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**Masigo, Lionel Percy.**

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# THE OPEN SOCIETY INITIATIVE FOR SOUTHERN AFRICA AND THE STRUGGLE FOR OPEN SOCIETY IN SWAZILAND 2005-2010

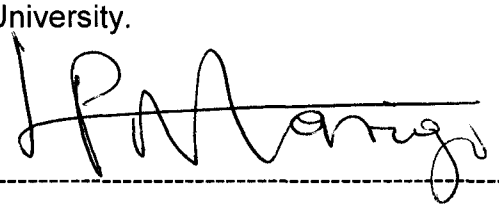
LIONEL PERCY MASIGO
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A research report submitted to the Faculty of Commerce, Law and Management, University of Witwatersrand, in partial fulfilment of the requirements for the degree of Masters of Management (in the field of Public and Development Management)

May 2013

## DECLARATION

I, Lionel Percy Masigo, declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.



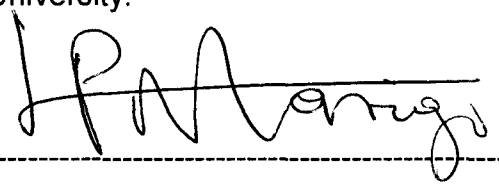
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Lionel Percy Masigo

May 8, 2013

## DEDICATION

This report is dedicated to Alpheus Molefe who suffered a brutal murder in 2009 through a barrel of a gun at the hands of merciless thugs. Alpheus Molefe was Open Society Initiative for Southern Africa's (OSISA) senior logistic person; a fancy title for a driver. This report wishes to contribute to the on-going struggle for an open society; a society that propagates values of concern for others and shared values that hold society together, a society for which Alpheus Molefe in his own unique way strived.

MAY HIS SOUL REST

**ACKNOWLEDGEMENTS**

To God be the glory and praise for the gifts of life, my loving and supportive wife, Nomvuyo and our beautiful sons, Teballo and Khotatso.

I am eternally grateful to my supervisor Professor Susan Booysen for her dedication, guidance, supervision, patience and encouragement throughout the research report. Without her able assistance this study would not have been possible.

To all who have contributed by being part of the interviews, thanks a million.

To my colleagues, and in particular Richard Lee and Fungayi Percy Makombe, whose valuable comments were much appreciated, I say THANK YOU.

To Stuart Marr for proof-reading the research report, thanks very much.

I thank OSISA management, especially Deprose Muchena, for affording me the opportunity to complete this study. Had it not been your encouragement, moral and financial support I would not have made it. MANY THANKS.

Last but not least, to a friend, sister and a comrade, Ms S; you are remarkably intelligent and graciously wise. THANK YOU IMMENSELY.

**ABSTRACT**

This study of the Open Society Initiative for Southern Africa and the struggle for open society in Swaziland 2005-2010 is premised on the notion that Swaziland is faced with serious challenges relating to democratic governance and the abuse of fundamental human rights that undermine the basic values of an open society.

An open society is a society in which the state is responsive to the needs and interests of its people, is tolerant of different and differing views, and has clear, transparent and accessible political mechanisms that allow people to determine who their leaders will be. Open society as an ideal stands for "freedom, democracy, and rule of law, human rights, social justice and social responsibility" (Soros, 2000: 120). Open society therefore demands and requires the rule of law that guarantees freedom of speech and press, freedom of association and assembly, and other rights and freedoms that empower citizens to defend themselves against the abuse of power and to make use of the judicial branch for such defence (Soros, 2010: 70).

Open Society Initiative for Southern Africa (OSISA), upon recognising the deteriorating situation of human rights and governance declared Swaziland a crisis country, together with Angola, Zimbabwe, and later DRC. By "crisis country" OSISA means a country in which a calamity of governance persists through various manifestations, and that these conditions are continuously in decline. The calamity of governance denotes a situation that has gone beyond on-going systemic weakness: one that has gone into dysfunction and, without intervention, is on the precipice of total disequilibrium. Human rights and governance in a crisis country are systemically weak. The OSISA Board therefore established the Swaziland Engagement Fund to help address the situation.

The thrust of this study through the relevant literature review, interviews and analysis thereof has been to investigate the effectiveness of OSISA's interventions through its Swaziland Programme. The study established that there have been successes as well as failures and reached the following conclusions.

Both the leaders of the OSISA Swaziland Programme and the organizations interviewed for this research project acknowledged that OSISA's interventions have contributed to improving the governance and human rights situation in Swaziland, at least in so far as raising the consciousness and awareness of Swazis to the issues at stake.

The research revealed that all leaders of the organizations interviewed have a common understanding of what open society means. They acknowledged that although there is an attempt to work together, when it comes to funding, each organization looks after its own interests. As a consequence, common goals dissipate.

In the period of the study there have been challenges in how OSISA has carried out its Swaziland Programme. Such challenges include an inability to articulate its strategy and vision, lack of clarity in terms of funding model, and lack of a focussed programmatic area.

There are things that OSISA got right in its interventions. Foremost among them is having made Swaziland a priority country; and opening an office with local personnel on the ground. OSISA can capitalize on these successes and carry forward further programmes.

The research revealed an agreement that the momentum to contribute to building a democratic Swaziland is there both in the OSISA Swaziland Programme and in the organizations interviewed. However, it would take a

concerted effort of all the various organizations and Swazis to closely work together and the research points to the need for OSISA to invest more resources in the Swaziland Programme.

There is a need for investment in capacity building to strengthen civil society capacity to lobby for topical issues. The research shows that in 2005-2010, the OSISA Swaziland Programme was a meaningful step in this direction, yet it had a constrained impact.

Based on the research conducted, this study therefore recommends the following operational actions:

1) Yearly grantees and potential grantees meetings, convened by OSISA, to discuss and agree on:
   - The OSISA Swaziland Programme national strategic vision;
   - Programme of action;
   - Working committee operations; and
   - A progress evaluation plan.

2) Quarterly or semester meetings, organized by the working committee, where grantees and potential grantees can discuss the following:
   - Feedback by OSISA on any new programmatic developments;
   - Organizations' progress reports; and
   - A review of work done.

As OSISA has declared Swaziland a priority country, the organisation must match that with reasonable budget allocations, and also needs to link up grantees and potential grantees with other potential funders. In addition, the OSISA Swaziland Programme should explore ways to invest in the youth, particularly the rural youth.

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# CHAPTER 1

## INTRODUCTION

This study, entitled "Open Society Initiative for Southern Africa[1] and the struggle for open society in Swaziland 2005-2010" seeks to investigate the effectiveness of OSISA's interventions through its Swaziland Programme. OSISA's mission is to initiate and support programmes working towards open society ideals, and to advocate for these ideals in Southern Africa.

At the 12 September 2004 OSISA Board meeting, the Board approved the proposal to designate within the 2005 budget, and possibly the subsequent two years, a Swaziland Engagement Fund to enable a degree of sustained focus on the country and to support a regional advocacy effort on the Swaziland human rights and governance question. It is in this context that the present study seeks to investigate the efficacy of OSISA's interventions through its Swaziland Programme and to review whether or not the objectives set at the start of the Swaziland OSISA Programme were achieved in the period from 2005 to 2010. It is anticipated that the study will both shed light on the specifics of open society development assistance in Swaziland and serve as a useful case study for similar democracy support programmes internationally.

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[1] OSISA is a Johannesburg-based foundation established in 1997, working in ten Southern Africa countries: Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe. OSISA's vision is to promote and sustain the ideals, values, institutions and practice of open society, with the aim of establishing a vibrant Southern African society in which people, free from material and other deprivation, understand their rights and responsibilities and participate democratically in all spheres of life (http://www.osisa.org/about_osisa.htm).

## 1.1 BACKGROUND (GEOGRAPHIC, DEMOGRAPHIC AND POLITICAL)

Swaziland faces serious challenges relating to democratic governance and the abuse of fundamental human rights that undermine the basic values of an open society. OSISA, upon recognising the deteriorating situation of human rights and governance, declared Swaziland a crisis country together with Angola and Zimbabwe, and later the DRC (Proposed strategy on OSISA Crisis Countries, 12 September 2004).

By "crisis country" OSISA means a country in which a calamity of governance persists through various manifestations, and that these conditions are continuously in decline. The crisis of governance denotes a situation that has gone beyond on-going systemic weakness, one that has gone into dysfunction and which, without intervention, is on the edge of total disequilibrium. Human rights and governance in a crisis country are systemically weak (Proposed strategy on OSISA Crisis Countries, 12 September 2004).

OSISA's interventions through its Swaziland Programme were in response to this situation, and this study seeks to review these interventions. The following paragraphs seek to provide the geographic, demographic and political context to the challenges of Swaziland and OSISA's response to the challenges.

Geographically, Swaziland is situated in the east of the Southern African sub-continent and is surrounded by South Africa and Mozambique. Swaziland has a population of 1.2 million people (Amnesty International Report, 2012: 320). Adult literacy is said to have stood at 86.9 in 2011, compared to 86.5 in 2010 (Amnesty International Report, 2012: 320). Life expectancy was reportedly slightly higher at 48.7 per cent in 2011, compared to 47 per cent in 2010 (Amnesty International Report, 2012: 320. Infant mortality is seemingly low at 73 per 1000 people. The

economic situation is reported to have deteriorated, and by 2011 "the country could not secure loans due to its failure to implement fiscal reforms, and its unwillingness to accept conditions, including instituting political reforms, within agreed time frames" (Amnesty International Report, 2012: 320). Prevalence of HIV remains high, albeit with signs of levelling off (Amnesty International Report, 2012: 320). The Amnesty International Report (2011: 309) reported that Swaziland's HIV prevalence rate among adults aged 15-49 years was the highest in the world, but "access to and remaining on treatment was still difficult for some patients due to poverty, lack of transport in rural areas, food insecurity, poor drug procurement procedures and lack of funding because of the country's poor financial management" (Amnesty International Report, 2012: 322).

Politically, Swaziland is the only sub-Saharan country that is still ruled by an absolute monarch. This autocratic system has been in place for decades. All democratic institutions have been outlawed since 1973 and political parties are banned. King Sobhuza II's 12 April 1973 proclamation marks the consolidation of a stance that a multi-party democracy dispensation was far from being realized. The proclamation declared that democracy is a foreign concept that ordinary Swazis did not want, and that it disrupts Swaziland's peace (Mzizi, 2004: 99; Baloro, 1994: 25-26; Wanda, 1990: 169). This proclamation consolidated the power of the King. All powers of the state (legislative, executive and judicial) reside in the King (Mzizi, 2004: 99; Baloro, 1994: 26; Wanda, 1990: 169). As a result, the King rules by decree in council with the cabinet. All political parties, meetings and public activities remain banned. Anyone found guilty of participating in political rallies, marches and meetings can be detained for sixty days without trial. In 2008 the Swaziland Parliament passed the Suppression of Terrorism Act No. 3, under which anyone found guilty of participating in political rallies, marches and meetings can be charged with treason.

The governance practices of recent decades stand in contrast to the situation that had prevailed in Swaziland at independence in 1968, when Swaziland inherited a democratic system modelled on the Westminster system (Wanda, 1990: 162-163).

The Swaziland Independence Order of 1968 declared Swaziland a sovereign independent kingdom. Worth highlighting with regard to the Swaziland Independence Order of 1968 are the following (Wanda, 1990: 162-164; Baloro, 1994: 19-24):

- The Constitution became the supreme law of the country;
- The King, in discharging his duties, was bound by the law of the country; and
- Having been vested with legislative authority, the King had to assent to every Bill for it to become law.

Preceding the Independence Order of 1968 was the Swaziland Order in Council of 1963, which brought about changes in the governance of the country. The 1963 Order was Swaziland's first modern constitution and it included a Bill of Rights (Wanda, 1990: 153). Most importantly for Swaziland, the Constitution recognised the traditional office of the King, even though he was not actively involved in governing the country (Wanda, 1990: 154).

The Swaziland Constitution Order of 1967 followed (Wanda, 1990: 156). It recognised the person of the King as King of Swaziland and head of state, with power to do all things belonging to his office in accordance with the provisions of the Constitution and of all laws in force at the time. This Constitution provided for the establishment of Parliament constituting a Senate and a House of Assembly (Wanda, 1990: 159).

1978 saw the creation of the *Tinkhundla*[2] system (Wanda, 1990: 173; Baloro, 1994:26). The Order of 1978 established an Electoral Committee whose prerogative was supervision of the conduct of elections by the *Tinkhundla* and election of members of the House of Assembly by the associated Electoral College (Wanda, 1990: 173; Baloro, 1994: 27-29). The Electoral Committee was appointed by the King. The Order of 1978 vested the executive power in the King (Wanda, 1990: 175; Baloro, 1994: 28).

In 2005, sustained but limited political pressure forced the ruling elite to come up with a new constitution. 2007 saw the 2005 Constitution being challenged by the banned political parties and workers' unions on the basis that it was flawed, both in process and in content. There was no sufficient consultation – Swazi citizens did not participate in the making of the Constitution (Conversation with Jan Sithole, former general secretary of Swaziland Federation of Trade Unions (SFTU), 2008).

In 2008 Swaziland had parliamentary elections which were ridden with controversy, including the issue of the King appointing his own people to the Elections and Boundaries Commission (Conversation with Musa Hlophe, director of Swaziland Coalition of Concerned Civic Organizations (SCCCO), 2009). The elections did not allow political parties' participation.

The year 2008 also saw the tabling and passing in Parliament of the Suppression of Terrorism Act No. 3 of 2008. This Act is viewed by many, including the international community, as an attempt by the Swaziland authorities to silence dissent in the country. Above all, this Act is seen to be undermining the basic human rights of Swazis (Sachikonye and Maveneka, 2009: 20).

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[2] *Tinkhundla* are local councils which are established by the King at his discretion, to carry out traditional functions under Swazi tradition and to elect according to traditional procedures an *Inkhundla* Committee, which in turn elects two persons to represent it as delegates and vote on behalf of the *Inkhundla* at the Electoral College (Wanda, 1990: 173).

The Amnesty International Report of 2010 reported that the rights to freedom of association, expression and assembly continued to be repressed. As recently as 12 April 2011, the people of Swaziland were seen taking to the streets, protesting against the rule of the King and demanding rule by democracy. The heavy handedness of the regime's response prompted a call by the Southern African Development Community (SADC) Lawyers Association on 15 April 2011 for the government of Swaziland to respect the people's right to freedom of expression, association and assembly as enshrined in articles 19 and 20 of the Universal Declaration of Human Rights, articles 10 and 11 of the African Charter on Human and Peoples' Rights, and sections 24, 25 and 26 of the 2005 Swaziland Constitution.

The Amnesty International Report (2012: 320) noted a dramatic deterioration in the financial situation of Swaziland, to the extent that it could not secure loans because the government was not prepared to implement fiscal reforms and was unwilling to accept the condition of allowing political reforms. Evidently the Swaziland government was also not willing to engage civil society organizations on issues of multiparty democracy (Amnesty International Report, 2012: 320). There are reports that Swaziland government at the UN Universal Periodic Review hearing on democracy in October 2012 went as far as rejecting recommendations to allow political parties to participate in elections (Amnesty International Report, 2012: 320). The year 2011 was no better. Amnesty International Report (2011: 308) remarked on the decline of Swaziland economy, with a fall of 62 per cent in the revenue the country receives from the Southern African Customs Union (SACU).

Preceding trends continued in 2011. Authorities are reported to have continued using provisions of the 2008 Suppression of Terrorist Act to arbitrarily detain and charge political activists (Amnesty International

Report, 2011: 308). The year was also marked by freedom of expression being restricted by statutory laws affecting the media. Public officials were also reported to be threatening journalists and editors (Amnesty International Report, 2011: 308). The year 2012, like the year 2011, was marked by the Swaziland government banning and disrupting protest marches organized by unions and other civic organizations. There were reports of peaceful anti-government protests being crushed through the use of unlawful arrests and "state of emergency-style measures" (Amnesty International Report, 2012: 320).

## 1.2 PROBLEM STATEMENT

On an on-going basis, Swaziland faces serious challenges relating to democratic governance and the abuse of fundamental human rights. Recognizing these challenges, in 2005 OSISA began a grant-making and advocacy programme for Swaziland, designed to address the crisis. In particular the programme was intended to:

- Build and develop advocacy capacity of non-governmental organizations (NGOs);
- Popularize issues related to human rights and socio-economic justice;
- Explore creative ways to take the constitutional review process forward;
- Advocate for civil society participation in constitutional reform and get media advocacy groups to partake in this process;
- Advocate for political pluralism;
- Promote women's rights and women in politics and decision-making; and
- Promote citizen participation through reform of *Tinkhundla* system.

Through its Swaziland Programme interventions, OSISA has sought to address the challenges facing Swaziland, but this does not seem to have been altogether successful – possibly due to civil society not being adequately capacitated, or perhaps there is not the inclination, anchored in a matching political culture, to take up the initiatives that the programme facilitated. Swazi society is not anywhere close to becoming an open society. Instead, Swazi authorities are increasingly ensuring that the Swazi nation remains suppressed, with no freedom of thought, expression, choice or association. Amnesty International reports for 2011 and 2012 highlighted the continued repression of those seeking democratic change in Swaziland.

This study investigates the effectiveness of OSISA's interventions through its Swaziland Programme, and endeavours to answer the following questions:

*Primary research question*

- To what extent have OSISA's interventions through its Swaziland Programme contributed to improving the governance and human rights situation in Swaziland?

*Secondary research questions*

- What have OSISA's efforts in Swaziland aimed to achieve?
- What failures has OSISA had in its Swaziland Programme, and how can these be turned around?
- What successes has OSISA had in its Swaziland Programme, and how can these be replicated in countries where OSISA operates and in which the same challenges are experienced?
- What recommendations can be made for OSISA specifically and for civil society more broadly in order to address the governance and human rights challenges faced by Swaziland?

## 1.3 PURPOSE STATEMENT

The purpose of this study is to investigate the effectiveness of OSISA's interventions through its Swaziland Programme. The study therefore seeks to review whether or not the objectives set at the start of the OSISA Swaziland Programme have been achieved, and to make recommendations so as to improve OSISA's interventions in Swaziland.

## 1.4 RESEARCH METHODOLOGY

Chapter three will explore in more detail the methods applied in this research project. Broadly, this study is a qualitative research project. As its primary data collection method, the study used semi-structured interviews and open-ended questions. Interviewees included leaders of selected organizations with which OSISA works. (See section 4.1 for profiles of the organisations selected.)

As its secondary data collection method, the study used information sources such as books, journal articles, OSISA materials, sources downloaded from the internet, and unpublished masters and doctoral theses. Section 3.4.2 will discuss themes that emerged from this research, which included analysis of documents related to grants portfolios and profiles of organizations. Document analysis assisted in examining and interpreting data to extract meaning, to develop a better understanding, and to ensure a more informed opinion. As Bowen (2009: 33-34) put it, "document analysis is a process of evaluating documents in such a way that empirical knowledge is produced and understanding is developed".

Being a qualitative study, there will be a need to identify unusual and unique observations from the researcher's point of view, to create patterns that will later be developed into broad themes. By developing broad

themes, the researcher seeks to simplify the process of analyzing the data collected, in order to inform the conclusions and recommendations arising out of this study. This is the definition of analysis used in section 3.7.

## 1.5 SIGNIFICANCE OF RESEARCH

This study is of importance for OSISA itself, and also for a better understanding for democracy-building organizations in general, raising questions as to why programmes for the creation of open societies work or do not work. Lessons learnt from this study will be of benefit to OSISA for future use in its interventions, both in Swaziland and in other parts of Southern Africa.

## 1.6 SCOPE AND LIMITS OF THE STUDY

This study focuses on the years 2005 to 2010. This study could not have possibly covered everything on the OSISA Swaziland Programme, and is therefore not an attempt to review every aspect of that programme. There are many other OSISA regional programmes that work together with the Swaziland Programme. These interlinking programmes are not included in the current study. This was just a review of an extent to which OSISA's interventions might have contributed to improving the governance and human rights situation in Swaziland. The study focuses particularly on five of the organizations with which the OSISA Swaziland Programme works (see section 4.21).

This study is of the view that there is a need for research into the role of international NGOs, donors and funders in the fight to return Swaziland to democratic rule.

## 1.7 STRUCTURE OF THE REST OF THE REPORT

Chapter Two reviews the relevant literature on the concepts of open society, democracy and human rights. The aim of Chapter Two is to provide the theoretical perspective of the study, with a view to showing the researcher's understanding of the problem statement, the purpose statement and the research questions, and how they link to one another.

Chapter Three discusses the methodology of the study, including how, when and where the data was collected, organized and analysed.

Chapter Four presents the findings of the study, based on responses from the interviewees.

Chapter Five analyses and interprets the findings of the study. This chapter, in the light of the preceding chapters (particularly Chapter Two which reviews the literature and Chapter Four which presents the findings of the study) will seek to factor in similarities and dissimilarities so as to demonstrate the emergence of themes.

Finally, Chapter Six concludes the study and makes recommendations based on the findings and the analysis of the study.

# CHAPTER 2

## LITERATURE REVIEW

This literature review provides an overview of the academic discourse related to democracy, governance, human rights and open society concepts as they apply in the African context. In particular, the review focuses on debates about the role and place of these ideas in post-colonial Africa (Swaziland gained independence in 1968). The review primarily focuses on the forty-year period since this date. Specifically the literature review discusses:

- Open society and its key elements;
- Democracy and governance;
- Human rights in Africa; and
- The nexus between democracy and human rights or freedoms.

### 2.1 OPEN SOCIETY

The literature suggests that the concept of open society has its genesis in the writings of Bergson, and that this concept was given prominence in the writings of Karl Popper. The concept was later developed by George Soros, whose Open Society Foundations were founded on the principle of open society (Bergson, 1935; Langlands, 2007; Popper, 1966; Soros, 2000; 2010).

The nature of an *open society* is well depicted by first noting some essential characteristics of a *closed society*. Bergson (1935: 266) defines a *closed society* as a society whose members are closely connected and are always ready to fight their enemies or to defend themselves from their

enemies. Members of this society are only concerned about themselves (Bergson, 1935: 267). Closed societies are associated with "a static morality which exists as a fact at a given moment in a given society; it has become ingrained in customs, ideas, and institutions, its obligatory character is to be traced to nature's demand for a life in common" (Bergson, 1935: 269). Phiri (2009: 49) agrees that encapsulating and controlling closed societies is the absolutist unconditional morality which is based on authoritarian religious dogmas and customs that are both unchanging and dominant.

Popper (1966: 1; 173) argues that closed societies are characterised by their submission to supernatural forces which are never criticised. In such societies the social group or tribe is everything, while the individual is reduced to nothing (Popper, 1966: 190). Popper (1966: 173) likened closed societies to semi-organic units where people are held together through biological ties of "kinship, living together, sharing common efforts, common dangers, common joys and common distress".

In open societies, as Phiri (2009: 83) posits, instructions cannot come from a single person, and policies are subject to change. In open societies people are free to question authorities. Open societies therefore are in principle deemed to embrace all humanity where individual persons are faced with personal decisions every day of their lives. In open societies, individuals are more than likely to challenge traditions and customs (Phiri, 2009:83). Langlands (2007: 63-71) speaks of the five imperatives for an open society. These imperatives, in the researcher's opinion, could be used as a checklist (although not exhaustively) of whether a society is a closed society or an open society.

Langlands (2007: 62-64) identifies the first imperative as limits and controls on power. She believes that Popper (1966: 111) holds that intervention by the state is necessary. Checks and balances should be

instituted as a means to control the rulers. Secondly, Langlands (2007: 64-66) argues that Popper (1966: 158) demanded that all public policy should be directed at preventing or eliminating the miseries and evils of a society. Policies should therefore be directed at minimising avoidable sufferings.

Thirdly, Langlands (2007: 66-67; 181) puts forward piecemeal social engineering as yet another imperative for an open society. Fights against the evils and miseries in a society should be undertaken in small steps or stages instead of on a grand scale. Popper's piecemeal social engineering involves changing one social institution at a time. Piecemeal social engineering encourages, demands and requires feedback in the form of criticism. Popper (1966: 189) rightly posited that criticism is "the very life of democracy". Open society allows for free and rational discourse and debate.

Langlands (2007: 68-71, 181) proposes respect for individualism and diversity as a further imperative for an open society. Closed societies are believed to be opened up by individual initiatives, doubts and questioning (Langlands, 2007: 68). Open society must actively encourage diversity of views and opinions where everyone's views are treated with respect and are taken into account.

Phiri (2009: 87-88) speaks of the unity of humankind, where a society recognises that everyone has a right to participate in the affairs of the nation. Phiri (2009: 88) acknowledges that all humans are bound to make mistakes and therefore policies, theories and grand plans should be subjected to critical analysis so that mistakes can be detected early for correction. An open society is one that respects human rights, rights to freedom of expression and association, and the rule of law (Phiri, 2009: 93-94).

Soros[3] (2010: 63) argues that, over and above the requirements for the separation of powers, free speech and free elections, democracy requires an explicit and strong commitment to the pursuit of truth. Soros (2010: 70) maintains that open society is only possible if people are able to speak truth to power. Open society is an ideal based on the recognition that human understanding is imperfect, and that a perfect society is beyond humans reach (Soros, 2000: 117). Open society as an ideal stands for "freedom, democracy, and rule of law, human rights, social justice and social responsibility" (Soros, 2000: 120). Soros (2000: 122) further argues that open society propagates the values of concern for others and shared values that hold society together.

Soros (2000: 130-133) proposes freedoms of thought and expression, and of choice, human rights, rule of law, some sense of social responsibility and social justice as principles of open society. Open society therefore demands and requires the rule of law that guarantees freedom of speech and press, freedom of association and assembly, and other rights and freedoms that empower citizens to defend themselves against the abuse of power and to make use of the judicial branch for such defence (Soros, 2010: 70). Among other things, the following would be conditions of open society (Soros, 2000: 133):

- Regular, free, and fair elections;
- Free and pluralistic media;
- Rule of law upheld by an independent judiciary;
- Constitutional protection for minority rights;
- A market economy that respects property rights and provides opportunities and a safety net for the disadvantaged;
- A commitment to the peaceful resolution of conflicts; and

[3] George Soros is the philanthropist and the chairman of Soros Fund Management and is the founder of a global network of foundations dedicated to supporting open societies, including the Open Society Initiative for Southern Africa (OSISA).

- Laws that are enforced to curb corruption.

In this context, the Open Society Foundations are mandated "to protect the public interest against the encroachments of private interests and to support civil society efforts to hold governments accountable" (Soros, 2010: 93).

## 2.2 DEMOCRACY AND GOVERNANCE

The literature suggests that in Africa one has to discuss the issue of democracy together with the issue of good governance. This comes from the belief that democracy is "the pre-eminently acceptable form of governance" (Sen, 1999: 4). Prior to establishing whether the above orientation truly applies to Africa, this literature review turns to extrapolating the meaning of democracy and governance, and then briefly discusses democratization in Africa.

### 2.2.1 DEMOCRACY

Diamond (1999: 3) simply defines democracy as "the rule of the people". It is the rule of the people for it is a system that allows voters, through regular, free and fair electoral competition, to choose their own government or leaders (Diamond, 1999: 3; Edigheji, 2005). It would seem that there is a broad consensus on the principles or features of democracy. These include, with particular reference to the political domain: regular, free and fair elections, rule of law, free information, accountability, equality before the law, participation of citizens in the affairs of a country, transparency, control of the abuse of power through a distribution of power that allows for horizontal accountability of rulers to one another and vertical power of rulers to the ruled, a bill of rights, a multiparty system, respect for human rights, separation of powers (of the

executive, the legislature and the judiciary), acceptance of election results, political tolerance, economic freedom, freedom of the individual to think, believe, worship, speak, publish, inquire and associate (Diamond: 1999; Edigheji: 2005; Osiatynski: 2009; Soros: 2000; 2010).

The understanding is that any democracy or democratic process should reflect most or all the above-mentioned attributes to qualify to be called a democracy or democratic process.

Leftwich (1993) rightfully posits that it is not enough to ensure that the above-mentioned features of democracy are in place. The conditions in a country also have to be conducive for a democracy to survive. Firstly, it is of paramount importance that the state is geographically, constitutionally and politically legitimate; adherence and commitment to democratic political processes is of essence; restraint on the part of those who win to avoid a "winner takes all" mentality, especially when considering change of policies; presence of a vibrant and active civil society that includes people from all walks of life, including churches, cultural groups, unions, youth groups and business; absence of threat to the state; absence of ethnic, cultural or religious divisions; and ensuring that inequalities do not persist (Leftwich, 1993: 616-617). Put differently, democracy is far more than having regular, free and fair elections to choose leaders; democracy is also putting in place enduring institutions that have the "responsibility to preserve open political competition, limit the government and protect human rights" (Diamond, 1999: 5; also Osiatynski, 2009: 81). Such formulations will help avoid granting full democratic status to illiberal democracies, characterized by a belief that leaders are given unlimited power by virtue of winning elections. Characterizing these democracies are leaders who utilize all means available to instil fear amongst the ruled, so as to emerge as the ones who are empowered to come to the rescue of the ruled (Osiatynski, 2009: 82). It is for this reason that some

commentators emphasize that at the heart of democracy should be principles of accountability and transparency.

Sen (1999: 8) argues that democracy should not be identified with majority rule. He further asserts that demands for democracy include "voting and respect for election results, whilst at the same time [it] requires the protection of liberties and freedoms, respect for legal entitlements, and the guaranteeing of free discussion and uncensored distribution of news and fair comment" (Sen: 1999: 9). Hence it is important that access to information and media freedom prevail, given that they are bulwarks of a democracy. Sen (1999: 9-10) further postulates that democracy is meritorious and can enrich citizens at three levels. Sen (1999: 9-10) argues:

> Firstly, political freedom is generally part of the human freedom and therefore exercising civil and political rights is crucially part of good lives of individuals as social beings. Essentially, political and social participation has intrinsic value for human life and well-being. As a result, prevention from participating in the political life is tantamount to deprivation.
>
> Secondly, democracy has an essential instrumental value in enhancing the hearing that people receive in expressing and supporting their claims to political attention.
>
> Lastly, when citizens practice democracy they are afforded an opportunity to cross learn from each other and thus be able to help one another to create values and priorities for their society.

In agreement with Sen, Landell-Mills and Serageldin (1991: 14) argue that "civil liberty and the ability to participate in the political system can also be viewed as elements of a full and meaningful life that should contribute to the well-being of individuals and the development of societies".

## 2.2.2 DEMOCRATIZATION IN AFRICA

The history of democracy in Africa is characterized by a struggle for independence from colonialism, as well as several subsequent forms of oppression. Africa has been colonized and exploited and the struggles of the people of Africa have been ones of realizing their independence and human rights. It has been the history of struggle for "freedom, dignity, equality, and social justice" (Heyns, 2004: 679). At the heart of Africa's struggles is the assertion of core values of human existence. Shivji (2003) postulates that the struggle for democracy goes beyond the introduction of multi-party systems that came after the Cold War. In other words, the struggles for independence, liberation or self-determination are often equated with the struggle for democracy. The struggle for democracy is in essence and primarily a political struggle about the form of governance, and is rooted in the life conditions of the people of Africa. Democratic governance is essentially being accountable to the people (Shivji: 2003).

Chabal (1998: 291-294), on the other hand, posits that at the heart of Africa's problems lie failings of Africa's economies and therefore democracy became a condition of, or a prerequisite to, development. Chabal (1998: 295) bemoans the narrow understanding of democracy that seeks to limit the definition of democracy to elections and asks if multi-party elections necessarily mean democracy. Chabal (1998: 299) cautions that conditions are different in Africa and therefore the imposition of Europe's democratic system might not be correct for Africa. He asks whether a focus on democratization is the most appropriate or even the most useful starting point for understanding contemporary politics of Africa (Chabal: 1998: 301). Chabal (1998: 302) contends that "it is more useful to focus on the question of political accountability rather than democracy when discussing contemporary African politics" for "elections and parliaments in and of themselves are no guarantees of a well-grounded system of political accountability".

In support of the preceding arguments, Ake (1993: 239) concedes that the development of democracy ought to emanate from the "ordinary" people of Africa and be anchored in how Africans understand participation. In essence, in an attempt to define and discern emergent democracy in Africa, ascertaining whose democratic participation is at stake is of crucial importance. He further argues that it is a democratic participation of a society which is still pre-industrial and communal and whose cultural idiom is radically different... a society whose members are barely surviving on informal sector activities and subsistence farming. It is therefore understandable that African democracy is unique in that it reflects the socio-cultural realities of Africa (Ake, 1993: 242). Characterizing contemporary Africa is the communal aspect of its society. Given this context, argues Ake (1993: 243), liberal democracy makes little sense in Africa for it assumes individualism and the reality is that there is little individualism in Africa; it assumes abstract universalism, but in Africa that would apply only in the urban environment. Ake (1993: 243) further argues that political parties of liberal democracy make little or no sense to a society that is rooted in associational life and interest groups.

In furtherance of his argument, Ake (1993: 243) contends that in so far as participation is concerned, liberal democracy offers a form of political participation that "is markedly different from and arguably inferior to the African concept of participation" and "people participate not because they are part of an interconnected whole" for the "African concept of participation is as much a matter of taking part as of sharing the rewards and burdens of community membership". In the final analysis, Ake (1993: 244) emphasizes that "democracy has to be recreated in the context of the given realities and in political arrangements which fit the cultural context, but without sacrificing its values and inherent principles", and "a unique African democracy will emerge from practical experience and improvisation in the course of a hard struggle". In conclusion, Ake (1993:

244) advises that "the process toward democracy must be shaped by the singular reality, that those whose democratic participation is at issue are the ordinary people of Africa".

### 2.2.3 GOVERNANCE

It has already been suggested that in Africa the topic of democracy has to be discussed alongside the one of governance, given that "good governance" was used as a political condition for Africa to receive aid from abroad. Governance is defined as the exercise of political power to manage a nation's affairs, and good governance is the way political power is exercised and legitimized (Mkandawire, 2007: 679; and Landell-Mills and Serageldin, 1991: 14). Landell-Mills and Serageldin, (1991: 14) posit that at the heart of the discussion about governance is a belief that governance is a "critical determinant of the economic performance of developing countries".

Mkandawire (2007: 679) puts it differently when he says that the World Bank report of 1989 gave prominence to the belief that lack of good governance might be the main hindrance to economic growth in Africa. Characterizing good governance, Landell-Mills and Serageldin (1991: 15) list political accountability, by which it is ensured that leadership is subjected to an electoral process that stipulates its term of office; freedom of association and participation, whereby citizens are free to associate with any movement that aspires their various interests; a sound judicial system characterised by objectivity, efficiency and reliability. Landell-Mills and Serageldin (1991: 15) further posit that transparency should be the hallmark of accountability. Good governance demands that citizens have freedom of information and expression, for this is what open society is all about. Lastly, over and above the aforementioned characteristics, good

governance requires competent and skilled public sector personnel. Capacity building therefore remains crucial.

In the light of these characteristics, Mkandawire (2007: 681) bemoans the concept of good governance as it was made prominent by the World Bank report of 1989. Mkandawire's critique (2007: 681) warrants a full citation:

> The approach to good governance and economic policy that finally became dominant differed radically from that of the African contributors who were strongly opposed to adjustment policies because not only were they deflationary and thus not developmental, but also because they were extremely imposed, weakened the state, and undermined many post-colonial social contracts. For the African contributors, good governance related to the larger issues of state-society relations and not just to the technocratic transparency-accountability mode that it eventually assumed in the international financial institutions. The actual use of the concept of good governance sidestepped the central concerns of the Africans and rendered the notion purely administrative.

African intellectuals' take on good governance is that good governance should be judged by how well it sustains state-society relations that are (a) developmental enough to allow for management of the economy in a manner that maximizes economic growth, induces structural changes, and uses all available resources in a responsible and sustainable manner in highly competitive global conditions; (b) democratic and respectful of citizens' rights; and (c) socially inclusive, providing all citizens with a decent living and full participation in national affairs (Mkandawire, 2007: 681).

## 2.3 HUMAN RIGHTS IN AFRICA

Human rights are basic rights and freedoms to which all human persons are entitled. According to the United Nations Universal Declaration of Human Rights, "all human beings are born with equal and inalienable rights and fundamental freedoms". These are rights that all human beings have by virtue of being human beings, and these rights are universal (Abioye and Mnyongani, 2009: 186). Aidoo (1993: 710), differentiating the concept of human rights from the concept of democracy, postulates that whilst democracy concerns itself with "structures of participation (electoral and procedural), provisions of separation of powers, and mechanisms of accountability", human rights "have to do with basic freedoms (individual or collective), principles of equity and equality, and the preservation of human life and dignity".

Customarily and historically, three generations of human rights are differentiated. First generation rights refer to civil and political rights; second generation rights refer to socio-economic and cultural rights; and third generation human rights refer to development rights (Aidoo, 1993: 706-707).

Human rights in the context of Africa have a rather sad history. Human rights are immensely violated in Africa. Abioye and Mnyongani (2009: 186) posit that "the political struggle for freedom from colonialism, incessant outbreak of conflicts and poverty have done a lot to stifle the growth and development of human rights on the continent". Heyns (2004: 679) puts it differently when he says that "Africa's history has been a history of struggle for freedom, dignity, equality, and social justice". In other words, at the heart of Africa's struggle is an assertion of core values of human existence.

Africa is marred by a history of human rights abuses. Aidoo (1993: 710) categorizes human rights violations into three spheres: (a) the political sphere where gross human rights violations occur as a result of dramatic events and conflicts such as wars, unconstitutional removal of governments, and electoral conflicts; (b) the civil society sphere where traditions and customs impact negatively on specific rights, especially those of children and women, in a routine manner; (c) justice administration that ranges from arrest through to trial, and sentencing to imprisonment or capital punishment. Other violations include "regular torture of suspects in the administration of justice, extrajudicial executions, systemic violations in relation to second generation socio-economic and cultural rights and abuses within civil society (such as gender-related violations and child abuse), and discrimination against specific nationalities, refugees, and migrants" (Aidoo, 1993: 712). However, this does not preclude the fact that there have been many attempts by African leaders to curb human rights violations. Although heavily criticized for its principle of non-interference (Heyns, 2004; Mangu, 2004; 2005; Nmehielle, 2003; Udombana, 2004), the now defunct Organization of African Unity (OAU) was African leaders' response to a deteriorating situation in Africa, and through it "various normative and institutional mechanisms were set in place to address matters pertinent to the continent" (Abioye and Mnyongani, 2009: 186).

In tackling the problem of human rights violations in Africa, the leadership created institutional human rights mechanisms. These include the Charter of the OAU of 1963, the Constitutive Act of the African Union (AU), the African Charter on Human and Peoples' Rights (also known as the African Charter) and the African Court on Human and Peoples' Rights.

Seemingly, violations of human rights continued largely unabated under the not-so-watchful eye of the OAU, due to a flaw in its charter "which endorsed the principle of non-intervention in the internal affairs of member

states" (Nmehielle, 2003: 413; see also Mangu, 2004: 138; Udombana, 2004: 106). This principle accordingly weakened the status of human and peoples' rights with serious implications for their promotion and protection. The period of the OAU was marred with "years of authoritarianism, single party or military rule, rebellions, and armed conflicts" which "transformed Africa into a continent of human wrongs instead of human rights" (Mangu, 2005: 383). Nmehielle (2003: 412-413) categorically outlines constitutional governments which were overthrown and human rights violations suffered under many African autocratic leaders such as Mobutu Sese Seko, Idi Amin, Bokassa and Kamuzu Banda, to name but few.

It is precisely for this reason that many commentators hailed the adoption and coming into force of the Constitutive Act of the AU of 2001. Heyns (2004: 681) expresses this when he says that "while the Charter of the OAU of 1963 made only passing reference to the concept of human rights, the Constitutive Act of the AU of 2001 has now placed human rights squarely on the agenda of the new regional body". The Constitutive Act has as its thrust the promotion and protection of human rights and the rule of law. Nmehielle (2003: 422) argues that "the adoption and entry into force of the African Charter opened a new chapter in human rights discourse in the African continent" with its thrust of promoting and protecting human and peoples' rights. The Charter, as Heyns (2004: 687) acknowledges, takes cognisance of the following as individual rights: "freedom from discrimination, equality; bodily integrity and the right to life; dignity and prohibition of torture and inhuman treatment; liberty and security; fair trial; freedom of conscience; information and freedom of expression; freedom of association and assembly; freedom of movement; political participation; and property". It is clear that the Charter, however, has its own shortcomings. These range from an absence of explicit reference to the right to a fair trial, the right to private property, and a limitation clause (Heyns, 2004: 687-691).

The seriousness of African leaders in tackling issues of violations of human and peoples' rights can be seen in their recognition that socio-economic development is only possible via democracy and good government. Socio-economic development is clearly articulated in the New Partnership for Africa's Development (NEPAD). This point is further demonstrated by countries who voluntarily subjected themselves to the African Peer Review Mechanism (APRM), which is another attempt by African leaders to introduce checks and balances on countries' records of promoting and protecting human and peoples' rights through their governance (see Mangu, 2004: 144-153).

Nevertheless, it is worth saying that despite the strides made by the African leaders through these institutional mechanisms to tackle issues of violations of human and peoples' rights, African leaders cannot afford to rest on their laurels. Nmehielle (2003: 439-444) cautioned that the AU still was facing challenges that range from capacity of personnel and strengthening of enforcement mechanisms to ensure compliance, getting member states to change their attitude towards the promotion and protection of human and peoples' rights, and encouraging member states to practice human rights and the rule of law within their countries. Approximately a decade later, these challenges have not abated.

## 2.4 THE NEXUS BETWEEN DEMOCRACY AND HUMAN RIGHTS

There is a fundamental connection between democracy and rights or freedoms. Whilst democracy assures participation, rights protect dignity. Democracy and human rights are mutually dependent. Osiatynski (2009: 82) argues that modern democracy is founded on rights. Diamond (1999: 5), on the other hand, posits that "the more closely countries meet the standards of electoral democracy the higher their human rights rating".

Diamond (1999: 19) cautions that "just as electoral democracies can become more democratic – more liberal, constitutional, competitive, accountable, inclusive, and participatory – so they can also become less democratic – more illiberal, abusive, corrupt, exclusive, narrow, unresponsive, and unaccountable". Therefore democracy must periodically revalidate not only its efficacy (its capacity to address the problems that society confronts), but also its openness to reform and renewal in the on-going quest for political freedoms, responsiveness and transparency (Diamond, 1999: 23). Aidoo (1993: 704-705) argues that until the promotion and protection of human rights become a prerogative of states, democracy (or democratization) will remain pie in the sky, because "whereas it is possible to have human rights in undemocratic conditions, democracy will not automatically guarantee human rights".

## 2.5 CONCLUSION

In terms of the literature studied, Swaziland fails dismally in the area of checks and balances, especially in relation to the undemocratic system of *Tinkhundla* through which peoples' representatives are elected and appointed. Swaziland is also not faring well due to a lack of political rights, which has resulted in poor governance and an inability of Swazis to hold their government accountable (especially since the 12 April 1973 Proclamation by the King). The media are not free and the courts are not independent. As a result, freedom of criticism, freedom of thought, freedom of speech, and freedom of association are not protected – they are in fact not tolerated by the regime. Apart from the Suppression of Terrorism Act of 2008, the 2010, 2011 and 2012 Amnesty International Reports show that Swaziland has continued to repress peoples' rights to freedom of association, expression and assembly as enshrined in OAU and AU documents, and even in the 2005 Swaziland Constitution.

The 2005 constitution of Swaziland was criticized for its process and its content, and for concentrating all powers in the King. This contradicts the principle of separation of powers. Even though elections happen regularly, they do not involve political parties. In view of the literature studied, this research project concludes that the Swazi reality of no democratic governance and the on-going abuse of human rights are an onslaught against the ideals of an open society. It is the position of this study that governance and human rights are systematically weak in Swaziland, and that the state cannot be held accountable by its citizens.

It is against this backdrop that the OSISA Swaziland Programme was introduced.

# CHAPTER 3

# RESEARCH METHODOLOGY

This chapter discusses the methodology used in this study, including how, when and where the data was collected, organized and analysed.

As its primary data collection method, the study used semi-structured interviews and employed open-ended questions. Interviewees included leaders of the Swaziland Coalition of Concerned Civic Organizations (SCCCO), the Coordinating Assembly of Non-Governmental Organization (CANGO), the Swaziland Youth Empowerment Association (LUVATSI), and the Council of Swaziland Churches (CSC). Due to ill-health and travel, the Swaziland Positive Living (SWAPOL) leader could not be interviewed. The researcher also interviewed OSISA Swaziland Programme leaders.

As its secondary data collection method, the study used information sources such as books, articles from journals, OSISA materials, sources relevant to the research report downloaded from the internet, and unpublished masters and doctoral theses (see section 3.3.2).

## 3.1 RESEARCH APPROACH

Research can be done from two main approaches, quantitative or qualitative (Neuman, 2000; De Vos, Strydom, Fouché and Delport, 2005). This study used the qualitative approach for data collection and data analysis. The reason for this choice was the study's search for meaning, and the fact that the approach lends itself to exploration and in-depth questioning, as reflected in the interviewee responses.

Numerous authors (including Neuman, 2000: 123; Krauss, 2005: 758-761; Cutcliffe and McKenna, 1999: 375; Krauss, 2005: 760; Miles and Huberman, 1994: 40) concur on the differences between quantitative and qualitative approaches. Both approaches are affiliated to the school of positivism, which posits that what is being studied is independent of who studies it, and therefore observation and measurement play a significant role in discovering and verifying knowledge. In contrast, the school of relativism argues that, in the search for meaning, researchers have to interact with their world and that there are as many ways of viewing reality as there are people.

In its analysis, the current study went narrower and deeper, seeking to find out how the selected organizations with which OSISA works in Swaziland understood and experienced OSISA's interventions, and how they understood and accepted the way these interventions have assisted or not assisted the struggle for an open society in Swaziland. This quest is anchored in the fact that the researcher and author is associated with OSISA. The research and analysis will inevitably be impacted, although every endeavour was made to ensure even-handedness and neutrality by the researcher, and truthfulness and frankness in the opinions shared by the interviewees.

## 3.2 RESEARCH DESIGN

This study investigated the interventions of OSISA through the organisation's Swaziland Programme over the period 2005 to 2010, using the Swaziland Programme as case study. Fouché (2005: 272) refers to the case study as "an exploration or in-depth analysis of a bounded system (bounded by time and/or place), or a single or multiple case, over a period of time". Leedy and Ormrod (2001: 149) point out that within a case study a particular individual, programme or event is studied in depth for a defined period of time (in this case 2005-2010). The study was an exercise

to learn from the organizations with which OSISA works, in order to gain an in-depth understanding of the situation and the meaning thereof.

## 3.3 DATA COLLECTION AND CHOICE OF METHODS

This study in the main used semi-structured interviews for data collection. In semi-structured interviews the interviewees, in response to specific questions about particular issues, are allowed to answer as long as they want and in the words they choose, in order to express their lived experience of an issue (Burt, Harrell, et al., 1997: 51; see also Kwortnik, 2003: 119). As Labuschagne (2003: 101) points out, in semi-structured interviews questions are open-ended and the data constitute "direct quotations from people about their experiences, opinions, feelings and knowledge". Semi-structured interviews are a form of in-depth interviews, even though they generally resemble informal conversations. They constitute "a purposeful dialogue" between an interviewer and interviewee and they vary in length (Kwortnik, 2003: 118-119; see also DiCicco-Bloom and Crabtree, 2006: 315). Kwortnik (2003: 119) posits that "the objective of the [in] depth interview is to obtain rich, detailed data that reflect the informant's language, experience, and perspective in depth". Semi-structured interviews "are usually scheduled in advance at a designated time and location outside everyday events" (DiCicco-Bloom and Crabtree, 2006: 315). The researcher believes that semi-structured interviews were best suited for the purpose of this research because they facilitated the search for answers to the research questions.

The researcher travelled to Swaziland in July 2011 to interview leaders from the selected civil society organizations and the leaders of the OSISA Swaziland Programme. The interviews delivered the primary data that the next section describes.

### 3.3.1 PRIMARY DATA

This study as its primary data collection method thus utilized semi-structured interviews that mostly comprised open-ended questions. These interviews were purposeful discussions between the researcher and interviewees guided by "prearranged questions". The sole purpose was to "obtain rich, detailed data that reflect the informant's language, experience, and perspective in depth", to use the words of Kwortnik (2003: 118-119).

Interviewees were informed of the purpose of the research. The researcher also assured interviewees that all the discussions would be held in confidence and that their names were not going to be used. The researcher requested the interviewees' permission to use a tape recorder, in order to accurately help document responses. The researcher also agreed with interviewees that they would receive feedback on their interviews upon completion of the research report. Interviewees included leaders of the selected organizations with which OSISA works, namely Swaziland Coalition of Concerned Civic Organizations (SCCCO), Coordinating Assembly of Non-Governmental Organisation (CANGO), Swaziland Youth Empowerment Association (LUVATSI) and Council of Swaziland Churches (CSC). As noted, the leader of the Swaziland Positive Living (SWAPOL) could not be interviewed. Included in the interviews were OSISA Swaziland Programme leaders.

### 3.3.2 SECONDARY DATA

The study used information sources such as books, articles from journals, OSISA materials, sources relevant to the research report downloaded from the internet, and unpublished masters and doctoral theses. From the

literature and documents studied, this research project takes forward the information of the apparent Swazi reality of no democratic governance and abuse of human rights, which are generally considered to be an onslaught on the values espoused by the ideals of open society. The literature contributes the point that governance and human rights are systematically weak in Swaziland and therefore the state cannot be held accountable by its citizens. The analysis of documents studied highlighted a recognition that the process of advocating for open society ideals in Swaziland involves many actors, but the situation of the period of 2005 to 2010 to date is such that funding is dwindling. OSISA is almost a sole funder of citizen advocacy for democracy, governance and human rights issues in Swaziland and clearly funds will not always be there. (See section 4.1.1 regarding fluctuation of OSISA Swaziland Programme's budget). (Grants reports from 2005; 2006; 2007; 2008; 2009 and 2010 Board Packs).

## 3.4 PURPOSIVE SELECTION OF INTERVIEWEES

Strydom and Delport (2005: 327-329) list the following as types of non-probability sampling – purposive, theoretical and snowballing. The study utilized non-probability purposive selection. The researcher was motivated by the fact that purposive selection advocates for the clear identification and formulation of criteria for the selection of interviewees. The selected interviewees therefore share similarities related to the research questions (see Onwuegbuzie and Collins, 2007: 287; DiCicco-Bloom and Crabtree, 2006: 317). The researcher was aware that with non-probability purposive selection it would not be possible to generalize the findings since the selected organizations are not representative of all organizations with whom OSISA works. The benefit, however, was that the focus was on organizations that were of particular importance in OSISA interventions of the time. The goal of the study was not to generalize, but to obtain insights – which still may have broad application. The researcher therefore

interviewed leaders from four of the five selected organizations with whom OSISA worked in the period concerned.

## 3.5 DATA ANALYSIS

Data analysis concerns itself with organizing "what has been seen, heard, and read so that sense can be made of what is learned" (Watt, 2007: 95). Gathering of data and analysis of data are intricately intertwined. Whilst the researcher collected data, he at the same time organised it according to themes, concepts and similarities, criteria that are specified by Neuman (2000: 163; see also Basit, 2003: 143). As primary data, individual in-depth interviews played a significant role. The researcher listened to interviews from the recorded tapes and transferred the recording into written words. Subsequently the researcher aligned questions with answers to better organize the transcribed work so as to ensure proper analysis of the findings.

Secondary to the data collected through individual in-depth interviews was an extensive review of published and unpublished literature. The research questions were evaluated and analysed to better situate this research in relation to previous research. The researcher believes that this combination of data collection methods was able to bring out "convergent validation" (the term used by Jick, 1979: 602). The researcher further contends that if this research was to be repeated by someone other than the present researcher, conclusions and answers would be the same, and that if the various sources agree it is an indication that the findings of the research are more likely to be credible and valid. The study used triangulation to collect data through the different modes. As Jick (1979: 602) asserts, "organizational researchers can improve the accuracy of their judgements by collecting different kinds of data bearing on the same phenomenon". This study accordingly used "multiple sources of evidence" or a "wide variety of sources" such as in-depth semi-structured interviews,

books, articles from journals, OSISA materials, and unpublished masters and doctoral theses to make its case (as advised by Yin, 1995: 91).

### 3.6 IMPLEMENTATION OF INTERVIEWS

This section of the study seeks to outline how the interview process unfolded. It also elaborates on who interviewees were, what questions were posed, and what the motivation was for asking the particular questions.

The leaders of the various selected organizations as well as OSISA leadership received letters via emails in which the researcher requested the interviews (see Appendix 3 for the sample letter; see also section 4.1 for the profile of organizations, leaders of which were interviewed). The letter indicated the purpose of the interviews, the proposed dates of the interviews, and interviewees were assured that all the discussions would be in confidence. The letters included the pre-defined questions (see section 1.2 and Appendices 1 and 2 for the questions). The questions sought to unravel the primary research question: To what extent have OSISA's interventions through its Swaziland Programme contributed to improving the governance and human rights situation in Swaziland? The questions are all pertinent to the objectives of the research project. The selected organizations share their field of operations with OSISA and the questions were aimed at soliciting responses that would provide meaning to organizational experiences of the issues raised in the research project.

The interviews with leaders from LUVATSI, CANGO and SCCCO took place in Mbabane. The interview with OSISA leaders took place in Manzini, and the interview with the leader of Council of Swaziland Churches took place at the Council's offices in Manzini.

The interview with OSISA Swaziland Programme leader took place the morning of Monday July 11, 2011, followed in the afternoon of the same day by an interview with the leader of Council of Swaziland Churches. Leaders of the Coordinating Assembly of NGOs and LUVATSI were interviewed on Tuesday July 12, 2011. The interviews concluded with an interview with the leader of the Swaziland Coalition of Concerned Citizens Organizations on Wednesday July 13, 2011.

Interviews took between forty-five and ninety minutes, and all the interviewees agreed to be recorded. All in all, although at times the researcher and interviewees were very conscious of the surroundings, interviews went reasonably well. Transcription of the interviews followed.

The age of the leaders interviewed ranged between mid-30s and over 60 years old. They have all been at the helm of their respective organizations for at least five years, and their organizations' relationships with OSISA in some instances dates back to the early 2000s.

### 3.7 VALIDITY AND RELIABILITY

This section of the study is premised on the idea that the results of any study need to be validated. Validity and reliability ought to answer the question of how a researcher will persuade his or her audience that the research findings are trustworthy (Golafshani, 2003: 601). Qualitative research is concerned with the authenticity of the results. As Neuman (2000: 171) says "giving a fair, honest, and balanced account of social life from the view point of someone who lives it every day".

Validity and reliability mean different things even though they are simultaneously at the centre of the research. Reliability suggests that "the same thing is repeated or recurs under identical or very similar conditions" and therefore is dependable or consistent (Neuman, 2000: 165). In other

words, in the case of reliability prevailing, if this research was to be repeated by someone other than the present researcher, the conclusions and answers would be the same. Reliability answers the question whether repeated measurements provide a consistent result given the same initial circumstances (see Kimberlin and Winterstein, 2008: 2277). Thus, the more consistent the results achieved by the same participants in the same repeated measurements, the higher the reliability of the measuring procedure. Conversely, the less consistent the results, the lower the reliability.

Validity suggests "truthfulness and refers to the match between a construct and a measure" (Neuman, 2000: 165). In other words, validity answers the question whether measurement measures what it intended to measure in the first place (see Kimberlin and Winterstein, 2008: 2278). Validity is therefore an indication that the instrument is indeed measuring what it was designed to measure and that it is measuring it accurately. Accordingly, the higher an instrument's validity, the higher the likelihood that it is measuring the theoretical constructs for which it was expressly designed.

In this study validity and reliability played an important role in establishing the truthfulness of the findings. The researcher contends that the primary data collection methods in the form of in-depth semi-structured interviews and the literature review, as well as the associated analyses, respond to the interviews questions. They all converge and therefore render findings and recommendations that are valid and reliable (see Labuschagne, 2003: 103).

# CHAPTER 4

## PRESENTATION OF THE RESEARCH FINDINGS

The purpose of Chapter four is to present the research findings as a first step towards analysis and interpretation of these findings. Presentation of the findings is also a way organizing and simplifying the data gathered. The chapter will first present profiles of the organizations interviewed and their grants portfolios. In the case of the OSISA Swaziland Programme itself, the section will briefly present its profile and estimated budget allocation during the period of the study.

The study will then present responses from the various organizations in accordance with the research questions (see section 1.2 and appendices 1 and 2 for research questions).

The chapter will conclude with a summary in which the researcher will give the synopsis of the findings with a view of leading into analysis of the findings in chapter five.

### 4.1 PROFILE OF ORGANIZATIONS

Background knowledge of the organizations selected for this research is of importance for understanding why these organizations were chosen and how their mandate relates to the mission of the OSISA Swaziland Programme (and OSISA in general). The method of data collection used for this purpose was two-fold. On the one hand, the researcher used introductory notes from interviews where each interviewee was asked to introduce themselves and to say a little about their organization and its relationship to the OSISA Swaziland Programme. On the other hand, the

researcher used excerpts from profiles submitted to OSISA when these organizations applied for funding.

Grants given to the organizations below were an attempt by the OSISA Swaziland Programme to amplify voices of civil society, to work towards opening up Swazi society in accordance with the mission of the OSISA Swaziland Programme.

The order of profiling in this section does not reflect an order of importance of the organizations.

### 4.1.1 THE OSISA SWAZILAND PROGRAMME

The OSISA Swaziland Programme is one of the organisation's initiatives in what are referred to as crisis and transitional countries. Included in this category are Angola, Democratic Republic of Congo and Zimbabwe. Starting in 2005, OSISA has allocated budget to enable a degree of sustained focus on the country and to support a regional advocacy effort on the Swaziland human rights and governance question.

The OSISA Swaziland Programme was allocated budgets each year in the period from 2005 to 2010, receiving US$100 000 in 2005; US$200 000 in 2006; US$100 000 in 2007; US$465 000 in 2008; US$583 000 in 2009, and US$450 000 in 2010. It can be observed from these amounts that the programme's budget fluctuated over the years. It is worth noting that in a country where donor funding is in decline, it is likely that it would have been challenging for the programme to achieve all of its objectives (Grants reports from 2005; 2006; 2007; 2008; 2009 and 2010 Board Packs).

### 4.1.2 THE COORDINATING ASSEMBLY OF NON-GOVERNMENTAL ORGANIZATIONS (CANGO)

The Coordinating Assembly of Non-Governmental Organizations (CANGO) is an umbrella body for NGOs in Swaziland. It was set up initially in 1983 as an umbrella body for NGOs who were focusing on health, and its mandate was broadened in 1987 to become a national umbrella. CANGO's mission is to influence and facilitate the voice of non-state actors, mainly NGOs involved in policy work in Swaziland. CANGO does this through coordination of the sector, through capacity building, and through policy analysis and advocacy, using various strategies to advance CANGO's objectives. CANGO also facilitates networking amongst its members and has a number of sub-networks including the HIV and AIDS consortium, the food security consortium, the gender consortium and the children consortium, through which CANGO coordinates its policy work in Swaziland.

CANGO received funding to the tune of US$259 339 for various projects in the period of the study. Projects included regional dialogues and a national conference for reinvigorating the women's movement in Swaziland; civil society budget literacy, analysis, tracking and advocacy project; a civil society strategizing conference; people's solidarity against poverty and oppression; building a vibrant women's movement in Swaziland; the people's dialogue series of public policy; and the NGO directors' retreat (Grants reports from 2007; 2008; 2009 and 2010 Board Packs).

### 4.1.3 THE COUNCIL OF SWAZILAND CHURCHES (CSC)

The Council of Swaziland Churches (CSC) was formed in 1976, and has a total of nine member churches spread around the four regions of the country. The CSC is a fellowship of churches working on a range of

issues, including social justice. The vision of the CSC is to enable member churches to develop themselves, their communities and the nation in general, spiritually and physically, and in a just and sustainable way. The CSC fulfils its vision and mission through programmes such as *Capacity Building, and Justice, Peace and Reconciliation.* The CSC received US$144 691 from OSISA in the years between 2008 and 2010, and used this funding for various projects which include the free quality basic education for all in Swaziland campaign; the future of Southern African Customs Union (SACU) project; engagement of the public on the land question in Swaziland; and the Swaziland education summit (Grants reports from 2008; 2009 and 2010 Board Packs).

### 4.1.4 THE SWAZILAND YOUTH EMPOWERMENT ORGANIZATION (LUVATSI)

The Swaziland Youth Empowerment Organization (LUVATSI) was formed in 2006 and formally registered in April 2008. Since its formation, LUVATSI has engaged in a number of activities that directly benefitted the youth. LUVATSI has also embarked in initiatives that help to introduce the organisation to rural communities. These include humanitarian efforts where LUVATSI helped the needy, and especially the elderly. Some of LUVATSI's other initiatives involved clean-up campaigns and the conduct of civic education on different topics, including HIV/AIDS. LUVATSI collaborates with other organizations from civil society, such as the Swaziland Coalition of Concerned Civic Organizations (SCCCO) and the Young Women's Network. Between 2007 and 2010, LUVATSI received funding to the tune of US$72 118, and used the funds for the following projects: youth empowerment and participation at national level; civic education and youth empowerment; and Swaziland youth in action. (Grants reports from 2007; 2008; 2009 and 2010 Board Packs).

### 4.1.5 THE SWAZILAND COALITION OF CONCERNED CIVIC ORGANIZATIONS (SCCCO)

The Swaziland Coalition of Concerned Civic Organizations (SCCCO) is a pro-democracy and representative civil society organisation in Swaziland with membership comprising workers' organizations, churches, NGOs, the private sector, human rights and women's rights advocacy groups, youth and the informal sector. SCCCO has been in existence since 2003 and works on promoting human rights and democracy in Swaziland. Current members of SCCCO include the Swaziland National Association of Teachers (SNAT), Women and the Law of Southern Africa (WLSA), Swaziland Lawyers for Human Rights (SLHR), Swaziland Agricultural Plantations Allied Workers Union (SAPAWU), the Federation of the Swazi Business Community (FSBC), the Council of Swaziland Churches (CSC), the Coalition of Informal Economy Associations (CIEAS), the Coordinating Assembly of Non-government Organizations (CANGO), Swaziland Youth Empowerment Organization (LUVATSI) and Media Institute for Southern Africa (MISA – Swaziland). Between 2005 and 2010, SCCCO received US$223 612 for the following projects: civic education on good governance, development and constitutionalism; institutional support; civic education on good governance, constitutionalism and voter education; support for democracy and human rights in Swaziland; social movements for a people's parliament to discuss issues of change to democratic governance in Swaziland (Grants reports from 2005; 2006; 2007; 2008; 2009 and 2010 Board Packs).

Grants awarded to these four organizations and budget allocations to OSISA Swaziland Programme were in keeping with addressing the governance and human rights situation in Swaziland. The question remains whether these efforts were enough to turn around the political situation. This study notes that inconsistencies in grant-making can create challenges. Inconsistencies include the fact that sometimes one or another

organization received multiple grants in one year and then received nothing in the next two years. In some instances, at least in the period studied, organizations consistently received substantial amounts of grants. It would seem all grants depended on the budget allocated to the OSISA Swaziland Programme in a particular year. However, looking at budget allocation in terms of the OSISA Swaziland Programme in the period 2005 to 2010, it has to be noted that allocations varied from one year to another, and sometimes the differences were large. This situation could have had a negative effect on the OSISA Swaziland Programme's impact in Swaziland. As this study shows, impact is difficult to measure when one is operating in a situation where the state is increasingly powerful and civil society is apparently weak and divided.

## 4.2 EXTENT TO WHICH OSISA'S INTERVENTIONS HAVE CONTRIBUTED

At the heart of this study is the question "to what extent have OSISA's interventions through its Swaziland Programme contributed to improving the governance and human rights situation in Swaziland?" Section 4.2 and sections that follow seek to answer this question.

This broad question requires a number of sub-questions to be answered before it can be fully addressed. It is often difficult to quantify, or even specify, the impact of specific interventions when one is exploring a complex political landscape. One is clearly analysing long-term outcomes for which short-term monitoring and evaluation can be difficult. There is no doubt that the objectives of OSISA and its partners require change from community members, government officials and the international community. The changes that are required are individual, as well as institutional and policy-related. As such, they require multiple actors operating at different levels simultaneously.

Indeed, the process of advocating for open society ideals in Swaziland involves many actors. This multiplicity of actors was in place before OSISA's interventions began, and will continue to be in place long after the funding of the foundation has ceased.

This does not mean that measuring impact is impossible, but it requires a careful analysis of the limits of the possibilities of measurement, change and attribution, given the broader debates in the field of monitoring and evaluation of human rights programmes over the last decade. The workshop-based report "No Perfect Measure: Rethinking Evaluation and Assessment of Human Rights Work" rightly said:

> A measurement revolution has since taken hold in relation to human rights work as well. While better understanding and analysis of the successes and failures of human rights work is undoubtedly necessary, there are widespread concerns that current assessment and evaluation techniques are not sufficient to measure the complexities of social change processes, especially those driven by human rights.

The OSISA Swaziland Programme noted that by looking at how things are proceeding in Swaziland, "one would swear" that there is no improvement (never mind attributing any such improvement to the programme). Although the 2005 Constitution says that Swaziland is a democratic state, the evidence points in the opposite direction: there is no separation of powers of the executive, the legislature and judiciary since that all powers are vested in the King,[4] and another key tenet of democracy, pluralism,

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[4]"The first challenge is on a key tenet of a democracy, that is, the notion of separation of powers. The powers that are there are currently endowed in the person of the King and his office. The fact that all powers are vested in the person of the King therefore makes it difficult to allow the three arms of legislature, the executive and the judicial to function as distinct core equal entities that check and balance each other" (Interview of July 11, 2011).

has been missing since 1973 (Interview of July 11, 2011). The OSISA Swaziland Programme also pointed out that, while it was noble that the 2005 Constitution has a bill of rights, unfortunately "that bill of rights is severely emasculated by the fact it contains within it claw-backs and derogations and also omits some significant number of rights" (Interview of July 11, 2011) that properly belong in a bill of rights. For example, a significant number of economic and social rights are not in the bill of rights or are "non-justiciable" (Interview of July 11, 2011). The OSISA Swaziland Programme noted that another challenge was the issue of accountability. No one is able to hold the executive accountable. They said that "for instance parliament struggles to cause the executive to account" (Interview of July 11, 2011).

Looking at these challenges collectively, it appears that "the OSISA Swaziland Programme has not achieved her aims and objectives" (Interview of July 11, 2011). But the OSISA Swaziland Programme's engagement and working together with the National Constitutional Assembly, the Swaziland Coalition of Concerned Civic Organizations, Swaziland National Association of Teachers, LUVATSI and Young Women's Network and many other organizations are one way of showing the strides made by the programme. Through all these partners, Swazis are now more able to express themselves and to engage with topical issues affecting them.

LUVATSI expressed the view that "with the work of OSISA, it has come about that people are now free to stand up. The young people are challenging Swaziland's political system openly and debating openly" (Interview of July 12, 2011).

CANGO put it this way: OSISA's assistance does play a role in opening up spaces, even though it is happening in a small way in Swaziland. This is because it "enables those voices to have platforms through which they can

share ideas and it does provide opportunities for people to engage" (Interview of July 12, 2011).

The Council of Swaziland Churches believes that "OSISA is always looking for places or situations where there are marginalized groups, groups that are not getting the same treatment" and for the CSC that is what fighting for an open society is all about. It thus sees OSISA as advocating for the marginalized in the broader conditions where "we are all equal before the law and in the eyes of God" (Interview of July 12, 2011).

The SCCCO were of the view that through OSISA's grants they could embark on an advocacy project. They realized that "if we were to achieve the ideals of an open society it required of us to involve the society in which we operated and in which we lived and that created the agenda for civic education that created [in turn] the agenda for our advocacy" (Interview of July 13, 2011).

### 4.3 OSISA'S AIMS IN SWAZILAND

This section seeks to respond to the secondary research question concerning what OSISA's efforts in Swaziland aimed to achieve, particularly from the perspective of civil society participants in the programme. The organizations interviewed concurred (in varied ways) that OSISA's efforts in Swaziland aimed to achieve the opening up of the Swazi society. Section 4.1 explored the various grants that OSISA gave to the selected organizations to carry out the programme in its quest to open up the Swazi society. Open society as a concept carried diverse meanings for these organizations.

CANGO defined open society as a society where civil and political rights are respected, where there is the rule of law, and where the government is accountable to the people (Interview of July 12, 2011).[5]

In a similar vein, LUVATSI understood open society to be a society where various civil freedoms are protected, and where people can express themselves while at the same time respecting the rights of others (Interview of July 12, 2011).[6]

On the other hand, the Council of Swaziland Churches, inspired by the biblical text from the gospel John chapter ten verse ten, expressed a view of open society as a society where all are equal in the eyes of the law. This view by the CSC invokes the idea of an overbearing deity who is watching over everybody to see that equality is respected. Open society is about diversity but is also about caring. There is this idea that people look out for each other and that there is equity and fair access of resources (Interview of July 11, 2011).

SCCCO defined open society in terms of the relationship between a state and its people:

> "An open society is one that red-flags violations of democratic governance, rule of law, rights and freedoms of people such as *media freedom, freedom of expression and social and economic* rights (Interview of July 13, 2012).

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[5]"a society in which people are exercising fully their rights. For example, access to information, right to political participation, and freedom of expression. Open society is a society where all are equal before the law. It is a society where government is accountable to its citizenry. It is a society where all those eligible can participate regularly in free and fair elections." (Interview of July 12, 2011).

[6]"Open society is a society where everyone is free to participate, free to make contributions and free to say what they want without interfering with the rights of others. It is a society where one can dream and [people] bring their dreams to fruition without infringing on the rights of others." (Interview of July 12, 2012).

The OSISA Swaziland Programme explained open society to mean a society where people's basic needs are taken care of, but also where there is transparency and accountability in governance (Interview of July 11, 2011).

## 4.4 OSISA'S FAILURES IN THE SWAZILAND PROGRAMME

This section seeks to respond to the secondary research question of what failures OSISA has had in its Swaziland Programme. Both the selected organizations and the OSISA Swaziland Programme itself identified various failures that beset OSISA in the period from 2005 to 2010. These range from lack of capacity in terms of personnel to lack of resources, to not investing much in the youth, especially young women, to not investing in education and not sharing the vision and strategy with partners, and not investing in rural communities.

CANGO expressed concern that there is evidence of a piecemeal approach to programming as issues are not well thought out. CANGO said that it was important for the OSISA Swaziland Programme to outline priorities and then assess how Swazi society has improved with respect to open spaces where civil and political liberties are articulated (Interview of July 12, 2011).

CANGO further commented that there was no sustained strategic focus and investment of resources in the OSISA Swaziland Programme. Although there were a lot of expectations, not enough resources and support were given to the programme to accomplish its objectives (Interview of July 12, 2011).

According to the Council of Swaziland Churches, the lack of a detached OSISA Swaziland running programme makes it difficult to evaluate or even attempt to measure the impact of the programme. The CSC also expressed dissatisfaction about lack urgency on the part of the OSISA Swaziland Programme in dispensing funds (Interview of July 11, 2011).

LUVATSI concurred that there was a lack of urgency in the OSISA Swaziland Programme in processing grants, which often slows down implementation (Interview of July 12, 2011).

SCCCO felt that Swaziland was ignored in terms of resources that are allocated to deal with the political and governance challenges in that country, and that Angola, DRC and Zimbabwe seemed to gobble the resources that are meant for the crisis countries (Interview of July 13, 2011).

The OSISA Swaziland Programme added that funding was not enough, and did not respond sufficiently to the increasing demands. They said "but the fact that you obviously are working with an extremely fluid society has also brought about challenges, because we will not receive funding forever" (Interview of July 11, 2011).

## 4.5 OSISA'S SUCCESSES IN THE SWAZILAND PROGRAMME

This section seeks to respond to the secondary research question regarding what successes OSISA has had in its Swaziland Programme. The OSISA Swaziland Programme and the selected organizations shared what they thought were the successes OSISA had in its Swaziland Programme. These include OSISA not being rigid but flexible, having personnel and an office in the country, increasing local and regional advocacy on the ills of Swaziland, an awakened sense of reality to topical

issues, and OSISA being the only funder not afraid to sponsor "feared" governance and human rights projects.

OSISA Swaziland Programme said that the initiative of peoples' parliaments (which saw thousands of people from different parts of Swaziland coming together to a safe space "to engage on issues at play") soothed the heart because that awakened in people an interest. The OSISA Swaziland Programme said that there is now an expanded engagement on the broad issues of governance. For example organizations like MISA are no longer just focusing on media issues but also on issues of governance (Interview of July 11, 2011).[7]

The OSISA Swaziland Programme further noted that OSISA was the only organization not afraid to confront issues of political governance. Through OSISA Swaziland Programme support there are a number of organizations including CSC, LUVATSI, SCCCO and CANGO who have articulated and raised the bar on human rights agendas (Interview of July 11, 2011).

The OSISA Swaziland Programme emphasized that working with the various and diverse organizations in whatever small way opened them up to discuss, debate and share about the reality in Swaziland.

LUVATSI complemented this view, saying that OSISA has been a flexible donor and that they have excellent convening power in Swaziland as they understand the political dynamics. OSISA has been in the fore-front of

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[7] "[We] also see the fact that people are now becoming a little more interested in engaging with issues that traditionally they would run away from. We are now seeing organizations such as CANGO getting seized, engaging with a debate around governance; organizations such as Media Institute for Southern Africa (MISA) are getting seized and are actually engaging with a discourse of governance. That for me in a sense is breakthrough" (Interview of July 11, 2011).

governance training, but has also gone beyond that to deal with economic issues (Interview of July 12, 2011).

LUVATSI lauded OSISA for employing Swazis in the Swaziland Programme. They said "one can appreciate the fact that OSISA saw fit to have local people at the Programme inside the country" (Interview of July 12, 2011).

The Council of Swaziland Churches also praised the establishment of a local office that is run by Swazis and OSISA's associated flexibility. According to CSC, the advantage that OSISA has is the human touch. It is not rigid but is willing to discuss with partners and understands the context where its grantees are operating from (Interview of July 11, 2011).[8]

## 4.6 RECOMMENDATIONS FOR OSISA AND CIVIL SOCIETY

This section seeks to respond to the last secondary research question on what recommendations can be made for OSISA specifically and for civil society more broadly, in order to address the governance and human rights challenges. Recommendations for the OSISA Swaziland Programme included an all-stakeholders meeting, having a national planning process, a national strategic plan and an action plan, monitoring and evaluation as means to measure the impact of interventions, and better collaboration between the Swaziland Programme and the regional OSISA thematic programmes.

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[8] "We now have an office. We now have a person in the office that we can call or touch base with, depending on the nature of a problem. What I like is that whatever idea that you bring; with OSISA it is never a good idea or a bad idea. OSISA Swaziland Programme is always willing to discuss. I think that this is a plus for OSISA Swaziland Programme. It is because they try and understand the situation. They are not as rigid as the other funders that we work with" (Interview of July 11, 2011).

The Council of Swaziland Churches recommended that OSISA should have an integrated action plan which should include assigned roles, along with timeframes for checks and balances. The CSC recommended that the OSISA Swaziland Programme needs to convene a three-day retreat where all grantees and partners as well as the OSISA Swaziland Programme can formulate a programme of action with clearly defined roles and timeframes. The CSC believes that such a programme of action will assist in tracking progress and impact (Interview of July 11, 2011).

LUVATSI says that Swaziland's challenges are known, and therefore the OSISA Swaziland Programme must support programmes that contribute to the objective of returning Swaziland to democratic governance. LUVATSI believes that this objective can only be achieved by having an integrated approach instead of a piecemeal approach; because if people are pulling in different directions impact is compromised (Interview of July 12, 2011).

CANGO recommended the development of a programme of action and an OSISA Swaziland national strategic plan which will outline the Swaziland Programme's direction. The national strategic plan will outline funding processes and procedures so that it is clear to all grantees and partners how they can access funds. It will also have national priorities which the OSISA Swaziland Programme can fund. Another recommendation from CANGO is that the OSISA Swaziland Programme can assist in capacitating grantees and partners to write good and credible project proposals. Given its convening power, the OSISA Swaziland Programme must call quarterly or half-yearly meetings where partners and grantees can report on progress, and the OSISA Swaziland Programme can give feedback and updates on the strategic thrust (Interview of July 12, 2011).

The OSISA Swaziland Programme emphasized the importance of regional OSISA thematic programmes being aware of the Swaziland Programme's

attempts to promote good governance and human rights in Swaziland. The Swaziland Programme recommended that OSISA regional thematic programmes can fund grantees and partners in Swaziland, with an understanding that all efforts are towards realizing the objective of returning Swaziland to democratic governance. All efforts need to be pulled together in unison with the OSISA Swaziland Programme (Interview of July 11, 2011).

LUVATSI concurred with CANGO on the issue of planning processes, and also recommended that OSISA invest in young people, especially young women, in education and in rural communities.[9] LUVATSI also recommended the adoption of a monitoring and evaluation method, so that OSISA will be able to systematically assess its return on investment.

SCCCO recommended that the OSISA Swaziland Programme leaders be trained in leadership skills. SCCCO also recommended an additional staff member at director level; a person with administration, finance, monitoring and evaluation and managerial skills (Interview of July 13, 2011).

As for the recommendations for civil society, the organizations emphasized the importance of working together to achieve one goal, which is returning Swaziland to democratic rule.

LUVATSI recommended that civil society organizations need to come together and unite to fight the common enemy. In other words, all efforts must be about the liberation of the Swazi nation and not about individual organizational interests (Interview of July 12, 2011).

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[9] "The strategic plan will help. The shift in funding must also go to young people because the population of Swaziland is predominantly young people. So we are saying OSISA must look at funding education. They must invest in young women especially those in rural areas" (Interview of July 12, 2011).

LUVATSI further added that being tolerant of each other was of utmost importance. They said that leadership should be inclusive of all people they lead (Interview of July 12, 2011).

The OSISA Swaziland Programme also recommended working together as the only way that Swazis would achieve the goal of returning Swaziland to multiparty democracy. The Swaziland Programme also called for working together because working in silos does not help the cause of liberating Swaziland.[10]

CANGO acknowledged that each and every organization has its own mandate. However strategic partnership ought to be forged as well.[11]

The Council of Swaziland Churches also believes that civil society needs to break away from factionalism and find each other for the sake of the country. The CSC emphasized the importance of organizations pulling together and not entertaining self-interest, because together organizations are stronger and more likely to win the battle of returning Swaziland to multiparty democracy (Interview of July 11, 2011).

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[10] "Moving forward, how we can make sure that we work together is important because working in silos we would not achieve anything. That is why we support structures such as Swaziland United Democratic Front (SUDF) as it includes all interested stakeholders" (Interview of July 11, 2011).

[11] "I think there is greater room for people to look at partnerships beyond their narrow interests. I think in Swaziland we have tried to develop institutions that are supposed to be in partnership with each other and this is *rai·son d'être* of CANGO. There is a need for organizations to foster strategic partnerships so that they can enhance their agenda. There is need for partnerships between these entities so that they realize their objectives. The sooner they work together in partnership the better" (Interview of July 12, 2011).

## 4.7 SUMMARY

This chapter presented the findings which to a large extent show agreement about the OSISA Swaziland Programme's interventions, as related by the various organizations interviewed and by the Swaziland Programme itself. The study also showed some differences in the views and experiences from the selected organizations.

The chapter first presented profiles of the organizations and the funding spread in the period of study. Regarding the contribution of OSISA's interventions, there is agreement that to some extent Swaziland society is making strides in opening up. Swazis, and especially civil society, are now engaging with topical issues that affect them. There is agreement that OSISA could have done better. For example, OSISA took long to open and staff the office. In addition, there seems to be a need for a more clearly articulated strategic vision in so far as the OSISA Swaziland Programme is concerned.

The study presented a set of recommendations both for the OSISA Swaziland Programme and for civil society in Swaziland. It was recommended that OSISA organizes a national planning meeting to present OSISA's national strategy and vision, and where funding processes could be presented and explained. On the side of civil society, it was recommended that a concerted effort be made to work together towards the common goal of returning Swaziland to a democratic state that is accountable to its people.

The next chapter will take up some of these findings to analyse and interpret them. This will inform the recommendations that will be discussed in the final chapter.

# CHAPTER 5

## ANALYSIS OF THE RESEARCH FINDINGS

This chapter will analyse and interpret the findings presented in Chapter Four in the light of the preceding chapters, particularly Chapters Two which reviewed the literature review. As Watt (2007: 95) says, data analysis concerns itself with organizing "what has been seen, heard, and read so that sense can be made of what is learned".

The previous chapter presented a data in the way of findings regarding interviewees' responses to the research questions, as mediated by the specific questions that were posed in the interviews. To a large extent, the findings show agreement on views and experiences about the OSISA Swaziland Programme's interventions. This chapter picks up on several of these themes, and groups them according to the following headings or themes:

- The understanding of open society;
- The understanding of OSISA;
- Civil society self-reflection; and
- Clearly articulated funding procedures.

The chapter concludes with a summary.

This chapter, which outlines an analysis of the findings of the research, positions the findings against the background of contradictory and conflicting movements in the Swaziland political and democratic situation. While there have been a number of progressive moves, these have been intertwined with movements backwards. In a sense, the strategy of the

ruling elite and of the monarchy has been to complicate the very idea of progress by offering gains with one hand, while withholding fundamental rights with the other,.

As the interviews have shown, it has not been a simple task to assess the effectiveness of OSISA's interventions. This is due to the complex nature of the objectives of the programme, and the complex nature of the external threats to success, such as the extent to which the NGO sector has been fragmented and the extent to which OSISA's success has been hampered by a range of operational issues. These issues include a lack of clarity in communicating its objectives, institutional constraints and approaches, and funding processes.

## 5.1 THE UNDERSTANDING OF OPEN SOCIETY

The findings in the previous chapter provided significant data on the meaning interviewees gave to the notion or concept of open society. SCCCO defined open society as being "a broad principle of a relationship between a state and a people." (Interview of July 13, 2011).

This understanding of an open society is very important in that it stresses not just civil and political rights (which are also known as first generation rights) but also the second generation rights such as social and economic rights. First generation rights are prominent in western liberal democracies and are about non-interference by government in individual matters. Second generation rights, on the other hand, require affirmative government action for their realization. They are often referred to as group rights or collective rights (Aidoo, 1993: 706-707). SCCCO's understanding of an open society therefore seeks to broaden the concept, because the tendency is to concentrate on traditional rights like freedom of expression and freedom of assembly without a broader critical narrative of whether in fact one can be free if one is hungry.

The literature refers to state-society relations as elaborated by Mkandawire (2007: 681) when he said that good governance ought to be judged by how well it sustains state-society relations that are developmental; democratic and respectful of citizens' rights; and socially inclusive, providing all citizens with a decent living and full participation in national affairs (Mkandawire, 2007: 681). SCCCO echoes what Sen (1999: 8) argued earlier that access to information and media freedom are bulwarks of a democracy. CANGO expressly bemoaned that fact that Swazis do not have free media -- government controls both radio and television and this is not conducive to an open society (Interview, July 12, 2011).

This again confirms that open society through good governance demands that citizens have freedom of information and expression.

The viewpoint of the Council of Swaziland Churches that all are equal in the eyes of the law and that open society is about diversity and caring for others (Interview of July 11, 2011) is intimated by Aidoo (1993: 710) when he says that principles of equity and equality are fundamental to opening societies.

In view of the OSISA Swaziland Programme's view that open societies are democratic, accountable and transparent, Landell-Mills and Serageldin (1991: 5) argue that political accountability is one of the characteristics of good governance, and that transparency ought to be the hallmark of accountability.

The meanings of open society as expressed by the OSISA Swaziland Programme and the organizations interviewed were seemingly diverse, but were in consonance with the trends that emerged in the study's literature review. The OSISA Swaziland Programme and the organizations

interviewed outlined meanings of open society that apply to the situation of Swaziland as it stands in the period of the study as they perceive it.

The literature review assessed the meaning of open society and its key elements (Bergson: 1935; Langlands: 2007; Phiri: 2009; Popper: 1966; Soros: 2000; 2010). Phiri (2009: 87-88) said that an open society is where a society acknowledges and recognises that everyone has a right to participate in the affairs of the nation. Phiri (2009: 93-94) further explained that open society is then a society that respects human rights, rights to freedom of expression and association, rule of law. Langlands (2007: 63-71) corroborated the meanings of open society, saying that open society involves limits and controls on power where checks and balances are of crucial importance; it involves a state whose policies are directed at minimising avoidable sufferings; it involves changing the lives of citizens in a piecemeal fashion, a society that is free to discuss and debate any issue that affects the nation, a society that encourages diversity of views and opinions where everyone's views are treated with respect and are taken into account.

Soros (2000 and 2010) argues that open society is more than separation of powers, free speech and free elections; open society stands for freedoms of thought and expression and of choice, rule of law that guarantees freedom of speech and press, freedom of association and assembly, social justice and social responsibility, democracy and human rights.

The study notes that the meanings and understandings attached to the notion of open society as presented by the OSISA Swaziland Programme and the organizations interviewed were both similar and different at the same time.

Some meanings of open society as presented by the interviewees went as far as showing confluence of the open society concept with concepts of democracy, governance and human rights. The OSISA Swaziland Programme bemoaned the fact that the 2005 Swaziland Constitution explicitly says Swaziland is a democratic state, when in fact evidence shows that this is not the case (Interview of July 11, 2011).

Diamond (1999; Edigheji, 2005; Osiatynski, 2009; Soros, 2000; 2010), earlier demonstrated the point above when they posited that principles or features of democracy included the following: regular, free and fair elections, rule of law, free information, accountability, equality before the law, participation of citizens in the affairs of a country, transparency, control of the abuse of power. Other principles include a bill of rights, a multiparty system, respect for human rights, separation of power, accepting of elections results, political tolerance, economic freedom, freedoms of individual to think, believe, worship, speak, publish, inquire, and associate.

This study notes that despite similarities and differences in the understanding of the concept of open society; what matters to the organizations concerned is how an open society can be arrived at and how the OSISA Swaziland Programme can assist the various organizations to realize an open, democratic Swaziland.

## 5.2 THE UNDERSTANDING OF OSISA

The findings reveal that those interviewed were unsure about how OSISA operates. The argument presented by CANGO was that the OSISA Swaziland Programme used a piece-meal approach to programming and issues are not well thought out (Interview of July 12, 2011).

Similarly, the CSC complained that the OSISA Swaziland Programme did not have a stand-alone programme (Interview of July 11, 2011).

This study argues that the organizations interviewed were recommending that OSISA must have a focused area of intervention around which all partners and grantees would rally, and rules of engagement would be known by everyone.

Interviewees seem to have been suggesting that the OSISA Swaziland Programme did not have a programme of action, and did not have any national strategic plan that informed its interventions.

At the outset, this study outlined some of the aims of the OSISA Swaziland Programme in its mission to address issues of governance and the abuse of human rights.

It would appear from the interviews and the analysis that the OSISA Swaziland Programme has not been able to clearly articulate its aims and objectives or other operational procedures (such as funding procedures). This is significant because, as well as being an advocacy organization, OSISA is also a grant-making entity. The OSISA Swaziland Programme has apparently lacked the capacity to create a forum where it could invite all stakeholders to share its vision and action plan. This study argues that during the interaction with the selected organizations, as evidenced by findings presented in Chapter Four and by subsequent requests by interviewees for a retreat meeting or a strategic planning meeting, an impression was created that there is very little interaction and that communication is lacking between the OSISA Swaziland Programme and its partners and grantees.

This study argues that if there was a clear strategy in place; then the OSISA Swaziland Programme failed to communicate it clearly.

## 5.3 CIVIL SOCIETY SELF-REFLECTION

In discussing with the selected organizations and with the OSISA Swaziland Programme, there was a sense that civil society was also looking at itself in self-reflection. It was around the issue of how they see themselves contributing towards the destiny that they want for the Swazi nation. The study argues that civil society, organized and non-organized, comes across as fragmented and uncoordinated at the national level.

LUVATSI and the Council of Swaziland Churches articulated in their respective interviews that what Swaziland needs is a united civil society. LUVATSI went as far as suggesting that civil society in Swaziland has closed society tendencies that they sometimes do not listen to each other's voices and views (Interview of July 12, 2011). Interviewees nevertheless agree with Leftwich (1993: 616-617) when he argues that the presence of a vibrant and active civil society that includes people from all walks of life (including churches, cultural groups, unions, youth groups and business) is one of the conditions for a democracy building process.

CANGO said that as much as each and every organization had its own mandate, there was a need for fostering strategic partnership.

This study argues that Swazi civil society needs capacity building and training in advocacy issues, as well as in skills such as proposal writing, financial management and leadership.

The study concurs with the OSISA Swaziland Programme when it says that working in silos will not assist the Swazi nation to return Swaziland to a multiparty democracy (Interview of July 11, 2011).

## 5.4 CLEARLY ARTICULATED FUNDING PROCEDURES

It became apparent in the findings that one bone of contention was over the way in which the OSISA Swaziland Programme funds grantees/partners. This concern is not surprising given a decline of donors generally, and it is understandable that it would be important for the OSISA Swaziland Programme to be clear on when and how organizations were supposed to apply for funding, because there is a scramble for whatever financial resources are still available. The concerns below therefore become very important for OSISA to take cognisance of.

SCCCO raises a very crucial point of strategic value if the OSISA Swaziland Programme is to make a difference in so far as its goal of opening up societies is concerned, particularly in Swaziland. The point is that whether or not the OSISA Swaziland Programme was sufficiently budgeted for. SCCCO argued that the budget was insufficient (Interview of July 13, 2011).

The OSISA Swaziland Programme seemingly does not get allocated that much in terms of budget, and the budget fluctuates (as noted in section 4.1.1). The OSISA Swaziland Programme in the period from 2005 to 2010 received roughly US$1.9 million, which the programme itself said was not enough and as a result they were stretched. However there could be an opportunity to do more with less, depending on the Swaziland Programme's strategic plan in a given period.

## 5.5 SUMMARY

This chapter has been dedicated to analysing the findings that were discussed in the previous chapter, under the following headings: the understanding of open society; the understanding of OSISA; civil society self-reflection; and clearly articulated funding procedures.

The analysis indicates that all those interviewed were sufficiently conversant with the notion of open society and its relationship to both democracy and human rights. It became clear in the course of the research, however, that some (if not all) of the interviewees were not sure of how OSISA functioned, and they requested better articulated funding procedures.

This study argues that the organizations interviewed were not only reflecting on OSISA, but they were also self-reflecting to see how they too could contribute towards realizing again a democratic Swaziland.

It became apparent that better coordination between the OSISA Swaziland Programme and the organizations interviewed would be a determining factor in the achievement of an open society in Swaziland by OSISA.

The next chapter of this study will draw conclusions and make recommendations.

# CHAPTER 6

## CONCLUSIONS AND RECOMMENDATIONS

This chapter presents conclusions and recommendations of the study of the effectiveness of OSISA's interventions. At the heart of this study has been the question of the extent to which OSISA's interventions have contributed to improving the governance and human rights situation in Swaziland.

The study, through derivative research questions, looked at both successes and failures as presented by the selected organizations and the OSISA Swaziland Programme. The study then analysed all the findings including the recommendations put forward by the interviewees on behalf of their organizations.

Based on all the evidence presented, the study draws the following conclusions and puts forward a set of recommendations.

### 6.1 CONCLUSIONS

The study concludes that both the OSISA Swaziland Programme and the organizations interviewed acknowledged that OSISA's interventions have contributed to improving the governance and human rights situation in Swaziland, at least in so far as raising consciousness and awareness of Swazi people to the issues at stake. It can also be concluded that all stakeholders in this study, in their working together, have a common understanding of what open society means – even though there was an occasional tendency to be protective of individual organizational interests and mandates.

The study also concludes that in the period of the study there have been challenges in how OSISA has carried out its Swaziland Programme. The challenges included an inability to articulate its strategy and vision, lack of clarity in terms of a funding model, and lack of a focussed programmatic area.

The analysis also indicates that there are things that OSISA got right in its interventions. Chief among these are having made Swaziland a priority country; and opening an office with local personnel on the ground. OSISA can build on these successes.

This study concludes that there is clearly an agreement that the momentum prevails, both from the side of the OSISA Swaziland Programme and amongst the partner organizations interviewed. However, it would take a concerted effort of all stakeholders involved to work closely together, and OSISA should invest more resources into the Swaziland Programme to further help advance the opening of Swaziland society.

There is definitely a need for investment in capacity building to strengthen civil society capacity to lobby around topical issues.

## 6.2 RECOMMENDATIONS

The foundation is there and the will is there to continue the thrust towards the opening of the Swaziland society. This study therefore recommends that OSISA capitalizes on this and convenes a yearly stakeholder meeting to deliberate and agree on the following:

- The OSISA's Swaziland Programme national strategic vision;
- Programme of action;
- Working committee; and

- A progress evaluation plan.

The study also recommends quarterly or semester stakeholder meetings. These meetings can be organized by the working committee to deliver:

- Feedback by OSISA on any new developments;
- Organizations' progress reports; and
- A review of work done.

The organizations interviewed lauded OSISA for declaring Swaziland a crisis country; this study recommends that OSISA takes cognisance of this undertaking and matches it with reasonable budget allocations, while also linking up organizations with other potential funders.

In addition, the OSISA Swaziland Programme should explore ways to invest in the youth, particularly the rural youth.

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## APPENDICES

## APPENDIX 1

## QUESTIONS FOR OSISA SWAZILAND PROGRAMME LEADERSHIP

a. What are the objectives of OSISA in general? What are the objectives of OSISA for OSISA Swaziland Programme?
b. Have the objectives been met or not and why?
c. Why is Swaziland a crisis country in OSISA's view?
d. What, in your opinion, are the main things that OSISA Swaziland Programme has been getting right, or has not been getting right?
e. What have been the main reasons that you have seen for the things that have gone right for OSISA in its Swaziland Programme?
f. Have you seen an improvement, deterioration or stagnation, over time, in the Programme that OSISA has been running in Swaziland?
g. To what extent would you say that OSISA's Swaziland Programme's interventions in Swaziland are within -- or beyond – their powers to bring the desired changes to Swaziland?

## APPENDIX 2

## QUESTIONS FOR THE SELECTED ORGANIZATIONS

a. What are the objectives of OSISA?
b. What is open society?
c. What help did you receive from OSISA and how did that help further the open society ideal in Swaziland and why or why not?
d. Given your work with OSISA Swaziland Programme what, in your opinion, are the main things that OSISA Swaziland Programme has been getting right, or has not been getting right?
e. Working with OSISA what have been the main reasons that you have seen for the things that have gone right for OSISA in its Swaziland Programme?
f. In your work with OSISA, have you seen an improvement, deterioration or stagnation, over time, in the Programme that OSISA has been running in Swaziland?
g. To what extent would you say that OSISA's Swaziland Programme's interventions in Swaziland are within -- or beyond – their powers to bring the desired changes to Swaziland?
h. What would you have done differently?
i. What is your advice for OSISA Swaziland Programme for future engagement?

**APPENDIX 3**

Building vibrant and tolerant democracies




17 June 2011

Dear _____

Subject: Request for an interview re LP Masigo's Research Report in fulfilment of Master's Degree in Public and Development Management (P&DM) at Wits University

I hereby confirm that the P&DM Post Graduate Degrees Committee has approved the title **The Open Society Initiative for Southern Africa and the struggle for open society in Swaziland, 2005-2010** for my Research Report. Furthermore the committee has appointed Prof Susan Booysen as my supervisor with whom I should work to complete this exercise.

Given the above, I am requesting to meet with you to interview you as I seek to put together my research report. I believe that your thoughts and insights would be of benefit not only for this exercise but also for OSISA's collaboration with you. I hereby below attach broader questions for our discussion:

i. What are the objectives of OSISA?
ii. What is open society?
iii. What help did you receive from OSISA and how did that help further the open society ideal in Swaziland and why or why not?

iv. Given your work with OSISA Swaziland Programme what, in your opinion, are the main things that OSISA Swaziland Programme has been getting right, or has not been getting right?

v. Working with OSISA what have been the main reasons that you have seen for the things that have gone right for OSISA in its Swaziland Programme?

vi. In your work with OSISA, have you seen an improvement, deterioration or stagnation, over time, in the Programme that OSISA has been running in Swaziland?

vii. To what extent would you say that OSISA's Swaziland Programme's interventions in Swaziland are within -- or beyond – their powers to bring the desired changes to Swaziland?

viii. What would you have done differently?

ix. What is your advice for OSISA Swaziland Programme for future engagement?

x. What recommendations can be made for OSISA specifically and for civil society more broadly, in order to address the governance and human rights challenges faced by Swaziland?

I'll be in Swaziland for this exercise on July 11-15, 2011. May I have one and half to two hours with you on any of these days? I'll be happy to hear from you regarding a preferred date and time by Tuesday June 21, 2011.

In advance I request that I be allowed to use tape recorder. Should this not be acceptable I oblige unconditionally. I also wish to confirm that OSISA's management have approved this exercise and therefore it'll be within the ambit of my work and nothing untoward is planned. I wish to confirm as well that under no circumstance would the outcome of this exercise would influence and/or compromise the working relationship you have with OSISA.

I thank you in advance for your valuable assistance

Lionel Percy Masigo
Executive Assistant
Email: PercyM@osisa.org