Coloureds in Swaziland sought to protect their interests along racial lines. A few others, including Peter Burtwell of Usutu (Anglican) Mission at Malkerns criticised this development, through a letter to the editor of the *Times of Swaziland*. Here he wrote:

> What is wrong with the constitutional proposals basically is the provision of representation simply on racial lines. I am aware of the fact that the racial is a coincidence – but it is there; that is what it is, and no one can deny it. This country is facing a great handicap in the future if it has to start in this way. There must be an attempt now to bring African, Eurafrican and European together– but this system of representation separates them.[121]

The position criticised above represented a pattern whereby some groups attempted to protect their interests along the lines of multi-racialism– in this case a more complicated variant. This arrangement forced Coloured persons to forge an alliance with the political parties who at this stage supported their demand to be accorded a distinct social category. In this respect, Booth observed that the representative of Coloured persons in the London Constitutional Conference of 1963, "threw his lot in with those who favoured a constitutional monarchy and opposed special privileges for Europeans".[122] He further noted that, "With the failure of these proposals the Eurafrican Welfare Association rapidly lost its politics influence, and following independence passed out of existence".[123] The failure by Coloureds to secure political and constitutional rights in this era reflects the frustration they faced as a minority group against those who were a majority and dominant in Swazi society. The reluctance by the Swazi indigenous leadership and their European counterparts to accord a distinct identity to Coloured persons had more to do with the current political climate. Though the whites had supported the emergence and

[121]TOS, "Representation On racial Lines", Letter from Peter Burtwell of Usutu Mission, Malkerns to the editor, 13 April, 1962.

[122]Booth, *Historical Dictionary*, p. 104.

[123]*Ibid.*

development of distinct Coloured identity during most of the colonial era, it was because it served to reinforce their supremacy. During the decolonization struggle which was characterized by a fierce struggle for power between blacks and whites the upholding of an intermediary status would not serve such a purpose. To the Swazi traditionalist the emergence of a distinct Coloured identity implied the increase of groups that were rising to contest power in the upcoming constitutional and independence elections.

6. 8 Outlawing Racial Discrimination

As preparations were being made to forge a new constitutional dispensation in Swaziland, members of the Working Committee found themselves confronted with the previously ignored question of racial discrimination. It was at the meeting of the Working Committee of the Constitutional Committee in May, 1961 that the question of racial discrimination was first raised. Upon discussing the issue the Constitutional Committee basically agreed that discriminatory legislation in the country had to be outlawed. J. S. M. Matsebula has pointed out that, "The working committee recommended the elimination of discrimination on grounds of race, creed and colour from the laws of Swaziland and the introduction of legislation to prohibit discrimination in the territory".[124] It appears that the suggestion was put forward by colonial officials. Hilda Kuper has pointed out that when means were sought in the Constitutional Committee on how to bring about a change in racial attitudes, "The first step suggested by representatives of the Administration was to remove discriminatory legislation".[125] About a year later the Resident Commissioner revealed through a policy statement that, "My officers and I prepared background papers and insisted that a prerequisite to any advance was a formal mutual resolution to abolish racial discrimination".[126]

The Resident Commissioner and the Secretary for Swazi Affairs however, registered the point that it would take some time to process such legislation. A meeting of the Full Committee would then be held on 9 June, 1961. In that meeting the Working Committee

[124]Matsebula, *A History*, p. 235.

[125]Kuper, *Sobhuza II* , p. 224.

[126]TOS, "Strong Words on the Constitution", 24 April, 1964.

of the Constitutional Committee considered the question of racial discrimination. Though the committee's position was that the issue should not be regarded as a constitutional matter some of the Swazi members of the committee felt that unless the whole question of racial discrimination were first settled, it would be difficult for the committee to get down to an objective appraisal of the constitutional needs of the Territory. It was at this meeting that among other matters, a press statement on racial discrimination was issued. Three major areas of discrimination were identified, namely, that;

> All discrimination on the grounds of race, colour or creed should be eliminated from the Liqour Licencing Proclamation. Legislation should be passed to prevent discrimination in hotels, restaurants, tea rooms, cinemas, and theatres, on the ground of race, colour or creed. Other laws and matters affecting discrimination should be revised, repealed or re – examined.[127]

Vincent Rozwadoski, writing as a columnist of the *Times of Swaziland* in mid-1961 had pointed out that, "racial discrimination embodied in laws was causing frustration and mistrust between Black and White".[128] He had also observed that, "the racial prejudice of the white section of our population was preventing social contacts and making understanding difficult".[129] He challenged blacks and whites in Swaziland seriously to consider the issues involved for moving towards a non-racial society. His questions were posed as follows;

> Are we all prepared to forego our sectional interests and privileges for the good of Swaziland as whole? Are the White Swazilanders mature enough to ask the Government to strike all discriminatory legislation off our books of law? Are they honest enough to banish race prejudice from their brains and hearts? Is the Swazi Nation prepared to meet the challenge of changing times and boldly adapt its traditional institutions to the demands of enlightened,

[127]UWL / William Cullen Africana Library, Historical papers, A 1931 / FB3 (File 1), Memorandum on the Constitutional Talks in Swaziland by the lawyers of the Swaziland Progressive Party and the Eurafrican Welfare Association, p. 5.

[128]TOS, "Thinking Aloud", 16 June, 1961.

[129]*Ibid*.

> efficient and unified Government? Are we all, Black and White, ready to accept and endorse some Bill of Rights?.[130]

Relating some months later how the Working Committee of the Constitutional Committee had tackled the question of racial discrimination, Mr. M . J. Fairlie, Acting Secretary for Finance and Development explained to the Standing Committee through the Resident Commissioner that

> Your Honour, in May this year … the committee accordingly made examination of all the laws in force in Swaziland, containing discriminatory provisions, and recommended with a few exceptions, that such provisions should be removed from the law. The exceptions were all matters which the Swazi members regarded as protective and which they considered should remain in force for the time being. It was felt however, that something more was needed and it was recommended by the Committee that legislation be prepared prohibiting discrimination in Swaziland, on the grounds solely of race, colour or creed. It was however, argued in the committee that things were moving along quite well in the Territory and that in a short time discrimination would disappear without the compulsion of the law. It was more strongly argued, however, and it was accepted by the committee, that we in Swaziland should show clean hands in this matter and that accordingly legislation should be introduced and the full Constitutional Committee accepted this recommendation.[131]

This new direction with regard to outlawing racial discrimination represented a major stride in the political history of Swaziland. For the fifteen-year period of its existence the SPA had been fighting against the manifestations of racial discrimination in many spheres of Swazi society without any imminent success in sight. The emergence of the SPP and other political formations had little additional impact. While the political parties had little impact on discriminatory legislation however, the abolition of racial discrimination had an impact on political parties. As Potholm observes,

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[130]*Ibid.*

[131]SNA, File 3233 / 78, Anti - Discriminatory Legislation, Extract From Minutes of Standing Committee Meeting of the European Advisory Council 24 - 25 October, 1961.

> The passage of the anti - discrimination measures undercut the appeal of the parties, because in the minds of many it indicated that the Swazi traditionalists had been able to work with the Europeans. For their part the European's realpolitik on the issue of segregation by law opened the way for a continued alliance with the traditionalists and effectively shut off, for the time being at least, the possibility of an anti - European alliance between the newly emerging political parties and the traditional hierarchy.[132]

Meanwhile in April, 1961 South Africa's Prime Minister, Verwoerd had attended the Prime Ministers' Conference in London and withdrew South Africa from the British Commonwealth. The British government in response now intensified its efforts to develop the Territories economically and politically[133]; and the Constitutional Committee in Swaziland continued with its work. A major point of difference between the SNC and British officials concerned the mode of constitutional advancement. While British officials insisted that western models such as had been adopted in Basutoland and Bechuanaland should to be applied to Swaziland, the SNC largely inspired by Sobhuza's views, maintained that a model that did not recognize and preserve traditional institutions was unacceptable.

Sobhuza insisted that a formula that would work in Swaziland was one in which a council that represented whites and blacks on equal terms would be established. According to the formula the two races would elect their representatives using their institutions and methods. This became widely known as the 50 - 50 formula. Regarding Swaziland's constitutional development Potholm noted that, "The form of that arrangement was of particular importance to the British; for Swaziland, with its large numbers of European settlers, could if properly developed, serve as a non - racial challenge to the South

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[132]Christian P. Potholm*, Swaziland*, p. 62.

[133]See, Gerard Simanga Kunene, "British Colonial Policy in Swaziland, 1920 - 1960", PhD Thesis, York University, 1992.

[134]Christian P. Potholm*, Swaziland*, p. 53.

African form of racial apartheid".[134] Potholm's remark highlights another critical issue determining Swaziland's path with regards to abolishing or attacking racial discrimination. The 1948 Nationalist Party victory in South Africa and more importantly, the fall out of Sharpeville, had produced extremely negative attitudes towards South Africa, and its racial system in many quarters. For British colonial authorities, South Africa's racial model became anathema, along with it, its forms of racial discrimination.

Despite the major differences on the constitutional route Swaziland had to take, the SNC and British officials were in general agreement that racial discrimination with its assumption of African inferiority was unacceptable. Leading government spoke persons utilised every opportunity they got to articulate this position. This approach served to convey the message that government had adopted this attitude as part of the reforms that accompanied broader changes in colonial policy. This effectively downplayed the contribution of local politics in these reforms. Addressing a Conference of the Swaziland Students Union at St Christopher's High School on 30 June, the Government Secretary, Athel Long, for example, stated that, "In Swaziland we feel that the Territory could be very well become a model, perhaps unique in Africa, of what a multi-racial country should be"[135]. He went on to declare that, "racial barriers have fallen or are in the process of demolition and everywhere there is a desire to make a success of the development of the country".[136] The submissions from the Government Secretary indicated that a new era was being ushered with regard to racial policy in Swaziland. In conclusion, he maintained that, "we are hopeful that the present policies will bear fruit and that it will be possible to show that people of different races can live together in harmony and co - operate for the good of all".[137] Long's speech to the SSU was intended to assure the students that government was doing its best to deal with discriminatory

[135]TOS, "Aims of Government Policy Outlined By Athel Long", 6 July, 1962.

[136]*Ibid*

[137]*Ibid*

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policies and practices in the country. As the SSU was an influential movement in the country such assurance was a significant gesture for the colonial administration in its dealing with the subject of discrimination at a time when it had become a top priority in local politics.

Consequently, on 24 October 1961, an Anti - Discriminatory Proclamation was passed.[138] This proclamation came into force in March 1962. It outlawed racial discrimination in certain sectors of the country. To emphasize the political significance of the proclamation the Government Secretariat wrote to the High Commissioner stating that, "It is politically important to get the above proclamation on the statute book at an early date and I should be glad to have your approval to discuss it at the next session of the European Advisory Council".[139] Writing to the Secretary to the Swazi Nation, the Government Secretary stated that, "I have the honour to forward a draft proclamation entitled the Race Relations Proclamation. This was proposed and accepted at a meeting of the Swaziland Constitutional Committee. It has now been referred to the European Advisory Council which has also agreed to it".[140] In response the Secretary to the Swazi Nation expressed the opinion that, "the Swazi National Council welcomes the proclamation on Race Relations".[141]

However the SNC noted major gaps in the proclamation's scope, which had not included the prohibition of discrimination in hotel accommodation, public parks, public swimming pools, public bodies, sports and sporting clubs, places of worship, hospitals and clinics, government offices and institutions, flat accommodation and schools.[142] Reviewing these

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[138]For the proclamation, see, SNA, File 3233 / 78 /, Anti - Discriminatory Legislation, Swaziland Race Proclamation, 1961.

[139]SNA, File 3233 / 78 / 10, Anti - Discriminatory Legislation, Letter from M . J. Farlie for Government Secretary to the High Commissioner, Pretoria, 27 September, 1961.

[140]SNA, File 3233 / 78 / 10, Anti - Discriminatory Legislation, Letter from M . J. Farlie for Government Secretary to the Secretary to the Swazi Nation, 31 October, 1961.

[141]SNA, File 3233 / 78 / 13, Anti - Discriminatory Legislation, Letter from P. L. Dlamini National Secretary to the Government Secretariat, 5 January, 1962.

[142]SNA, File 3233 / 78 / 13, Anti - Discriminatory Legislation, Legal Report.

developments, Potholm observed that, "the adoption of the resolution by the constitutional committee was widely regarded as a significant step forward for the social harmony of the country and an important political milestone".[143] Capturing Sobhuza's more ambiguous feelings about such developments, Kuper noted that, "To Sobhuza some of these "concessions 'were symbolic rather than basic … Racism was too deeply embedded to be removed by proclamations; it would take some time and strict enforcement, in addition to the revision of almost every statute in the country".[144] Sobhuza's feelings were motivated by the reality that the anti - discriminatory legislation was completely silent on the issue of political power which he envisaged would be transferred to the indigenous traditional leadership. Moreover, he considered that a meaningful transfer of power should be accompanied by economic power hence, his further concern with mineral and land rights.

A legal report which had been compiled by the Resident Commissioner to update the Secretary of State on developments in Swaziland concurred that, "Many of the laws of the Territory contain provisions distinguishing between the various races in the Territory"[145], but also indicated that, "Steps are being taken to remove all laws / provisions discriminating between the races".[146] The report justified the Proclamation on the grounds that, "The object of this proclamation is more general. It is aimed at preventing discriminatory practices using that term in its widest sense".[147] The removal

[143]Potholm, *Swaziland*, p. 61.

[144]Kuper, *Sobhuza II,* p. 224.

[145]SNA, File 3233 / 78, Anti - Discrimination Legislation, Swaziland, Legal Report under colonial regulation 149 (2), The Race Relations Proclamation, 1961.

[146]*Ibid.*

[147]*Ibid.*

of discriminatory legislation from the country's statutes was inspired by the political motives of British colonial authorities who considered certain benefits would be gained. The action fundamentally signified a desire to protect the Empire's image in the wake of serious criticism worldwide rather than deracialisation and movement toward non-racialism.

In explaining how deracialisation occurs in various contexts scholars have put forward different arguments. Biological determinists such Banton[148], for example, maintain that the disappearance of ethnic and racial barriers comes only when those in control perceive material and social benefits for doing away with them. In America, the critical race theory[149] which has been a very influential tool in the tackling of racial inequality holds that race lies at the very nexus of American life. The theory emerged from the concerns that racial reform in the United States was progressing slowly, and that any gains made by civil right laws of the 1960s were quickly being eroded in the 1970s.[150] Discontented that the American justice system had embraced a colour blind approach to social justice and, inspired by their belief that past racial injustices had to be corrected, advocates of this theory challenged the existing laws, arguing that they discriminated against persons of colour.[151]

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[148]M. Banton, *Racial and Ethnic Competition* (Cambridge: Cambridge University Press, 1983) and M. Banton, *Racial Theories*(Cambridge: Cambridge University Press, 1998).

[149]For a comprehensive text on the theory, see, R. Delgado and J. Stefancic (eds), *Critical race theory: the Cutting Edge*, 2nd ed. (Philadelphia: Temple University Press, 2000). According to Delgado, earliest writings on this theory can be traced to the works of Derrick Bell and Alan Freeman in the mid 1970s.

[150]For one such writing see, D. Bell, *Race, Racism and American Law* (s. l : Little, Brown, 1973). Critical race theorists believe that in order to appreciate their perspective, the voice of a particular contributor must be understood.

[151]According to Delgado and Stefancic (eds.), *Critical race theory*, both Bell and Freeman, Derrick Bell, a lawyer by profession began to fashion arguments that were designed to change existing laws.

Worth noting about racial discrimination in Swaziland is that it was formally tackled by the white colonial Administration. This development occurred under dynamic historical circumstances which do not permit us to interpret them in terms of a single theoretical framework as such an approach would be too simplistic. The approach adopted here is one that embraces various theoretical perspectives depending on the context and material basis. In this case, some theories which are usually seen as incompatible are embraced as complementary depending on their context and usability.

The outlawing of racial discrimination in Swaziland occurred under circumstances in which the colonial Administration sought to secure certain political gains. When the Administration outlawed racial discrimination it was more of a symbolic act rather than evidence of repentance from discriminatory principles and practices. It was just what it had to do if it were to try and uphold the image of a virtuous British Empire in the midst of tumultuous anti - colonial politics and a changing century - old colonial policy. Notably, the outlawing of racial discrimination was not an action that was orchestrated from below but it was designed from above. Because of the manner in which the anti-discriminatory legislation was designed it displayed many weaknesses which readily disqualified it as an effective instrument to usher a new dispensation in the race relations of the country.

One weakness of the proclamation was regarding its mechanism for dealing with offenders. According to the proclamation,

> If any person feels that racial discrimination is being exercised to his detriment he is entitled to lodge his complaint with a District Commissioner. That officer is given no power to take action. His function is to try and to bring the parties into amity by persuasion. Roughly his duty is to try to educate the offending party into thinking on lines of integration rather than on lines of discrimination. It is hoped that in the majority of cases this action should be sufficient to end the discrimination complained of.[152]

[152]SNA, File 3233 /78 /, Anti-Discriminatory Legislation, Swaziland Race Proclamation, 1961, Section 3.

If that did not work and, "the District Commissioner finds that he cannot settle the matter he issues a certificate to that effect to the aggrieved party who then may lodge a further complaint with the Resident Commissioner who has power to put an end to the discriminatory practice by forcible means".[153] The issue could further be taken to the courts if reconciliation failed. That the members of the Administration were to play crucial role in mediating on cases of discrimination made the situation unique to the colonial order where an independent judiciary had been developed. It may be suspected that the colonial officers were placed in this position to ensure that cases touching on discrimination would not get out of control. This feature immediately distinguishes the Swazi scenario from the American context engaged by the Critical Race theorists in the 1970s and 1980s where such cases were a prerogative of the courts. Moreover, while in the American case persons in the legal profession lobbied for the tackling of discrimination, in Swaziland the process was initiated and owned by the colonial officials. The other aspect which distinguished the Swaziland case from that of America was the manner in which the complainant went about his / her case. In Swaziland the complainant had to present his case in writing before the District Commissioner while in America the complainant's case was to be presented in a court of law with the assistance of a legal representative.

The abolition of racial discrimination was met with a positive welcome from many quarters of Swazi society. The SPP was one political group that expressed its support for the outlawing of racial discrimination. Despite its disapproval of the proposed constitutional schemes that had been adopted by the Constitutional Committee, the SPP strongly supported the idea of abolishing racial discrimination in Swaziland. In a press statement issued in 1961 it made clear that, "We insist on … the abolition of race discrimination".[154] Commenting on this development, Samuel Hynd objectively stated that, "The outlawing of racial discrimination was inevitable. It was the kind of thing that

[153]*Ibid.*

[154]UWL / William Cullen Africana Library, Historical Papers, Ernest Wentzel Collection, A 1931 / FB3 (File 1), Press Release by the Executive Committee of the Swaziland Progressive Party, 8 November, 1961 at Johannesburg, p. 2.

had to happen whether one liked it or not".[155] This explanation, however, tends to mask the reason behind the outlawing of discriminatory laws in the country.

The outlawing of racial discrimination was also greeted with joy by many blacks living in urban centres. In Manzini, for example, Jackie Nobela, a Mozambican born young man who had arrived n Swaziland in 1960 explained that, "At Paramount where we drank, there was a place called Fisherman's where blacks, as a matter of policy never dared to enter. But after the law was publicized, we, blacks freely entered though whites did not like it. I also heard that a black man had beaten up a white man at Warehouse who had practised some form of discrimination against him".[156] As I followed the story about the beating of the white man by a black, I virtually stumbled across Robert Machegu Dlamini who claimed to be the one who had beaten up the white man. In providing his side of the story, Dlamini recalled that

> When I started working at Manzini Warehouse in 1960 I found Oswin, a coloured man, who was in charge of employment. The Manager was known to the Swazi as Mbolwane. A white man known as Nstengu came after I had started working. Mbolwane was a Portuguese coloured and Nstengu looked Italian to me. I worked at the Warehouse for slightly over three years with other blacks. We looked after the store house and sold paint and other hardware material. Oswin who was from Hhelehhele treated us well. Then an Afrikaaner young man known as Freddy was also employed as supervisor. He ill – treated and despised blacks in a number of ways. This is the white man I fought and threw to the ground. I then beat him up thoroughly. That did not go down well with the other whites. I thought I would be dismissed from work but luckily I was not. The management was also aware that Freddy was provocative. After I had dealt with him he ended up leaving the company and another one known as Magayindana came.[157]

[155]Interview, Dr. Samuel Hynd, Manzini, Hynd's Clinic 13 August, 2005.

[156]Interview, Jackie Nobela, Sicelwini, Manzini, 31 October, 2005.

[157]Interview, Robert Machegu Dlamini, Nyalinyali, Buseleni, 5 November, 2005.

When I probed Dlamini on what gave him the courage to beat up the white man in a country in which he was 'untouchable', he explained that, "A law had been put in place in 1962 that outlawed racial discrimination. The whites had been placed at par with blacks".[158] The putting in place of the anti-discriminatory legislation was undoubtedly a significant step towards harmonizing race relations in Swaziland. One writer observed that, "Swaziland is in a position to develop as a State in which all people have equality of citizenship irrespective of race, colour or creed. Even before the elections a start was made to remove all elements of racial discrimination from the laws of the Territory".[159]

In respect of the anti - discriminatory legislation, Arthur Khoza observed that

> It was one positive development. But then at the time many Swazis were generally ignorant of human rights issues. Though there were provisions for dealing with offenders I don't remember of any case taken up. The other thing was that people's focus was on the upcoming independence and things were happening very fast from that time to the time when we got independence in 1968.[160]

Despite Khoza's inability to recall any case of discriminatory offence, the colonial report of 1962 reported that up the end of the year, "one complaint of alleged discrimination was received throughout the Territory".[161] The report went on to disclose that, "after a hearing before a District Commissioner reconciliation was effected between the complainant and the proprietor of the hotel accused of discrimination".[162] While the rarity of reported cases may have been an indication of triumph over the question of racial discrimination on the part of government, it could be on the other hand noted that the operation of the anti-discriminatory legislation was seriously handicapped. Prince Mfanasibili has observed that, "Since the architect of this legislation was the colonial

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[158]*Ibid.*

[159]UWL / William Cullen Africana Library, Historical Papers, AD 1715 / 29. 4, "An Outline of Economic and Political Events in Swaziland", by J. B. McI. Daniel, undated, but probably written in 1965.

[160]Interview with Aurthur Khoza, Mbabane , Selection Park, 4 January, 2005.

[161]UWL / William Cullen Africana Library, Cullen Government Publications, Great Britain, *Swaziland Colonial Annual Report* (London: Her Majesty's Stationery Office, 1962), p. 3.

[162]*Ibid.*

master, it was bound to have certain limitations".[163] First and foremost, the legislation was aimed at "reconciling" the affected parties rather than meting out punishment at the offender.

In addition, there was apparently no serious attention paid to the anti- discriminatory legislation by members of the public in Swaziland as the focus was on the ongoing constitutional proposals and upcoming independence. This development signified the point that the issue of racial discrimination was not just an issue for its own sake but one that provided the concerned parties with some routes to challenging white domination and the submission of their alternatives to the existing power relations. Essentially, the language of discrimination and associated proposals became political tactics for engaging those who yielded power in the country as well mechanisms to carve entrance points into emerging power alignments being presented by the new constitutional and political dispensation. Moreover, a large number of Swazi people living in the rural countryside did not come into contact with racial discrimination on a daily basis. Exposed to racial policies and discrimination on a day to day basis were those who were living in urban areas together with employees of the different industrial concerns in the country. While it did provide certain channels for redressing discriminatory offences in urban areas, the anti-discrimination legislation, unfortunately made no specific provisions for the industrial workers who continued to be exposed to racially discrimination mechanisms unabatedly in the industrial arena.

[163]Interview, Prince Mfanasibili, Manzini, Town Council Offices, 12 October, 2005.

6. 9 A Northern Rhodesian Model

The Swaziland Race Relations Proclamation of 1961 was modelled upon Ordinance No. 32 of 1960 of Northern Rhodesia[164]. Northern Rhodesia had a history of black and white relations which had allowed her to produce the kind legal instrument that would be considered relevant for Swaziland in her time of transition with regard to black and white relations. Relations between blacks and whites in colonial Zambia / Northern Rhodesia are usually portrayed, as having been benevolent.[165] In the earlier period of interaction between the two races blacks occasionally met whites as colonial administrators and missionaries. However, the discovery of copper in the 1920s attracted whites, mainly from South Africa to the central part of the country. The relations that developed between blacks and whites along the copper belt were characterised by intense discrimination and segregation compared to the rest of the country. This situation led to serious industrial disturbances in the 1930s and 1940s. In his assessment of the 1935 mine worker's strike on the Northern Rhodesian copper belt, Charles Perrings,[166] for instance, noted that the grievances leading to the strike were fundamentally inspired by a strong desire to reverse white domination.

The move towards non - racialism in this territory was initiated in the mid- 1950s when some Africans demanded that discriminatory practices and legislation be abolished. The whites conceded, though reluctantly, preferring a slower and more gradual process. From 1955 committees were established in different districts to promote and encourage harmonious relations between the races.[167] These committees functioned mainly in

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[164]For the Northern Rhodesian Ordinance, see, S. N. A. File 3233 / 78, Anti-Discriminatory Legislation, Published in the Supplement to the *Northern Rhodesia Government Gazette* dated 26 August, 1960 as Northern Rhodesia Ordinance no. 32 of 1960.

[165]See, for example, UWL / William Cullen Africana Library, Government Publications, Zambia's Central Race Relations Advisory Committee, Annual Report, 1957 and, R. Hall, *Zambia, 1890 - 1964: The Colonial Period* (London: Longman, 1976), especially the postscript, pp. 190 - 194, and K. K. Virmani, *Zambia: The Dawn of Freedom*(Delhi: Kalinga Publications, 1989).

[166]C. Perrings, "Consciousness, Conflict and Proletarianization: An Assessment of the 1935 Mine Workers' Strike on the Northern Rhodesian Copper belt", *Journal of Southern African Studies*, vol. 4, no.1 (October, 1977), pp. 31 - 51.

[167]See, UWL / William Cullen Africana Library, Government Publications, Zambia's Central Race Relations Advisory Committee, Annual Report, 1957.

advisory and conciliation roles.[168] In 1960 a law outlawing racial discrimination in Northern Rhodesia was promulgated. The legislation was known as the Northern Rhodesia Ordinance no. 32 of 1960. However, the politics of decolonisation superseded developments towards deracialisation and focus was shifted to anti-colonial politics. In 1964 the British handed political control back to blacks relatively unproblematically compared to Zimbabwe / Southern Rhodesia.

By the time Swaziland began her movement towards the formal abolition of racial discrimination, Northern Rhodesia had produced a legal instrument that appeared to favour a pattern that white settlers and officials of the British Administration in Swaziland considered suitable for the kind of relations they wished to exist between blacks and whites. In this context, Swaziland was being prepared to serve as a model of racial harmony as opposed to the racist apartheid state, which was withdrawn from the British Commonwealth by its Prime Minister in 1961, much as Northern Rhodesia was seen presenting a case for racial harmony as compared to Southern Rhodesia which thrived in an environment of racial animosities. The rationale behind this model was to argue that under British administration blacks and whites could peacefully co - exist. This approach therefore did not tackle discrimination in the country in its own terms but rather on a comparative basis, particularly against South Africa. The sister High Commission Territories of Basutoland and Bechuanaland had not achieved much in this direction as they were busy with their own constitutional and independence politics. In Kenya and other African countries, however, relations between blacks and whites had erupted into conflict and violence and their experience did not offer any inspiration for the kind of society envisaged in Swaziland.

[168]See, *Ibid*. and SNA, File 3233 / 78, Anti - Discriminatory Legislation, Northern Rhodesia, Race Relations (Advisory and Conciliation), Chapter 223 of Laws, 1957 edition.

The Northern Rhodesian Ordinance was highly commended by Swaziland's Resident Commissioner who pointed out in a meeting of the Swaziland Constitutional Committee in May 1961 that it had well tackled the problem of the colour bar in that country.[169] The Resident Commissioner also suggested that copies of the draft should be placed in Swaziland Libraries. Carl Todd, a leading member of the EAC concurred with the Resident Commissioner that a similar law needed to be introduced to force some whites to give up discrimination. Nevertheless he asked the Swazi to be patient as this would be a gradual process. Mr. C. S. Hubbard, a member of the EAC and a manager at Usutu Pulp Company suggested that change should be encouraged without promulgating any law, but did not receive any support from the members of the committee. They all agreed that legislation based on the draft law which had been presented by the Resident Commissioner should be promulgated forthwith. During a meeting of the Standing Committee of the EAC, Mr. J. Fairlie, the Acting Secretary for Finance and development further endorsed the Northern Rhodesian model when he moved for the adoption of the Race Relations Proclamation as follows;

> A law of this kind is already in force in Northern Rhodesia and we understand from the government of that Territory that it is working well. By that they mean there has been little recourse to it. The Northern Rhodesian law has been adapted to Swaziland conditions and is now before Council. It may be considered that its provisions are complicated, but it is a complicated subject and I think that they cover the whole matter.[170]

As if to celebrate the prospect of what the Northern Rhodesian law had already done for Swaziland, Farlie went on to declare that

> There have been considerable changes in racial attitudes in Swaziland within a very few months and for this all the sections of the community are to be congratulated, but racial discrimination is not yet a thing of the past and although the trend is in the right direction, the force which

[169]SNA, File 3233 / 78, Anti - Discriminatory Legislation, Extract From Recommendations made by the Working Committee of the Swaziland Constitutional Committee on the Subject of Discriminatory Legislation, 29 - 30 May, 1961.

[170]SNA, File 3233 / 78, Anti - Discriminatory Legislation, Extract From Minutes of Standing Committee Meeting of the European Advisory Council 24-25 October, 1961.

> the draft law gives will be of great benefit. Racial discrimination poisons all of us, whether we realise it or not, and in order to show that we are all at one on this, I would urge Council to associate itself unequivocally with the legislation now under consideration.[171]

Fairlie was strongly supported by Todd who also gave the EAC's support for the legislation. Through the Resident Commissioner, Todd boldly stated that

> Your Honour, I endorse wholeheartedly Mr. Farlie's approach to this problem. As a member of the Constitutional Committee and the Joint Working Committee, I have found that the relationship between the Swazi representatives and the Europeans is excellent and it certainly demonstrates to us that in the future there should be no apprehensions about us working in the closest collaboration and on a no racial discrimination basis.[172]

In February 1962 Sir John Maud, the High Commissioner wrote to the Secretary of State in London to request his comments and to seek his approval on the Race Relations Proclamation. The Secretary responded in the following month. He had effected certain amendments to the proclamation and observed that it was as close as possible to the Northern Rhodesian legislation and gave his approval for the promulgation of the document as the law outlawing racial discrimination. The law was now promulgated as the Race Relations Proclamation (no. 6 of 1962). This was the first and major official law outlawing racial discrimination in Swaziland. While the UN Committee on the Elimination of Discrimination viewed the legislation as a positive step, it criticized it for adopting "a narrower approach to the definition of the term 'racial discrimination', as it speaks only of discrimination based on race and colour".[173] However, the committee appreciated that the legislation came into force prior to the UN's International Convention on the Elimination of All Forms of Discrimination which took effect in 1969.

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[171] *Ibid.*

[172] *Ibid.*

[173] http: www.un.edu / humanrts /swaziland1997. html.

6. 10 Swaziland Democratic Party (SDP)

The SPP was by no means the first and last political party to be produced by the "Wind of Change" in Swaziland. After the SPP came the Swaziland Democratic Party (SDP). The SDP was formed in March 1962. This political party came into Swaziland political arena after racial discrimination had been formally outlawed. However, because the discriminatory practices persisted in most public spaces in the country the SDP's initial activities centred on this issue. The lack of political will to deal with discrimination as manifested through the inadequacy of the law to decisively curb it provided a fertile ground for the early activities of the organization. The activities included anti-discriminatory campaigns and the conscientisation of the Swazi public about the prevalence of the scourge. Kuper noted that, "The Democratic Party appears to be linked indirectly with the non - racial Liberal Party in South Africa".[174] Dudley Barker described the SDP as, "the more moderate party, and the more ready to welcome the existing development of Swaziland as a prosperous industrial State without racial discrimination".[175] Explaining the formation of the party, Potholm, remarks;

> Late in 1961 and early in 1962, Rozwadowski and Simon Nxumalo, together with Jordan Ngubane, a former official of the Liberal Party and African National Congress in South Africa, discussed the possibilities of forming a multi-racial party, one that would offer a middle-of-the-road alternative to the SPP and the settler - traditionalists alliance. On March 2, 1962, they announced the formation of the Swaziland Democratic Party.[176]

Heading this second political party was Simon Sishayi Nxumalo. Maria Vincent Jordan - Rozwadowski became its Secretary - General. Nxumalo hailed from Nkambeni in the northern part of Swaziland. His personal charisma and political acumen made his party popular in urban and some industrial centres during its formative stages. He is associated

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[174]Kuper, *The Swazi*, p. 80.

[175]Barker, *Swaziland*, p. 130.

[176]Potholm, *Swaziland*, p. 66.

with the Ndwandwe - Nxumalo chieftaincy lineage of Ebulandzeni.[177] He is described by Kuper as "a son of Mgcobeya"[178] According to Kuper, "Sishayi had already shown his ability as a community teacher and in September 1961 had started the Swaziland Sebenta Society to further education and community development".[179] Corroborating and adding to Kuper's thumbnail sketch, Polthom remarked that

> Although the son of a chief, Mr. Nxumalo had worked his way from a herd boy and cattle trader to become chairman of the Sebenta Society, where he had edited and wrote books for adult education courses and began to take active interest in the political future of the country.[180]

Rozwadowski, the Secretary of the SDP was Polish by origin. Potholm describes his journey from Poland as follows;

> Mr. Rozwadowski had enjoyed a long and varied long career. He left Poland during the World War II, escaping to Great Britain and then serving with the French underground for the duration of the war. Following its conclusion and his loss of family lands due to the Communist take over of Poland, he emigrated to South Africa where he became a rancher. Upset over the increasing implementation of apartheid, he and his South African wife moved to Swaziland where they engaged in dairy farming outside Mbabane.[181]

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[177]For the historical importance of this chieftaincy lineage and its connections with the Swazi royal family, see, Nhlanhla Dlamini, "The Ndwandwe in the History of the Swazi Nation", B. A. Thesis, University of Swaziland, 1994.

[178]Kuper, *Sobhuza 11,* p. 227.

[179]*Ibid.* Also, see, Barker, *Swaziland,* p. 130.

[180]Potholm, *Swaziland* , p. 66.

[181]*Ibid*.

A more detailed but brief biography of Rozwadoski appeared in mid-1961, in the *Times of Swaziland* as follows;

> Major Vincent Jordan– Rozwadoski born 1916 of an old Polish family known for its services to Poland. His father was a Minister in the first Government of Independent Poland. His uncle General Rozwadoski commanded the Polish army in the battle of Warsaw in 1920 which stopped the Bolschevik armies in their advance to Europe. Major Rozwadoski was educated in Switzerland and Poland, obtained a degree in Economics at the University of Lwow. Fought as a cadet officer in the campaigns of Poland and France. After the French Collapse joined and later became chief of the Allied Intelligence Network F. 2. in occupied France until the Liberation. Three times captured by the Germans, three times escaped. Rank of Major in the French Army. Decorations: M. B E. (Military), Legion of Honour, Croix de Guerre, Virtuti Militari (Polish V. C.), Medaille de le Resistance e.t.c , … Refusing to return to Communist Poland, emigrated to South Africa in 1947 and settled on Hladki Farm near Forbes Reef in 1956.[182]

Of Rozwadowski's political orientation in Swaziland, R. P. Stevens remarked that, "By exposing and condemning white attempts to check political progress and even to subvert the territory's independence, he has earned himself considerable hatred from the white community".[183] On the other hand Stevens pointed out that, "It also seems that his firm allegiance to English principles of politics and his strong advocacy of British ties have won him the respect, if not the support, of the British Administration".[184]

SDP policy followed the lines of the non-racial South African Liberal Party.[185] All this contributed to the development of its own distinct platform on the issue of racial discrimination. While it hoped to maintain friendly relations with South Africa and

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[182]TOS, "Thinking Aloud", 16 June, 1961.

[183]R. P. Stevens, "Swaziland Political Development", *Journal of Modern African Studies*, vol. 1, no. 3 (1963), pp. 341.

[184]*Ibid.*

[185]For a text that highlights Jordan Ngubane's political career in South Africa and Swaziland, see Randolph Vigne, *Liberals Against Apartheid: A History of the Liberal Party of South Africa, 1953 – 1968*(London: Macmillan,1997).

Portuguese Mozambique, it openly condemned the concepts of apartheid and assimilation operating in these respective countries. In one of its campaign pamphlets, for example, the party declared that, "There is no hypocrisy in the Swaziland Democratic Party. We are sworn enemies of apartheid".[186] Potholm has further observed that

> From its inception, the Democratic Party was moderate in both policy and tone. It was manifestly nonracial and enjoyed some liberal European backing. Its platform recognized the need of a king, but wished to make the Ngwenyama a constitutional monarch and favoured extensive social welfare legislation to improve the living conditions of the average Swazi. It opposed Pan-Africanism as a political philosophy on the grounds that foreign elements, particularly those from Ghana, would intervene in the domestic affairs of Swaziland.[187]

In outlining its constitutional principles the SDP came out clearly against racial discrimination and firmly upheld non - racialism. It, for example, among other things, had enshrined in its constitution that, "citizenship, the protection of fundamental human rights, and the worth and dignity of the human being were not to be informed by race".[188] Racial discrimination was one of the most important issues raised by the SDP. The SDP felt that racial discrimination (despite its outlawing) was still rife in the Swaziland Police Force and in the nursing profession.

In a letter that was addressed to the Resident Commissioner and copied to the *Times of Swaziland* the leader of the SDP complained that, "The Swaziland Police Force is staffed almost entirely by White officers, whereas all other ranks are of African Race. Frequently an African constable has as his officer a man of less experience and lower educational standards".[189] It was further observed in the letter that, "The nursing profession also seems infected with racialism. Although nurses of all races take the same

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[186]UWL / William Cullen Africana Library*, Sibani: Newsletter of the Swaziland Democratic Party*, Volume 1, No 2.,"There is Only One Way to Build a United, Prosperous and Powerful Nation– Join the Swaziland Democratic Party, 12 September, 1962.

[187]*Ibid.* , p. 67.

[188]See, UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4. 6. 2 Swaziland Democratic Party, The Constitution of the Swaziland Democratic Party.

[189]TOS, "Democratic Party Writes Letter to His Honour", 13 April, 1962.

examinations those of European race are made sisters immediately on qualifying, often being put in charge of nurses of African race who are more experienced in the profession".[190] In September 1962, giving warning in its newsletter on the direction being taken by constitutional developments the party reasoned that:

> The danger is very real that Great Britain might get the impression that the recommendations of the Constitutional Committee are accepted by the majority of the people of Swaziland. If this happens a constitution might finally be forced on the Protectorate which could vest power in an alliance between White reaction and an anti - democratic and race conscious oligarchy. The result would be very widespread disturbances in the territory which would lead to conflict between the Black and White and paralyse the economic development.[191]

The party also accused the Constitutional Committee of giving a "legal sanction to race-consciousness in a society whose destiny lies in economic integration and race equality"[192]. Further it predicted that, "Inside the Legislative Council the fashion will be inevitably to approach the country's problems from racial angles".[193] As part of its strategy to acquire popular support and to fight against prevalent social injustices and discrimination, the SDP engaged in demonstrations. One such demonstration took place in Mbabane and was dramatically captured in the newsletter of the party as follows;

> It was Wednesday the fifth of September- the time was 4: 15 p. m. A group of about five members of the Swaziland Democratic Party left their Mbabane office behind Mr. Sishayi Nxumalo, leader of the Party. They walked in procession carrying placards demanding that race discrimination must go from Swazi national life. The procession marched to the market place where Mr. Nxumalo delivered a short address in which he attacked Government's policy of failing to cleanse the life of the Swazi nation of traits of apartheid. He then warned that the

[190] *Ibid.* For an engaging discussion on discriminatory attitudes involving the nursing profession in South Africa, see, Shula Marks, *Divided Sisterhood: Race, Class and Gender in the South African Nursing Profession*(Basingstoke: Macmillan, 1994).

[191] SNA, File 3111 / 1, Swaziland Democratic Party, *Sibani*: *Newsletter of the Swaziland Democratic Party* Volume 1, No 2. , "Warning on Constitutional Proposals", (Editorial) 14 September, 1962.

[192] *Ibid.*

[193] *Ibid.*

> Democratic Party would take effective steps to see to it that nobody flouted the law by displaying apartheid signs in Swaziland. From the market he proceeded to the Railway Bus Station, followed by a group of men and women from the market. He unscrewed the apartheid sign amidst cheers from the Africans. He then went around the station looking for more signs … With the enamel sign in his hand Mr. Nxumalo walked to the Police Station where he reported that he had pulled it down because it violated the laws of the land. He demanded to know why this sign had been allowed at the Mbabane Station. Somebody in uniform replied and said it was a mistake that this had happened.[194]

The writer of the article took the opportunity to justify the action taken by the party leader and his followers. This went as follows;

> Why did the Swaziland Democratic Party take this unprecedented step in the history of the protectorate? Firstly, the Party feels that the Government is too slow in cleansing our national life of the virus of race discrimination. Public opinion must assert itself in the clearest manner possible against this attitude. The Party merely expressed an attitude adopted by the majority of right-minded people in the Protectorate. Secondly, the party does not believe that mere talk will transform Swaziland into a great and powerful nation. Action alone will do this– action against the racialist no matter who he is. The racialist is the most dangerous enemy in Swaziland. Whether or not he is white he is apartheid's fifth column in Swaziland. He must be exposed and destroyed utterly because if he is not he will destroy the Swazi people. He is interested in himself. He plays on the passions of the people to mislead them to advance his own selfish and opportunistic ambitions. The Democratic Party won't stand any humbug from anybody. Thirdly, some people want to see the law a dead letter. They want to sabotage it by posing as the enemies of race discrimination while they do nothing decisive to destroy it. The Democratic Party wants to call off their bluff. Finally, the Democratic Party believes in action. It can act for all to see because its policies are rooted firmly on the solid rock of principles. It is the only party with a clear programme and a clear policy of progress. In its war against apartheid in Swaziland it

[194]UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4 .6 .2, Swaziland Democratic Party– *Sibani Newsletter*, "War on Apartheid", 28 September 1962. See also, TOS, "Race Discrimination Attacked", 4 May, 1962.

> plans to launch a national campaign to cleanse the country of the evil wherever it shows itself.[195]

In a similar incident the SDP mounted a demonstration against racial practices experienced by Africans in South African Railway (S. A. R.) buses. The demonstration appears to have been a well-calculated measure on the part of some SDP members. According to news contained in the party newsletter, it all began on 20 September when a group of Africans led by Sishayi Nxumalo tried to enter the "Whites Only" compartments of the S. A. R. buses. These were apparently members of the SDP. The demonstration not only received wide publicity in the South African press but also led to an official meeting between Swaziland and South African authorities.[196] During the meeting, however, the South African authorities only promised to consider the issue further; no practical steps were implemented. Celebrating the success of the SDP's campaign a contributor to the party's newsletter boasted that, "The fact that our demonstrations have led to the calling of a special conference between South Africa and Swaziland on railway bus transport for October 11th justifies everything we did".[197] The same writer claimed that, "We know, for example, that race discrimination remains in some of the places where the Race Relations Proclamation is said to have killed it".[198] In his article the writer went on to refer to discrimination in the provision of hotel accommodation and revealed that, "In some hotels Africans are turned away when they want accommodation on the pretext that bookings are full. When Whites come the rooms suddenly become empty".[199] Among other discrimination-related issues the SDP raised strong concerns with regard to hospital accommodation and the police service. Reporting through its newsletter the party noted that

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[195]*Ibid.*

[196]For some details , see, WUL / Historical Papers, AD 1947 / 47. 4 .6 .2, Swaziland Democratic Party– *Sibani Newsletter*, "Clear Victory for S.D.P. Campaign", 28 September, 1962.

[197]UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4 . 6 . 2 , Swaziland Democratic Party – *Sibani Newsletter*, "Insults and Indignities", 28 September, 1962.

[198]*Ibid.*

[199]*Ibid.*

> Steps have been taken by the party to ensure that race discrimination in the hospitals and the police service is abolished. In a recent letter to the Resident Commissioner the Party drew his attention to the fact that in Government hospitals there is still discrimination in the treatment of African patients and in the making of appointments in administrative posts.[200]

Perhaps reflecting the absence of fundamental changes in the race relations of Swaziland, the Resident Commissioner's reply was that he had given instructions that Africans who could afford paying for the service should be admitted into white wards. On the concerns raised about discrimination in the police he only promised to look into the matter. Warning against re - embracing discriminatory practices in Swaziland, the SDP in its newsletter commented as follows;

> In terms of the law in the Protectorate, race discrimination in private establishments serving the public is illegal. We are required to believe that this is indicative of genuine desire on the part of the government and of a section of the ruling whites to collaborate effectively with the African in building a better society, based on race equality. Seen against the immediate past, when an African could be kicked out of a hotel and assaulted and finally prosecuted for entering it, the partial repeal of the colour bar laws is something we can accept as a step in the right direction.[201]

As much as the party appreciated the anti-discriminatory legislation that was in place in the country, it was still concerned at the subtle ways in which some whites persisted with discriminatory tendencies. It, for example, remarked that, "it would be to ask too much of the African to expect him to ignore subtle tricks from sections of the White community to defeat the ends of the law, and therefore, to sabotage movement towards a non-racial society"[202]. The dramatic and vigorous campaigns launched by the SDP not only spoke

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[200]UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4 . 6 . 2, Swaziland Democratic Party– *Sibani Newsletter*, "Discrimination in Hospitals", 21 September, 1962. See also, TOS, "Race Discrimination attacked", 28 September, 1962.

[201]UWL / William Cullen Africana Library, Historical Papers, AD 1947 / 47. 4 . 6 . 2, Swaziland Democratic Party – *Sibani Newsletter*, "Return of the Colour Bar", 9 November, 1962.

[202]UWL / Historical Papers, AD 1947 / 47. 4 . 6 . 2, Swaziland Democratic Party– *Sibani Newsletter*, "Too much", 9 November, 1962.

of its stance towards discrimination but also of its protest against the political power arrangement in the country which tended to favour whites. The party also canvassed for the replacement of the prevalent political order with one in which educated blacks would participate on an equal basis with whites. To the SDP such participation could be meaningfully realized in a liberal and non-racial democratic society.

6. 11 Conclusion

This chapter has shown that the beginning of the 1960s marked a historical watershed in the political history of Swaziland. The world political order and wider Asian and African anti-colonial politics brought about a fundamental change in British colonial policy. The change in colonial policy gave impetus to local political activities leading to independence. The commencement of political activity equally posed a challenge on Swaziland's race relations that subsequently led to lawful abolition of racial discrimination in Swaziland within the first three months of 1962. Apart from the fact that the anti - discriminatory legislation was to function largely within the mechanism of the colonial administration, it lacked the necessary provisions to redress the question in urban and industrial spaces where a considerable number of Swazis were exposed to discrimination on a day to day basis. This tended to limit its application as it was misplaced.

The main political formations that had emerged in the country continued to agitate for a new non - racial order. Swazi traditional authorities and a few white supporters pressed for multi - racialism. The newly emergent modern political parties advocated non - racialism. The condemnation of racial practices was continued by the political formations up to the end of 1962. During this three year period political party activity was at its formative stage, mainly characterized by organization, the espousing of ideologies and developing their programmes as well as the undermining of discriminatory practices on the basis of race. The issue of racial discrimination was at the centre of these developments and used by stakeholders to agitate for the replacement of the current political power arrangement. Each of the political formations put forward the idea of the kind of society they envisaged under their proposed new political order.

Immediately following the abolition of racial discrimination, most of the newly emerged black political parties took a strong stand against discriminatory practices to advocate a non-racial society while maintaining that that ideal had to be translated into practice. The publication of constitutional proposals during this year highlighted that Swaziland bent

on following a political path based on representation along racial lines. As early as May 1962 Nquku of the SPP, for example maintained before the United Nations Special Committee that despite the promulgation of an anti-discriminatory legislation in Swaziland "discrimination still remained in many ways".[203] Engaging the issue further he argued that white settlers in the country, numbering 10 000 of whom 75% were from South Africa, were resisting change.[204]

[203]SNA, File 3076, United Nations Organization, Special Committee of 17 Concludes Questioning of Petitioners From Basutoland, Swaziland and Bechuanaland, Press Release, 14 May, 1962.

[204]*Ibid*.