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

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Chapter Eight

Shadows of Apartheid: Racial Discrimination and its Persistence, 1964 - 1973.

8. 0 Introduction

It has been shown in the previous chapter that the period immediately after the passage of the anti - discriminatory legislation in Swaziland failed to satisfy the aspirations of workers. Hence, the staging of strikes by workers in various industrial concerns. This chapter will attempt to explain why discriminatory attitudes and practices persisted in the country beyond that period up to early 1970s. The focus will be on the ten - year period after the promulgation of the anti - discriminatory legislation which was accompanied by movement towards self - government, the attainment of independence and the entrenchment of a black - led as well as democratically elected government. Part of the analysis in this chapter will focus on the role played by legislation in influencing social change. The chapter also examines the policies which were crafted by Swaziland's post - colonial government to curb discriminatory practices. Such policies will include those put in place directly with regard to racial discrimination as well as general governance. An attempt will be made to explore the attitudes and beliefs of different sections of the population in relation to contemporary white - black relations. This, it is hoped, will shed some insight into the general patterns of white - black relations in immediate post - colonial Swaziland. In essence, the chapter will attempt to analyse the policies of the post - colonial government and their bearing on race relations in the country. The analysis stops at the period immediately after the abrogation of the independence constitution since it is considered in this work that the period thereafter yielded a different kind of constitutional and legal framework as well as a unique political discourse in the history of Swaziland.

8. 1 Constitutional Proposals and Racial Representation

After the Constitutional proposals had been released in March 1962 the British government sent Mr. D. Stephen to Swaziland as legal and constitutional adviser to the High Commissioner and Resident Commissioner. Stephen was also to assist in the evaluation of public opinion on constitutional development and in making recommendations on those issues. On the proposals contained in the constitution, J. S. M. Matsebula has pointed out that, "The viewpoints of the Swazis and those of the British differed sharply".[1] The *Times of Swaziland* explained that, "The traditionalists thought it went too far along the modern way of Africa. The orthodox political parties thought it did not go far enough".[2] The political parties advocated franchise rights under the universal adult-suffrage, while the SNC and EAC favoured a system in which the Swazi would vote according to their traditional methods and the whites on the common roll. There seemed to be no agreement between the contesting parties.

Dudley Barker remarked that, "When these proposals were published they were condemned by almost everybody".[3] In January 1963 further constitutional discussions took place in London. Representatives of the EAC and the SNC as well as government officials attended these discussions. Also present were the representatives of political parties and Dr. David Hynd who was an independent observer. When they arrived in London the delegates of political parties formed an alliance with Simon Sishayi Nxumalo as Chairperson. While the EAC had fully backed the proposals of the Constitutional Committee, reservations were expressed by some official members of the committee.

When the proposals of the Constitutional Committee were handed over to the British government in London, reservations were registered by the Chairman, Brian Marwick and three officials members, Athel Long, W. E. C. Pitcher, and J. F. B. Purcell. These officials criticised the federal principle on which the proposals were based. They contended that, "We consider that once a start is made with racial federation it will be

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[1]J. S. M. Matsebula, *A History of Swaziland* 3rd ed. (Cape Town: Longman, 1988), p . 236.

[2]Times of Swaziland (hereafter, TOS), "More Years of Argument About a Constitution", 10 July, 1964.

[3]D. Barker, *Swaziland* (London : Her Majesty's Stationery Office, 1965), p. 134.

virtually impossible to turn on to a non - racial path in spite of the hopes of the committee, and will lead in a short time to a legislature dominated by Swazis responsible only to a Swazi electorate".[4] Sobhuza had been invited to the talks in London but he had declined the invitation. Matsebula observed that, "The invitation indicated a lack of judgement on the part of those who advised the British government, for they knew that the Ngwenyama, as head of the Swazi nation, could not take part in a discussion of this kind. He had to stand aloof from the sectional interests of his people".[5] The Resident Commissioner returned to Swaziland to discuss the matter with Sobhuza privately but he was unable to achieve much.

Sobhuza proposed that a multi - racial council comprising of blacks and whites should be established by which he was generally understood to be advocating a system that gave fifty per cent representation to both parties. However, as the Legislative Council elections drew nearer he clarified his position stating that by equal racial presentation in the Legislative Council he did not mean numerical equality but the general representation of white and black interests. He stated that he could not accept, "the non - racial system or complete integration under the Westminster pattern which is being offered".[6] He further declared that, "It is incorrect to say that of the Swaziland constitution irrespective of whatever form it may follow, we stand principally for a 50 - 50 representation".[7] The proposal stood on two legs- ultimate political control by the Swazi traditional leaders, and a federation which would protect group rights. He explained it as follows;

> Seeing that the two groups, Blacks and Whites have different laws and customs, but anxious to bring the two together one decided on a federal system under which each group would retain some measure of its identity and only come together on matters of common interest. This was calculated to minimise friction between the two groups where one group may want to dominate the other, which

[4]TOS, "The Reservations", 13 April, 1962.

[5]Matsebula, *A History…*, p. 134.

[6]TOS, "Political Pace Quickens As Ngwenyama Speaks: Race Federation Plea is His Main Theme", 26 April, 1963.

[7]*Ibid*.

> would surely be the case if the two groups were formed into a common union.[8]

Sobhuza's main concern at this stage appears to have been the transfer of power to the monarchy of which he was the figurehead. He was critical of an electoral process that would pose a challenge to the traditional order. Instead, he preferred a system that would ensure that the majority of the Swazi would support the monarchy through the traditional structures. Under this arrangement, the whites would continue to exist as a separate community. In this campaign, racial integration was effectively downplayed and portrayed as a threat to the identities of black and white communities. Sobhuza's model had long-term implications for race relations in the country. It pointed in a direction whereby previous racial attitudes and practices would continue to be perpetuated. The separate co-existence of racial groups was more likely to promote the perpetuation of sectional prejudices and discriminatory relations than to end them. Political parties on the other hand wanted to exercise their vote through the universal adult franchise and to move towards a non-racial society. On this question Simon Nxumalo, the SDP leader and chairperson of the Alliance of Political Parties submitted a memorandum to the Secretary of State for Colonial Affairs, reasoning that

> If the Swazi National Council mean by this that they now support the view of political parties that the constitution should embody a definition of the Swazi nation as including everyone, regardless of race or creed, who accepts Swaziland as his home, and the Ngwenyama as his king, then the political parties would have no difficulty with this suggestion. On the other hand, if the suggestion is to be the basis of further argument in favour of racial voting arrangements within the constitution, the political parties are most strongly opposed to it.[9]

An important observation concerning racial discrimination was made by the Resident Commissioner around this time. In a policy statement, the Commissioner pointed out that, despite advances made at the official level with regard to multi-racial projects there

[8] *Ibid.*

[9] TOS, "Simon Nxumalo Hands Memorandum to Duncan Sandys", 3 May, 1963.

was no evidence indicating that the different communities were co - operating in their day to day activities. He observed that

> All these proposals for building one nation will come to naught unless the cloud of racial discrimination is dispersed. It is true that discriminatory laws are being removed from the Statute Book and that discrimination in public places has been banned. But the problem is barely scratched. Too many people– Black and White– have not yet begun to make the mental adjustments involved. The whites are still afraid to abandon the concept of White superiority and the Blacks are still too prone to attribute their own failures to discrimination. The root of the trouble is fear and the inability to see how the lives of all persons in the Territory can be immeasurably enriched by the removal of this evil. In building this nation this is the problem above all which must be solved.[10]

This observation was significant because it pointed not only to where Swaziland's main problem lay during this transition period but also implied that constitutional progress had been stalled as the principal sections of society clung to their racial identities ; hence, a failure to forge a common identity that transcended racial barriers.

Meanwhile, in the midst of non-agreement between various interest groups in Swaziland, the British decided to impose a constitution on Swaziland in May 1963. Dudley Barker explains the background to this development as follows;

> Early in 1963 the Colonial Secretary invited leading men of Swaziland to constitutional talks in London, at which efforts were made to get Swazi traditionalists and conservative whites on the one hand, and nationalist political parties on the other, to agree to a plan which would treat Swaziland as a unified nation rather than as two separate communities living side by side. But there was no agreement, either in London or in Swaziland itself that year. The Secretary of State was compelled, therefore, to give Swaziland a constitution on his own responsibility. He published it in May 1963.[11]

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[10]TOS, "Mr. Marwick's Policy Statement", 25 May, 1965.

[11]Barker, *Swaziland*, p. 134.

The constitutional proposals did not receive a warm welcome from many who resided in Swaziland. Again, Barker observed that

> when these proposals were published they were condemned by almost everybody, but especially by the less progressive Europeans and by Sobhuza himself, the former angrily recognizing that their hopes for separateness had been discarded, and the latter fearing for the encroachment of democracy on the traditional aristocratic government of the tribal Swazi.[12]

Barker further pointed out that the constitutional proposals, "protected fundamental human rights without discrimination as to race or colour".[13] Carl Todd lobbied the EAC to reject an imposed constitution contending that

> We have to live our lives out here in friendship and collaboration with the Swazi and our future will be in jeopardy if in their hour of crisis we turned against them. Nothing could be more inimical to racial harmony if we Europeans set ourselves in opposition to the Swazi nation and our future would be bleak and nothing could be done by Great Britain to ensure our interests and wellbeing for these questions are not settled by the exercise of power or the use of force, for inevitability the goodwill of the Swazi is the surest foundation to our security and future in the Territory.[14]

Defending Sobhuza's position and that of the SNC, Todd pointed out that, "It is apparent to the Swazis that the demagogue by extravagant political promises to the mass of inexperienced peasants would disrupt Swazi life and tradition and dominate them".[15] He accordingly endeavoured to mobilise whites in Swaziland to support Sobhuza's constitutional proposals. In a letter addressed to Swazilanders, he observed that :

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[12]*Ibid*.

[13]*Ibid*.

[14]UWL / William Cullen Africana Library Pamphlets, "The Swaziland Constitutional Negotiations: Know Your Friends", Minutes of the Fourth Reconstituted European Advisory Council Held 15th and 16th October, 1963.

[15]*Ibid*.

> I have spent a great deal of time of the past year negotiating with the British Government in London and with the Swazi National Council and Swazi leaders in trying to find a compromise that would be acceptable to the people of Swaziland and ensure a constitution that would give confidence to the bulk of their people in their future wellbeing. Unfortunately the British Government has pursued an uncompromising policy of imposing their will without reference to the vast majority of the people and this policy has brought the Government into conflict with the Swazi nation led by the Ngwenyama.[16]

In addition, Todd added that, "I am apprehensive of British Westminster democracy being applied in Swaziland as events in other areas in Africa have shown how impossible it is for minority interests to be protected under such a political system applied in Africa".[17] An extraordinary meeting of the Swazi National Council was also called to consider the constitution. Matsebula has notes that "The Council could not accept certain clauses in the constitution because these were opposed to the aspirations of the Swazis".[18] The constitution was mainly criticised for its failure to take into account local peculiarities such as customs and other national features of the country.

The Council decided that a petition be sent to the British government to request the removal of the unacceptable clauses. The petition was drafted and presented on behalf of Sobhuza and the Swazi nation to the British House of Commons on 18 November 1963. The petition protested that the constitution ignored the wishes of the vast majority of the people of Swaziland. Among other issues, Sobhuza petitioned that, "Swaziland should be a free democratic state with absolute equality of its inhabitants irrespective of race, but recognising for the time being that the culture tradition and development of the Swazi and European are different".[19] He further pointed out that the method of election proposed

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[16]*Ibid.* , Letter from Carl Todd to Swazilanders, October 1963.

[17]*Ibid.*

[18]Matsebula, *A History*, p. 237.

[19]TOS, "Ngwenyama's Petition to the Commons: Wants Changes Made to the Constitution", 22 November, 1963.

would force the majority of the people to participate in a form of political activity which it neither understood nor desired.

The method criticised was that by which the whole electorate would exercise its votes on a national voter's roll. Sobhuza warned (perhaps mistakenly) that elections under the proposed method, "would certainly create fertile soil for the machinications[sic] of undesirable foreign influences such as have already been experienced recently in strikes necessitating the presence of troops in Swaziland".[20] In that same week a communication signed by about 120 Europeans from southern Swaziland who had attended the meeting of the SNC was sent to the British government in London.[21] It supported Sobhuza's petition and claimed to be representative of more than half of the White population in Swaziland.

Eventually, the Swaziland constitution was promulgated in November 1963. The Order in Council which provided for a new constitution for Swaziland was made on 20 December of the same year. After being considered by the British Parliament it was published in a Swaziland Government Extraordinary Gazette on 2 January and a major portion of it came into operation the following day.[22] The part dealing with the Executive Council and two sections dealing with the *Ngwenyama*'s powers were intended to come into operation after the Legislative Council election in June 1964. The constitution was based on the White Paper presented to Parliament by Duncan Sandys, Secretary of State for Colonies in May 1963.

Sandys maintained that wherever possible points on which there was common agreement were incorporated. According to him, the finalisation of the process had taken into account of

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[20]*Ibid*.

[21]TOS, "Meeting of Europeans Supports Petition", 22 November, 1963.

[22]TOS, "New Swaziland Constitution Comes into Force Today: Order in Council Published", 3 January, 1964.

> The traditional institutions of the Swazi people, the contribution of the European community to the community of the Territory and the need to provide opportunity for political expression to those, while respecting the position of the Ngwenyama and the Swazi National Council, yet do not feel themselves adequately represented through the tribal structure.[23]

The constitution changed the designation of the Resident Commissioner to that of Her Majesty's Commissioner and executive power was vested in that office. Barker has remarked of the constitution that

> It created a Legislative Council of twenty - eight members. Four of them would be government officials; eight Swazi or Eurafricans representatives chosen by traditional methods ; four Europeans or Eurafricans elected by secret ballot by voters registered on a European electoral roll and voting in a single constituency covering all Swaziland, and twelve persons (of whom four must be Europeans or Eurafricans) elected by voters on a national roll and voting in four constituencies. Additionally, Her Majesty's Commissioner could appoint up to three more to represent minority interests. Adult taxpayers and their wives who were British subjects or British protected persons, and had lived in Swaziland for at least three of the previous five years could register on the national roll (this is not quite adult suffrage).[24]

The form that the Legislative Council would take would largely be that of representation along racial lines.

8. 2 Dr. Verwoerd's Offer

In the midst of this debate the South African Prime Minister, Dr, Verwoerd offered to incorporate the High Commission Territories including Swaziland into the Republic of South Africa. On 3 September 1963, at the opening the Transvaal Congress of the National Party in Pretoria, he suggested that the Territories should be allowed to develop to independence under South Africa's guardianship instead of under Britain's.

[23]TOS, "After Three Years", 10 January, 1964.

[24]Barker, *Swaziland*, p. 134 .

Verwoerd's idea was that these would fall within the category of Bantustans. He claimed that the path of "multi - racialism" the territories were following under Brittan's guidance was doomed to fail as it had failed elsewhere in Africa.

Some influential whites and leading members of the EAC in Swaziland such as Carl Todd and R. P. Stephens supported Verwoerd's offer.[25] They claimed that there were economic advantages for Swaziland if she were incorporated into the Republic as the territory was already economically dependant on it. However, a contrary line of reasoning suspected that the acceptance of Verwoerd's offer would, "smash the prospect of a bordering non - racial state".[26] Reacting to Verwoerd's offer to extend Republican protection over Swaziland, Macdonald Maseko,Vice President of the NNLC posed his criticism as follows;

> Why does Dr. Verwoerd fear a democratic Swaziland? Because a free Swaziland in which all the races live together on the basis of real equality is the greatest threat to his system and belief of race mastery. Nothing would be more undermining to Dr. Verwoerd than to have a Swaziland on his boundaries in which Whites are equal to Blacks ... This would destroy the justification for the last White laager in Africa.[27]

The Administration in Swaziland proceeded along its political and constitutional path without paying any official attention to Verwoerd's offer. If anything, his intervention confirmed them in the wisdom of the path they were following. At the official level the attempt to shape Swaziland's future towards non - racialism was being rapidly advanced.

[25]See, TOS, "Swaziland and South Africa", 15 January, 1963; "Todd on Verwoerd's Offer", 25 October, 1963 and "People Impressed by Verwoerd's Offer Says Todd", 25 October, 1963.

[26]TOS, "Swaziland's Split Personality", 13 December, 1963.

[27]TOS, "NNLC's Reaction To Dr, V's Offer", 13 December, 1963.

8. 3 The Journey to the Legislative Council [28]

In the process of making a new constitution for the country the Resident Commissioner relied on the advice of senior officials in the Swaziland colonial administration who had worked for "progress on the British model" in other countries. Among these, the two most influential were Athel Long and Michael J. Farlie. Long came to Swaziland in 1961 as new Government Secretary with experience from Burma and Northern Nigeria. Farlie arrived in 1957 with experience from Bechuanaland. These officials were anxious to transform what they described to Hilda Kuper as a "'feudal society' and also as, 'a top - heavy monarchy'"[29] into "a 'modern democracy' under a constitutional king".[30] Despite differences in views about the manner in which political progress was to be achieved, almost all the country's stakeholders concurred that racial discrimination was to be put behind them as the country moved towards non-racialism. Any disagreement on this point then related to how to achieve this ideal. The opinion of the members of the Constitutional Committee was that

> in the laws of Swaziland, there shall be equality of citizenship irrespective of race, colour or creed but, in order for a constitution of Swaziland to work, it must be modelled on racial federation and thereby take cognisance of the differences that do exist in the different stages of cultural developments of the major races of Swaziland.[31]

On 23 August 1963 Her Majesty's Commissioner appointed a committee to consider the boundaries of the future local authorities in Swaziland and the need for variations in existing administrative boundaries. The report by this committee was published on 25 September and the recommendations in the report were accepted by the Resident Commissioner in October of the same year. The recommendations were briefly that four district councils should be established, based on four districts, and that immediate action should be taken to revise the district boundaries. In December the former six district

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[28]For a detailed discussion on this period, see, Fransman, "The State and Development ...", pp. 239 - 284.

[29]H. Kuper, *Sobhuza 1 : Ngwenyama and King of Swaziland* (London: Duckworth, 1978), p. 223.

[30]*Ibid*.

[31]TOS, "SNC Meeting's Resolutions : Change of Views on Legco Composition and Franchise", 3 May, 1963.

boundaries were changed by Government Notice and four districts were constituted and named:

Table 4 : Former and New Districts, December 1963

New Districts	Former Districts
Shiselweni	(formerly Hlatikulu)
Lubombo	(formerly Stegi)
Manzini	(formerly Manzini but now Incorporating Mankaina)
Hhohho	(Formerly Piggs Peak and now incorporating Mbabane).

Source: S. N. A. File 3003A / 16, Local Government and Administration, Swaziland Annual Report, 1963, p. 1.

Within the framework of these administrative districts the government also moved to create local government structures through modifying the Urban Area Advisory Committees which had been in existence for a number of years. It may be noted that people living in urban areas, including Africans and Eurafricans automatically fell under white authority, as urban areas were considered to be the whites' public spheres. Former Senator and political activist, Mbho Shongwe, for example recalled that, "When I came to Manzini in the early 1960s there were few black people in town. Black and Coloured people lived in the outskirts of the town. In fact, Coloureds were nearer town while blacks lived further away".[32] People living in the rural areas, a majority of whom were the Swazi, fell under the authority of the Paramount Chief. Around this time Swazi who were living in the countryside were estimated to number 250 000. The population distribution in urban centres was as follows;

[32]Interview, Mbho Shongwe, Manzini, Golf Course Park, 14 October 2005.

Table 5: Population By Race, 1963.

Township	European	Swazi	Eurafrican	Total
Mbabane	1, 790	6, 300	300	8, 390
Manzini	1, 320	6, 100	400	7, 820
Goedgegun	300	1, 600	60	1, 960
Hlatikulu	120	1, 000	50	1, 170
Piggs Peak	150	1, 700	20	1, 870
Stegi	250	2, 900	270	3, 420

Source: SNA, File 3003A / 16, Local Government and Administration, Swaziland Annual Report, 1963, p. 3.

8. 3 (i) Imposed Constitution and Elections

Attempts to prevent the imposition of a constitution failed. In spite of all the contention, the constitution was promulgated by Order in Council in December 1963, and was brought into operation early in the following year. Putting the constitution in place was a major step forward in the governance of Swaziland. However, by attempting to protect group interests along racial lines the constitution appeared to be perpetuating principles that had regulated racial interests long before the abolition of racial discrimination in the country. Francis Mbelu, for example, observed that the constitution, "divides the Swazi population into racial groups".[33] He warned that, "any policy which encourages racialists will not safeguard white interests in Swaziland".[34] In June 1964 the first elections were held for a Legislative Council.

In addition, the constitution provided for elections to be conducted on political party lines. The Resident Commissioner defended the British position and argued that

[33]TOS, "Divided into Racial Groups", 6 March 1964.

[34]*Ibid.*

> It is only natural that with a considerable constitutional advance of this nature towards self - government, that those persons of education and understanding should begin to think of the policies they would like Swaziland to follow and to persuade others by explanation and argument to follow their views. This leads to the formation of political parties ; that is to say in simple terms groups of persons following general policies which they support.[35]

This arrangement forced the monarchy to change and form its own political party known as the Imbokodvo National Movement (INM). As Prince Mfanasibili explained, "The Swazi National Council Standing Committee of that time emerged with a strategic plan of forming a National Movement, popularly known as Imbokodvo, to counter the political parties and contest the elections in 1964".[36] A document of the Ngwane National Liberatory Congress (NNLC) records that, "With the advent of political parties, especially the feared Ngwane Liberatory Congress, which had a strong base in the labour movement, King Sobhuza II was persuaded by traditionalist elements in the country to form a political movement through which the monarchy and its supporters would nominate its candidates, hence, the formation of the Imbokodvo National Movement".[37]

Explaining the naming of the movement Prince Mfanasibili observed that, "Sometime in 1964 Sobhuza compared the Swazi nation to a hare that while being chased, approached a stream and turned to be a grinding stone. The hunters picked up the stone and threw it across the river, saying if they could see the hare they would grind it with the stone.

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[35]TOS, "Allow Political Parties to Develop, Says Sir Brian", 24 April, 1964.

[36]Prince Mfanasibili (Guest Writer), TOS Sunday, "How Imbokodvo was formed", 4 September, 2005.

[37]A Document compiled by the banned Ngwane National Liberatory Congress, entitled, *Political Developments in Swaziland: Past and Present*, April, 2002, p. 2. I am grateful to Mrs Ntombi Nkosi, President of the NNLC's Women's Wing for furnishing me with a copy of the document. I had scheduled an interview with Nkosi for 12 October, 2005 but, for reasons beyond her control it could not take place. Subsequent attempts to interview her also failed.

Across the river the stone became the hare which was being pursued".[38] This metaphor was Sobhuza's description of how the modern politicians were like the hunters who had forced him to form the Imbokodvo. The stream was independence. The hare changed form simply to get across the stream of independence.

The formation of the movement occurred after Sobhuza had been influenced by the SNC Standing Committee and his legal advisors.[39] Martin Fransman noted, for example, that prominent South African lawyer, van Wyk de Vries, "gave the Swazi rulers advice which offered them the only hope of turning the existing political situation to their own advantage".[40] A K Hlophe a SNC delegate in the London Constitutional Conference also revealed that when we were in London one white man advised us to form a political group upon returning to Swaziland".[41] The full name of the movement was "Imbokodvo lemabalabala– the grinding stone that brings together many colours".[42] In its manifesto the movement declared that, "To prove its non-racial approach in its policies the National Movement is called Imbokodvo lemabalabala".[43]

Various political formations took part in the elections. They comprised the SDP, Independent (I), Swaziland Independent Front (SIF), United Swaziland Association (USA), INM, Nquku's SPP, Mabuza's SPP and the NNLC. By May 1964, fifty - eight candidates from these groups had been nominated to contest elections to the country's

[38]Interview, Prince Mfanasibili, Manzini, Town Council Offices, 12 October 2005. For a similar story, see, Kuper, *Sobhuza II*, p. 250 - 251.

[39]See, J. Van Wyk, *Swaziland: A political Study* (Pretoria: African Institute, 1969), p. 38 and Interview, Prince Mfanasibili, Manzini, Town Council Offices, 12 October 2005.

[40]Fransman, "The State and Development ... ", p. 240.

[41]Interview, A. K. Hlophe, Lozitha, Kalancabane, 16 November 2004. I have noted in a couple of interviews I have had with A. K Hlophe that he tends to be reluctant to mention names. He should be largely understood as complying to an aspect of Swazi tradition which considers a person's name as sacred. This problem also manifested itself with other interviewees. According to this tradition when telling a story people's names are to be avoided. The understanding behind this belief is that a story can be told without mention names. This poses a serious challenge for oral historians working on Swaziland.

[42]Kuper, *Sobhuza II*, P. 250.

[43]Makhosini James Dlamini, *The Philosophy, Policies and Objectives of the Imbokodvo National* Movement(Mbabane: Ministry of Education, 1972), p. 11.

first Legislative Council. Ten were on the European roll and forty - eight on the national roll. It is notable that Regina Gelane Twala was the only woman to be nominated for a seat.[44] In the election which took place on June 23, 24 and 25 the INM won the elections outright. Of the twelve national - roll seats it took ten, the remaining two being taken by their conservative white allies who also won the four European-roll seats. Swaziland's first Legislative Council met on 9 September 1964.

Describing this victory, the editor of the *Times of Swaziland* remarked that, "The Swazi National Council, powerfully helped by Mr. Todd and Mr. Meyer's United Swaziland Association, slaughtered their opponents at the polls".[45] The editor further observed that, "the territory's first Legislative Council, instead of being nicely balanced as the British seemed to desire, will have as its elected 24 members one group only, the traditionalists as represented by the Imbokodvo and USA".[46] while, "political parties are in the wilderness licking their wounds".[47]

8. 4 Anti - Discriminatory Legislation

Determined to move Swaziland towards non-racialism, the administration in the country continued to pursue policies that sharply contrasted with neighbouring South Africa. This was clearly demonstrated in the legal sphere when various pieces of legislation were promulgated to send a direct message to the effect that the country was forging principles of governance based on equal and harmonious race relations.

Though a number of areas concerned with racial discrimination were left untouched, by the 1962 law three key areas became significant in the politics of the time. These were the right to accumulate private property in previously 'white' areas, equal opportunity and access to good jobs. The first two were critical and had long been core demands of

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[44]UWL / William Cullen Africana Library, Historical Papers, SAIRR, AD 1715 / File 29. 3 *News From Swaziland*, 1964, p. 2. Twala was nominated as a member of the Independent.

[45]TOS, "More Years of Argument About A Constitution", 10 July, 1964.

[46]*Ibid*.

[47]*Ibid*.

blacks in South Africa. To show the world and concerned stakeholders in Swaziland that there was no turning back from its preferred path of non-racialism, it became necessary for the Administration to supplement the initial anti - discriminatory legislation. In essence, the message conveyed through the additional pieces of legislation was that in her race relations Swaziland was adopting an approach that was sharply in contrast with that of South Africa.

Specifically, two additional pieces of legislation, having a direct bearing on discriminatory practices were enacted in the successive years ; these were the Immovable Property (Race Discrimination) Proclamation (no. 46 of 1963) and the Education Proclamation (no. 26 of 1964). The Immovable Property Proclamation sought to redress imbalances in property ownership which had previously favoured whites. For most of the colonial period Africans had no rights to purchase land in urban areas since these were considered "white areas". Similarly, in South Africa urban areas were designed as exclusively white areas, and with the entrenchment of apartheid various mechanisms were put in place to exclude Africans from such areas. According to a Swaziland Cabinet report on the elimination of racial discrimination the Immovable Property Proclamation, "invalidates any condition in a deed of grant, transfer, lease, notarial deed or mortgage bond which restricts or purports to restrict ownership, occupation or the exercise of any servitude or other real right on the grounds of race alone".[48] This stance clearly signalled that Swaziland was making every effort to deviate from a racial system that gave major social and economic privileges to the white minority community.

[48]Uniswa / Swaziana, Report to the Committee on the Elimination of Racial Discrimination on the Measures which give effect to the Provisions of the International Convention on the Elimination of all forms of Discrimination in the Kingdom of Swaziland, Stamped 13 August, 1970 by Department of Foreign Affairs, p. 6.

8. 5 Education

Another critical area in which the Swaziland administration sought to indicate its departure from South Africa's racist principles was in school education. Again, for most of the colonial period Swaziland had followed a system of education similar to that of South Africa. Under this arrangement separate schools were provided for different racial groups. The norm for most of the colonial period was that, "Europeans sent their children to the only properly equipped and staffed schools".[49] In its intention to embrace non-racialism Swaziland embarked on a process that integrated pupils of different races.

While up to the end of 1962 schools in Swaziland were operated on racial lines, the beginning of 1963 witnessed some effort to integrate pupils of different races in government schools that were previously reserved for whites. The 1963 Statesman's Year Book on Swaziland noted that, "In 1963 the hitherto exclusively European schools admitted African and Eurafrican children".[50] In mid - 1963 an article in the *Times of Swaziland* noted that

> Integration in the government schools in Swaziland began when the new term opened on Tuesday. One African pupil is at St. Marks, Mbabane. One Eurafrican is at Siteki Primary School, two Eurafricans are at Sidney Williams School in Manzini. And one Eurafrican is at Evelyn Baring School, Geodgegun.[51]

What has to be noted, however, is that this integration was largely taking place in government schools. It does not appear that a similar development occurred at privately run European schools. At legislative level the Education Proclamation (no. 26 of 1964) was promulgated to aid this process. This "repealed special legislation that had established separate school systems for European, Eurafrican and African students in Swaziland and began the slow process of integrating the educational process as a necessity for a non - racial state".[52]

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[49] *Ibid.* p. 2.

[50] SNA, File 3047 R, The Statesman's Year Book, Extract from the Colonial List, 1965.

[51] TOS, "Integration in Schools Begins in Swaziland", 18 January, 1963.

8. 5 (i) Racial Integration Frustrated

Even though racial segregation had been outlawed in schools most of the former white schools continued to resist racial integration in subtle ways. These included keeping fees high, setting entry requirements which were difficult for black children to meet as well as shunning the Swaziland education system altogether. In this manner the patrons of former privately owned white schools particularly in industrial areas ensured that the move towards racial integration in schools was frustrated.

The first multi - racial school in Swaziland was Waterford Kamhlaba School. It was opened in March 1963. As early as 1960 the Resident Commissioner told the EAC that an application by the St. Martin's Society which was to run the school had been accepted in principle, subject to agreement regarding its site. He declared that, "The school will admit pupils of all races, a feature we believe to be in the long term interest of the Territory".[53] Three months before the school opened, it was revealed that, "Eight Europeans, five Africans, two Indians, one or two Eurafricans and one Turk have been enrolled".[54] At this school, it was intended that, "Students will be given formal education to university entrance, but the ultimate aim of the school is to produce graduates with non-racial attitudes who will be needed to shape policies for the Africa of tomorrow".[55] The establishment of the school did not proceed without criticisms from some whites within Swaziland. The writers of the first school magazine recalled that, "Early days brought a certain amount of tolerant skepticism but our determination to open in January /

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[52]*Ibid*.

[53]UWL / William Cullen Africana Library, Government Publications, Minutes of the Tenth Session of the Third Reconstituted European Advisory Council, 8th & 9th November, 1960, p. 3.

[54]Killie Campbell Africana Library (hereafter, KCAL). File 209, *The Southern Africa Financial Mail: Focus on Swaziland*, "Education for a Non - Racial Society", May 1961, p. 21. All the material from this Library comes from the Allister Miller Papers unless otherwise stated.

[55]*Ibid*.

February 1963 has now been accepted and every possible help is being given willingly".[56]

The school was founded on the hope of contributing to better human relations in Africa. Michael Stern, headmaster at the school, explained that, "The only way in which we differ from some educationists in the Republic of South Africa is that we believe in educating boys together, regardless of colour or creed. We believe in a happy human mixture of the kind you would naturally hope to find in this part of the world at this stage of the continent's history".[57] Of Swaziland's first multi - racial school, Anderson Nxumalo expresses a slightly more skeptical view;

> Waterford is an interesting case. I will express my own views. Others may hold views contrary to mine. Waterford is a high class institution and caters for those who have. Though it has scholarships it still places high demands financially on parents. Though the school is run on multi - racial principles it caters for children who come from certain social classes. An average child coming from an ordinary home has slim chances of getting to Waterford. Though it receives aid from the government it is a private school. It charges exorbitant fees. You find that you try to remove the colour bar but retain it by taking children from a particular class.[58]

As much as the establishment of Waterford signalled a move towards realising a non-racial culture in the education system it also manifested two major limitations. The first limitation was that the focus tended to be on boys. Girls were excluded from the onset in this process. There were promises however, that a similar institution would be established for girls. The other limitation was that the move that was initiated in this institution was an isolated case. While the process of integration was being carried out slowly and gradually in government schools, private schools continued to run exclusively European schools. The latter direction was, for instance, seen in the case of Herbert

[56]UWL / William Cullen Library, Historical Papers, AD 1947 / 474. 4. 6. 6, SAIRR: Protectorates and High Commission Territories, Waterford School News Letter, 15 May, 1962, p. 1.

[57]KCAL, File 209, Michael, A. Steirn *The Swaziland Recorder*, "Towards Better Human Understanding in Africa", March, 1963, p . 25.

[58]Interview, Anderson Nxumalo, Manzini, Coates Valley, 14 November, 2004.

Stanley School at Havelock Mine. Nxumalo observed that, "Herbert Stanley School was established in the 1950s along racial lines as a white school and an English medium institution".[59] This trend continued throughout the 1960s up to the early 1970s. As a result, the school became the subject of a serious discussion during a Legislative Council session in 1967. During discussions on racial discrimination, A. D. Hlatshwayo wanted to know from the Minister of Education, "whether racial discrimination is practised at Havelock Mine School and if so, what steps is Government taking to eradicate this?".[60] Here in fact, Hlatshwako meant Herbert Stanley. The Minister replied to his expression of concern saying,

> Mr. Speaker the reply to the question is No. Half of my school is open to all races. No European child has ever applied for entry to the school, but this does not mean that entry would be debarred on account of race. If the Honourable Member meant the Herbert Stanley school, which is a European school, then that would be a different matter.[61]

Prince Gabheni challenged the Minister to explain, "whether there are African children in the European school or vice versa".[62] The Minister responded saying, "There are no African children at the Herbert Stanley School and there are no European children in the African school, which is the Havelock Mine School".[63] He, however, maintained that it was Government policy for schools in the country to be integrated.

One of the measures employed to frustrate the process of integration was that of raising fees. Alternatively, white children were sent to South African schools. Nxumalo who maintained that the issue of discrimination went beyond skin colour to include economic and class interests, pointed out that, "The fees were raised to bar the large bulk of Swazi

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[59]*Ibid*.

[60]UWL / Willian Cullen Africana Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 3 March, 1967, p. 17.

[61]*Ibid*.

[62]*Ibid*.

[63]*Ibid*.

children from these previously exclusive white schools".[64] Stephen Dlamini also noted that, "Whites took their children to South Africa as it happens today. They also tried to raise fees to prevent blacks from coming to their schools".[65] Upon the attainment of political independence the trend continued. Discrimination in the colonial education system also revealed itself through the appointing of a white leadership at the management level. When I asked Nxumalo whether he considered the appointment of white headmasters as discriminatory, he maintained that

> I am afraid it was; indirect if not purposeful. The excuse made was that the blacks did not qualify but we know of Whites who were experts in Agriculture but were made leading educationists. They were given positions irrelevant to their training because they were white. If they were serious about promoting Africans, they should have made crash courses for Africans to take leadership positions but, they did not. I would therefore, say this was discrimination.[66]

The anti - discriminatory measures effected by the Swaziland Administration at the height of South Africa's apartheid policies served not only to mark the departing points of the two countries in their race relations but also signified Britain's disassociation with the latter's policies.

8. 6 Churches

Places of worship in the country which were usually under the administration of clergymen from abroad also continued to manifest discriminatory attitudes and tendencies up to the 1970s and beyond. These attitudes and tendencies unfolded in different forms and in varying degrees in many places of worship. Joshua Bheki Mzizi pointed out, in the case of churches in Swaziland that, "the issue of segregation and discrimination, continues to the present day".[67] This may be due to a background in which as he contends that, "The main mission churches in Swaziland such as the

[64]Interview, Anderson Nxumalo, Manzini, Coates Valley, 14 November, 2004.

[65]Interview, Stephen Dlamini, Matsapha, Logoba, 26 November, 2004.

[66]*Ibid*.

[67]Interview, Joshua Bheki Mzizi, Kwaluseni, University of Swaziland. 20 October 2005.

Anglican Church and the Methodist Church were an extension of the church in South Africa".[68] Mzizi contextualizes his remarks by observing that, "Though discrimination was outlawed in Swaziland, in South Africa apartheid and its associated policies was at its peak".[69]

Arthur Khoza, also a lay preacher in Methodist church likewise pointed out that, "In the church there was racial discrimination. Blacks and whites worshipped separately".[70] Explaining how the issue was dealt with in his church he related that, "I am Methodist myself and up to 1974 the same set up obtained in our church. In the Hhohho circuit we moved a motion that this should come to an end. We took up the issue with the Synod and it was decisively dealt with. We became one circuit regardless of race, colour and creed. Whites and Blacks were now to worship together".[71] The issue of racial discrimination in the church and other spheres of Swazi society thus, continued to prevail even after *de jure* discrimination had been abolished.

At another level, discrimination became evident in the church when it came to working conditions of the clergy. The remuneration package received by white clergymen, for example, appears to have been substantial compared to that of their black counterparts. Anderson Nxumalo whose father was a pastor of the Nazarene Church remarked that, "In the church where I grew up I can perhaps talk about indirect discriminatory practices that could be seen in the different package and conditions of the white clergy man who came from abroad".[72] Tackling the question from the leadership angle, Stephen Dlamini stated that

> The white missionaries were discriminatory. That tended to be reflected when leadership was transferred to blacks. First there was some reluctance to give leadership positions

[68] *Ibid.*

[69] *Ibid*.

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

[71] *Ibid.*

[72] Interview, Anderson Nxumalo, Manzini, Coates Valley, 14 November, 2004.

> to black clergymen. Also whenever, black clergymen took these positions white missionaries would leave the country.[73]

It is ironic that no concern appears to have been publicly raised concerning the persistence of discriminatory attitudes and practices in the church especially when many personalities who were outspoken against racial discrimination were very active in church matters. These include Ambrose Zwane who was a devout Catholic, and J. J. Nquku who was the secretary of The United Christian Church of Africa. Dlamini has also revealed that, "the advent of some Xhosa people in Methodist churches politicized the Swazi. The Xhosa were telling the Swazi that the country was theirs and that the whites were foreigners".[74] Equally, this criticism was aimed at government as against racial injustices within the church.

8. 7 Localisation

A soon as the Legislative Council was in place one of the major concerns from Swazi members were the steps taken by Government to localise posts in the various departments. W. M. M. Magongo, for example, wished to know that, "In view of the rapid emergence of the country to eventual independence, what steps is Government taking to effect the understudying of expatriate heads of the various departments by deserving African officers?".[75] In response, the Chief Secretary, Arthur Long claimed that, "Vigorous attempts are now being made to accelerate and expand training at all levels in the public service and to produce an efficient service of local officers as soon as practicable".[76] Long, equally warned Council against the appointment of local officers without proper regard to the accepted standards, and criteria governing the promotion of officers in the establishment.

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[73]Interview, Stephen Dlamini, Matsapha, Logoba, 26 November, 2004.

[74]*Ibid*.

[75]UWL / William Cullen Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 10 February, 1965, p. 9.

[76]*Ibid*.

Arthur Long's feeling was that the Swazi had not yet qualified to take over these posts. When Mfanasibili Dlamini further probed him on his position, Long justified himself arguing that, "There are hardly any who have sufficient experience and qualifications among those persons at present in Swaziland".[77] When J. B. M. Sukati challenged the Chief Secretary, he further defended his position, pointing out that, "In the Medical Department, I am not aware of one Swazi doctor at present in the service, and normally the Director of Medical Services is a qualified doctor with a minimum of 20 to 25 years experience of his work".[78] It appears that while the view of members who were advocating localisation was premised on the notion that many Swazis had been educated even up to university level, that of the government was that they were inexperienced.

Towards the end of 1965 Prince Masitsela posed a question about the extent to which posts had been localised in government departments over the twelve previous months. The Chief Secretary, Arthur Long responded by pointing out that there were 33 posts previously held by expatriates to which local officers had been appointed for that period. He gave a further break down of the statistics as follows;

[77] *Ibid.* , p .10.

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

Table 6: A Breakdown of Localised Government Posts by October 1965

Government Departments	Number of Localised Posts
Agriculture	5
Audit	2
Education	1
Chief Secretary's Office	1
Law Office	1
Legislative Council	1
Local Administration	6
Medical Department	1
Post and Telegraph's Department	9
Stores	1
Treasury	5
Total	33

Source: UWL / Government Publications, Swaziland Legislative Council: Official Report of the Debates, 26 October 1965, p. 93.

The Chief Secretary also revealed that 127 other new posts had been created during the year and had been filled with local officers. When Masitsela further inquired whether "the local candidates still get the same salary as the expatriate officers who formally occupied these posts?",[79] he was ruled out of order by the Speaker of the Council.

At independence the new government in Swaziland continued to confront two main issues, namely that of land and the localisation of the bureaucracy and of lower management in the private sector. Booth has commented that, "Of the two, localization was the less ambiguous and most politically popular class issue".[80] The National Development Plan of 1969 to 1973 observed that post-war development in Swaziland had

[79]UWL / William Cullen Africana Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 26 October, 1965, p. 93.

[80]SNA / Special Library, King Sobhuza's speech at Mr. Stephen's Residence in Piggs Peak on 24 September 1969, p. 70.

been characterised by the advent of a considerable number of expatriates who were to occupy professional, managerial and technical positions in the public and private sectors.[81] In the plan the government committed itself to reverse this situation and to commit itself the localisation of the public and private sectors, indicating that through its education policy the output of graduates, professionals, technicians and others with specialised skills should be sufficient to meet the needs of both public and private sectors.[82]

Prince Mfanasibili who was Minister for Local Administration in the first post - colonial government explained that "though racial discrimination had been outlawed, whites were generally resisting the move towards racially equality, hence the launching of the localisation policy".[83] Explaining the policy of localisation, the Prime Minister of the time, Prince Makhosini stated that, "The policy of the Government is to prepare the citizens of the country for the dominion of their own affairs. Non - citizens in the public and private sectors of the economy are being replaced by citizens as quickly as is compatible with the maintenance of high standards of management and technical ability".[84] King Sobhuza II established two localisation committees to hasten the process, one for the public and the other for the private sector, consistent with public interest and national economy.

When I sought Arthur Khoza's understanding of the meaning of localisation in the race relations, and post-independence politics of Swaziland, he explained that

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[81]UWL / William Cullen Africana Library, Government Publications, *Post Independence Development Plan* (Mbabane : Swaziland Government, 1969), p. 12.

[82]See, *Ibid.* , pp. 15 and 47. See, also, UWL / William Cullen Africana Library, Government Publications, *National Development Plan* (Mbabane: Swaziland Government,1973), pp. 18 - 20.

[83]Interview with Prince Mfanasibili, Manzini-Town Council Offices, 12 October 2005.

[84]Report to the Committee on the Elimination of Racial Discrimination on The Measures which give effect to the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the Kingdom of Swaziland, Stamped 13 February 1970 by the Department of Foreign Affairs, Statement Issued by His Excellency the Prime Minister, Prince Makhosini, on 21 March 1970 On the Occasion of the International Day for the Elimination of Racial Discrimination. (Located at the Swaziana Section of the University of Swaziland Library), pp. 9 - 10.

> It was first called Africanization and the whites felt it was a strong term. Localization, simply meant replacing white expatriates with black locals. The policy fared fairly well in the public service and to some extent in the private sector. In the private sector the expatriates devised certain mechanisms to cheat the policy and because of the weak inspectorate replacements were frustrated.[85]

By 1970 the goals of localisation for the public service were declared 85 per cent achieved.[86] Despite its declared success the policy was criticized for replacing expatriates too hastily with too many inadequately trained individuals. Booth has pointed out that, " The most conspicuous example occurred in education : South African teachers were sent home during the early and middle 1970s to make way for a generation of hurriedly trained Swazi graduates, with disastrous consequences for the examination pass rates at the turn of the decade".[87] The declared success of localisation in the public service was not achieved without some resistance from the previously dominant members of the white colonial Administration. Prince Mfanasibili noted that, "Though political independence had been achieved peacefully, the whites who were in the colonial Administration were not prepared to leave the country ; they had made up their minds to work and live in the country for the rest of their lives".[88] He also remarked that, "All the Permanent Secretaries of the first post - colonial were white at the beginning"[89] and added that "In my ministry I had Michael Fairlie as the Permanent Secretary who was to be understudied by the Senior Assistant Secretary, Mtfolwaphi Zwane".[90] Mfanasibili further recalled that, "I observed from the way the two were working that Fairlie was not prepared to hand over, he worked from a separate office. To redress the problem I

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

[86]Colin Legum (ed.) *Africa Contemporary Record 1970 - 1971* (London : Rex Collings, 1971), p. B542.

[87]Booth, *Swaziland*, p. 70.

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

[89]*Ibid*.

[90]*Ibid*.

instructed the two to work together in the same office".[91] He also revealed that, "Seemingly, Farlie was annoyed by the stand I had taken as he took up the issue with the Prime Minister". As Mfanasibili, related, the story ended with Michael Farlie being served with a letter sending him on leave pending retirement while Mftolwaphi Zwane was appointed the first black Permanent Secretary in the Ministry of Local Administration.

However, in the private sector, localisation met with little success. Simon Pefile noted that, "Swaziland's post - independence efforts to localise managerial and technical skills in its private sector have not achieved the degree of success one would have expected from the concise and clear government policy pronouncements found in the three National Development Plans spanning the period 1968 to 1983".[92] Pefile also remarked that, "Enforcement of localisation programmes, and co - ordination of such programmes, is stifled by the fact that enforcement is largely by coercive measures from the government side only. Industry as an organised body plays a passive role".[93] Pefile further observed that the crucial factor inhibiting localisation in the private sector, "hinges around attitudes, beliefs and values. The investor and his Swazi counterpart (in the skills to be localised) are poles apart".[94] If we take into account that the investor Pefile is referring to was white, his observation leads us to the racial question.

Delivering a speech during the official opening of the Holiday Inn Hotel in 1971, the king justified the policy of localisation as follows;

> A few months ago one of my people made a speech directed to my Ministers and I realised that everybody was worried by this sort of speech, its tone and deliverance. He said employees in this country should be totally Swazis. Some of the people had a misconception of this, but if one

[91] *Ibid*.

[92] Simon, M. Pefile, "Swaziland's Post-Independence Localisation of Technical and Managerial Posts in the Private Sector", PhD Thesis, Columbia Pacific University, 1985, p. 1.

[93] *Ibid.* Arthur Khoza emphasized this point, adding that the weak inspectorate worsened the issue, Interview, 4 January, 2004.

[94] Pefile, "Swaziland's Post- Independence", p. 2.

> looks at this closely, one would find that what he said is even happening in England. This is what is happening in Germany or in any other country you can think of. This shows that when it comes to responsible jobs, local people should have it. What gives the Swazi room for complaint is unfairness and the only way to avoid this is that you should do unto others as you would like done to you. When that particular man made that speech he did not, by any means, indicate that we do not need any foreign people. What is important is, does the man know the job? Can you trust him ? These are the principal deciding factors. If we have our people who have come up and they are ready to take over, we say, 'please hand over to them'. By that we do not mean that the expatriate from whom the Swazi will take over, must leave the country, there will still be room for him to do something– you take England, you find that there are still Italians there, Germans there and they are there because they are rendering a service.[95]

The king went further to emphasize his point, arguing that

> There have been occasions before this era when the white man did not give the Swazi a job just because of the colour. But as the Swazi reached an appreciable standard of education, we expect him to come into industries, commerce or any other job so that he and the non-Swazi or the expatriate can work together as colleagues. The untrained one should be given the opportunity by the employer to train him until he comes to what we may call 'man-size' so that he can look back and say, 'he brought me up'.[96]

This further leads us to the observation that the policy had the race question at its centre. The manifesto of the Imbokodvo National Movement published in 1972 declared that, "Localisation is being carried out wherever possible– it does not remain a mere theory".[97] The manifesto went further to state among other aims that, "Imbokodvo will

[95]King's Speech During the Official Opening of Holiday Inn Hotel on 9 August, 1971.

[96]*Ibid*.

[97]Makhosini James Dlamini, *The Philosophy, Policies and Objectives of the Imbokodvo National Movement* (Mbabane : Ministry of Education, 1972), p. 33.

continue to find ways and means to remove as far as possible the racial imbalance in senior positions in the private sector".[98]

8. 8 Discrimination in government employment

The discrimination against Africans in less elevated spheres of employment continued unabated even after the industrial strikes which had protested it. This was the case in both the public and private sectors. In the public sector the practice was particularly widespread in the Postal Services , Public Works Department and Medical Department. Up to the late 1960s the Public Works Department had the tradition of employing Afrikaner and Portuguese artisans at the expense of the Swazi. This was in spite of the presence of the Trades School in Mbabane that had been opened since 1946 to train Swazi students in Building, Carpentry, Electrical Engineering and Motor Mechanics. Upon completion of their courses the students remained without apprenticeship and employment. The situation with regard to apprenticeship only began to improve at the beginning of the 1960s. It directly benefited students who had commenced their studies in 1961.

The imported artisans were reluctant to give apprenticeships to the Swazi and the reasons were not clear. According to D. A. Hlophe the response of Portuguese contractors was that, "I can't assure you that my work will go[sic]".[99] In cases where the Portuguese co-opted Swazi there would be no formal agreements and the Swazi would be informally employed on meagre wages. Hlophe wondered, "How long are we going to keep allowing the Portuguese to come and exploit the poor Swazi ?".[100] During a debate of the Legislative Council in 1965, Hlophe lamented this situation saying, "I am sorry to say, Mr. Speaker, Government took no interest to see that at the completion of their training they were fitted into the jobs for which they were trained".[101] Prince Masitsela

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[98]*Ibid.*

[99]UWL / William Cullen Africana Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 17 February, 1965, p. 128.

[100]*Ibid.* , p. 130.

[101]*Ibid.*

echoed Hlope's sentiments, emphasising that, "It is clear that we have sufficient local artisans, Swazi, coloured or white, but it is common that Portuguese are imported into the Territory to build houses".[102] Of these graduates he further pointed out that

> Some of them are employed as spanner boys, others are just called handymen and working alongside them you would find Portuguese artisans who cannot even produce a paper and these men are classed as artisans and they earn on average 80 cents an hour, whereas our men who come from our Trades School are lucky if they earn 30 cents an hour. I am sure members that this is indeed frustrating.[103]

A graduate of the institution, Zechariah Masuku who was among the lucky few to be employed as a builder at the Public Works Department recalled that

> There I found many Afrikaners and Portuguese. There was no space for a black person. You were not considered to be anything by these white work mates. You could just see from the treatment you received. Sometimes when we were building the whites would splash mud into your face and you had to retreat. There were three of us who were black and employed by this department.[104]

The other strategy by white artisans was to ignore the black artisan altogether. As Masuku remarked that

> You would be given all the tools by your supervisors but you would not be given a chance by white workers. I would say that was discrimination because you would end up being forced to retreat and stand aloof. Even then nobody would bother about you. You were just non-existent in their world.[105]

Masuku also lamented that, "We were also paid very low wages and my black workmates were forced to leave. I only stayed behind because I had nowhere to go".[106] Stephen

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[102]*Ibid.* , p. 131.

[103]*Ibid.* , p. 133.

[104]Interview, Zechariah Masuku, Mbekelweni, 3 November, 2004.

[105]*Ibid.*

[106]*Ibid.*

Dlamini who was the first Swazi to conduct trade testing at the Trades School just before the attainment of independence, recalled that, "Some of the Portuguese from Mozambique refused to be trade tested by me as a black person since they regarded me as a *preto*".[107] According to José Maria Casimiro, a Portuguese - speaking, Angolan national, "The word *preto* generally refers to black, however, depending on the context it could carry derogatory connotations".[108] In the case of the Postal Services, Masitsela asked Parliament if the Government Secretary, Mr. FitzPatrick was aware of "injustices at in the Postal Department".[109] The Speaker however, intervened and ruled him out of order on a technical point. In the Medical Services discrimination was directed both at the African staff and patients. In the case of nurses, Mr. W. M. M. Magongo posed his question as follows;

> Why does Government employ fully qualified nurses on discriminatory lines in that white nurses are appointed in the first instance or on first appointment as nursing sisters, while African nurses who hold the same qualifications can only attain the status of nursing sisters on promotion basis ?.[110]

The Government Secretary, Polycarp Dlamini, in defence, argued that that situation was an issue of the past. However, when challenged by Magongo to be specific on when the change was effected he asked for more time to prepare the details. Dlamini's position appears to have been influenced by his excitement about the policy hence the denial attitude regarding ongoing racial practices. It had not been many months since the INM had won the Legislative Council elections. For Dlamini to presume that by merely taking over the reins of government the INM had dealt with discriminatory practices in the nursing profession was, in effect, an exaggeration inspired by the euphoria brought about by political independence.

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[107]Interview, Stephen Dlamini, Matsapha, Logoba, 26 November, 2004.

[108]Conversation, José Maria Casimiro, Johannesburg, Wits University, 18 July, 2005. At the time José was an M. A. Student in the Department of Political Studies at Wits. He is currently enrolled in the PhD programme with the same department.

[109]UWL / William Cullen Africana Library, Government Publications, Swaziland Legislative Council : Official Report of the Debates, 5 August, 1965, p. 67.

[110]*Ibid.* , p. 51.

8. 9 Persistence of Discrimination in Private Industry.

Despite the abolition of racial discrimination in Swaziland different forms of discrimination also persisted in private companies. Overt and covert discrimination against blacks continued partly because there was no specific section in the anti - discriminatory legislation prohibiting discrimination in industrial areas. Moreover, there were no intervention measures provided by the colonial administration to deal discrimination at the workplace at large. This left a number of black workers vulnerable to discriminatory practices. With regard to the club at Big Bend, Peter Gosnell also noted that, "Despite the fact that racial discrimination had been outlawed in 1962 the club was considered for whites only in the 1960s and still referred to as the European club".[111] Jackie Nobela likewise explained the persistence of the colour bar as follows;

> In Big Bend they were slower in accepting the change. In that place things overlapped to economic discrimination. The club there remained European for a long time because blacks there were paid very low salaries and could not be able to sustain club membership through the payment of the required subscriptions. Sometimes exorbitant fees were charged for entrance and the blacks could not afford to pay. As a result, as late as the 1970s it was rare for a black person to enter the European club in Big Bend. I remember accompanying a friend of mine, Joe Mngometulu who was selling Gillies products to the staff. Black faces were uncommon in the club. This legacy has somehow persisted to the current period.[112]

Nobela's economic explanation resonates with one that was voiced in the columns of the *Times of Swaziland* just after racial discrimination had been outlawed in the country. In a letter to the editor, a concerned writer expressed the opinion that despite that *dejure* racial discrimination having been abolished in many entertainment arenas, the lack of money still meant that these places of social entertainment were inaccessible to many blacks. Stating his dissatisfaction he noted that

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[111]P. Gosnell, *Big Bend: a history of the Swaziland Bushveld* (Durban: Peter Gosnell, 2001), p. 240.

[112]Interview, Jackie Nobela, Manzini, Sicelwini, 31 October 2004.

> Discrimination in these places has been proclaimed an offence, many people will rejoice, for indeed it has died a natural death. However, it will be when you try to share your joy with others that you will find yourself in a position to deny that discrimination can be ended by this step alone. Discrimination won't die merely because it has been hit on the tail. The head and backbone of the monster remain uncrushed, for it is only the minority who will be able to take advantage of the change. The majority will not feel the difference. How can you go to better cinemas, eating houses, hotels and theatres when they are so costly?[113]

This scenario was generally inspired by the tendency to provide better facilities for whites. The situation does not appear to have been any different in the other industrial centres such as Havelock Mine, Usuthu Pulp Company and Mhlume. As late as 1967 Prince Masitsela, for example, still maintained that

> Suppose you visited Havelock Mine, you would be shocked by the striking difference in the facilities provided in European and African houses. Europeans occupy decent houses and education is not the yardstick. If you go to African quarters you would be shocked to find that Africans are required to crowd in one room. Even poorly educated Europeans occupy more decent houses compared to Africans with higher educational attainments. At Mhlume Sugar Mill the same shocking conditions for Africans exist.[114]

The post - colonial government also remarked on, "the continued discrimination is some areas by certain minority elements in the population which, while having lost political control of the country, have nevertheless retained economic leverage and other influence".[115] This observation points among other things, to the reality that *de facto* discrimination was to some extent reinforced by economic differences. In his attempt to

[113]See, TOS, "Our Purses Discriminate Us", 16 March, 1962.

[114]UWL / William Cullen Library, Government Publications, Swaziland Legislative Council : Official Report of the Debates, 3 March, 1967, p. 254.

[115]Report to the Committee on the Elimination of Racial Discrimination on The Measures which give Effect to the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the Kingdom of Swaziland, Stamped 13 February 1970 by the Department of Foreign Affairs (Located at the Swaziana Section of the University of Swaziland Library), p. 3.

explain the prevalence of discrimination in the country, Prince Masitsela reasoned that, "Perhaps, Swaziland's misfortune is geographical in nature in that we are neighbouring a country which has legalised the colour bar".[116]

It was this ongoing reality that persuaded Masitsela to lobby parliament to take major steps to eradicate racial discrimination in the country. Proposing a motion before the Legislative Council in 1967 for the official investigation of the extent to which discriminatory practices were prevalent in Swaziland he submitted that, "The one aim of bringing up this motion is to implore those of our population who delight in practicing discrimination to rid the country of this evil and to work for the peace and happiness of the races in Swaziland".[117] To support his motion, the prince stated that

> I know of a number of Government Departments where discrimination is practised in Swaziland. Take the case of the Public Works Department where you sometimes find Africans working very hard and at the same time and place you find a European foreman standing and watching.[118]

Emphasizing his point, he added that the practice of discrimination was manifested itself through the payment of, "unequal wages to the different races ... in the Civil Service, commerce and industry".[119] During a debate on this matter two main sections emerged. One section led by the Secretary For External Affairs and Labour, Michael Fairlie preferred that Government should deal with the problem directly itself as opposed to setting up an independent Commission of Inquiry. Farlie's main fear and that of his supporters was that a Commission of Inquiry would portray a negative picture about Swaziland. The matter was concluded by a vote in favour of Fairlie's group.

Discriminatory practices continued without much intervention, particularly, in the private sector. During a Parliamentary Debate in the House of Assembly the issue was raised by

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[116]UWL / William Cullen Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 3 March, 1967, p. 231.

[117]*Ibid.* , p. 230.

[118]*Ibid.* , p. 231.

[119]*Ibid.* , p. 232.

S. M. Shabalala. Shabalala wanted to know, "Whether the Government policy of non-racialism is being followed in Commerce, Industry and Mines, with special regards to the payment of wages wages and salaries, i.e. equal pay for equal work to the workers of Swaziland?".[120] A response from the Office of the Deputy Prime Minister indicated that the policy was not applicable; explaining that, "Apart from the Wages Proclamation which deals with specific industries and trades, there is no general law which can enforce equal pay for equal work".[121] This response further highlights the inadequacy of the anti-discriminatory legislation.

8. 10 Sobhuza, Power and Racial Discrimination

At this point, it may also be worthwhile briefly to explore Sobhuza's personal views and experiences regarding racial discrimination. Such an exploration is not only pertinent because of his position as the Swazi monarch of the time but also because it might offer us an angle through which may explain some of his actions when he came to dominate the political scene immediately before and after independence. Hilda Kuper, who is among the few researchers to have developed a close relationship with Sobhuza and the Swazi royal family, observed about Sobhuza that:

> His non - racism, his acceptance of an individual on his or her merits, emerged clearly in our initial meetings. He described racial discrimination as 'very cruel' and 'unjust'. He spoke from personal experience, having suffered the humiliation of routine discrimination in lifts, post office, shops and trains. No African was immune from the pervasive oppression of the system. His attitude to Goli (Johannesburg) was ambivalent– he enjoyed the excitement of variety but there was always the fear of violence and the danger of infringing on any one of the numerous restrictive laws such that no African could move freely without fear of arbitrary arrest. In Johannesburg he stayed in his house in Sophiatown, a rough district, poor lit and badly serviced, but the only part of the city where Africans were permitted to own freehold property. His house was a refuge for many

[120]UWL / William Cullen Africana Library, Government Publications, Swaziland Parliament House of Assembly : Official Report of Debates, 20 November 1968, p. 113.

[121]*Ibid.* , p. 114.

> friends and also a meeting place for Swazi working in the surrounding gold mines.[122]

As much as Kuper's depiction above is useful in illustrating the pervasive nature of racial discrimination it is limited in two respects. First, it does not clearly distinguish between the kind of racism experienced by Sobhuza within Swaziland and that which he experienced in South Africa. The other limitation is that Kuper does not explain the extent to which Sobhuza was exposed to daily racism within the country, compared, for example, to the industrial worker or farm labourer.

In my view, a person of his status and upbringing who had, very early in life, been earmarked for the Swazi throne, had a limited exposure to racism compared to the ordinary Swazi worker who encountered it on a daily basis. This observation provides us with a lens through which we can, for example, contrast his experiences to those of his son, Prince Masitsela who at one point worked as an employee of the Postal Services. Though Prince Masitsela enjoyed the privileged status of being a member of the royal family, his experiences as a worker gave him the insights to tackle discrimination as an unofficial member of the Legislative Council. During a session of the Council on 6 December 1966, for example, he asked, "I would like to know from Government why is it that it appears they are very slow in localising some of the Departments, especially the Department of Posts and Telegraphs?".[123]

There is a sense in which Sobhuza's speeches and actions around this time can be read as attempts to reverse what he perceived to be discriminatory policies by whites in government. His rhetoric during this era was characterised by his desire to correct this "injustice". In reality, however, he was more concerned with white - black power relations. In this respect, a further contrast may be applied between Sobhuza and other contemporary nationalist leaders. Kenneth Kaunda, the first president of Zambia, for example, is an excellent choice for this kind of contrast.

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[122]Kuper, *Sobhuza II*, p. 3

[123]UWL / William Cullen Africana Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 6 December, 1966, p. 109.

Kaunda had worked as a teacher and was confronted with racism almost on a daily basis in his country. By virtue of being an ordinary Zambian who featured in public spaces without any particular restrictions he was subject to a broader exposure of racism. This experience had a decisive influence on the way he reacted to racism. John Mwanakatwe has observes that, "Apart form his organisational abilities as Secretary General of the ANC, Kaunda's main contribution to the process of politicising the rank and file of the ANC members was their mobilisation against racial discrimination".[124] During his term as an ANC secretary, men and women were frequently mobilised to protest racism in the country.

A further indication of his deep hostility to racial discrimination was his personal decision to be a vegetarian. Explaining the reason behind the decision, Mwanakatwe accounts that, "Kaunda saw on many occasions African women with children on their backs being roughed by police outside butcheries in Lusaka. He was so disgusted that he vowed never again to eat meat. Indeed from that day he has never eaten meat. He became a vegeterian".[125] While Kaunda's strategies involved mobilising people to combat day to day discrimination, Sobhuza was more concerned with dealing with white domination at the political level using state power. In essence, this approach left daily discrimination unattended.

As he was about to assume political power as the executive king of Swaziland, Sobhuza felt that he could use state power to correct what he considered unsuitable to the Swazi. The theme of power now began to feature prominently in his speeches and rhetoric. Appealing for racial integration and calm in the pre - independence election he requested that that constitution be given a chance despite its imperfections. Commenting about the manner in which the election was proceeding he pointed out that

[124]J. M. Mwanakatwe, *End of Kaunda Era*(Lusaka: Multimedia Publications, 1994), p. 24.

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

> When the candidates were nominated and announced it was very conspicuous that there were no European candidates nor were there Coloured candidates. Then this justified the fears which were entertained by those people who felt that this constitution had nothing to do with them, it did not benefit them. With respect, I beg to agree with them. Why should there not be even one European candidate, to say nothing of two or three. This seemed to contradict our policy that Swaziland is a non - racial state. Be that as it may, here is a question I would like each one of you to consider. Will it be a policy of this country that Europeans will never be represented in parliament ? I say No. I repeat, No, I repeat yet once more No.[126]

In concluding his speech he said,

> I think you will agree with me ladies and gentlemen ... that we need national unity and we are not going to look at the colour of the skin of a man, we are going to look at the contribution each man, woman and child makes as a citizen of this country. I think we should look forward to a time and day when we will be so much in harmony between the races that we do not see ourselves as different races but as the people of Swaziland ... That will be the time when fair - play and justice will be administered when people forget personal differences, forget racial differences, desist from siding with people because they happen to be their favourites but look at the ability of a man.[127]

The question Sobhuza was concerned with here was not necessarily that of discrimination but that of including whites in the government to consolidate his power. He had long realised that for the country's economic progress white investors were crucial. Thus, to co-operate with them at the political level would be a sure way of attracting white investment to the country. In 1963, for example, he had cautioned against tendencies that interfered with European security in Swaziland as this would scare away whites from the country, he asked "Is it not true that we would have to go out again to beg other brothers

[126]King Sobhuza's Speech on Political Stand Before Independence and the Constitution on 11 April 1967.

[127]*Ibid.*

of the Whites to bring in capital with a certain amount of inducement involved which would cost us more?".[128]

8. 11 Independence Elections, A Black - Led Government and White Reaction

Tabling the contents of the proposed independence constitution, the leader of the INM, Prince Makhosini remarked that, "There are those members of the United Swaziland Association in the Constitutional Committee who preferred to disassociate themselves from the concept of a non - racial state".[129] Makhosini attributed such a development to sectional and racial attitudes. He was strongly supported by Carl Todd who among other things, declared that the constitution, "is acceptable to the large mass of the population of Swaziland".[130] Three members of the USA, namely, R. P. Stephens, W. Meyer and A. Winn opposed the proposals on the basis that they preferred a multi-racial state to a non-racial one. Stephens contested that, "we are not at the moment a non-racial community ... why try and impose a non-racial constitution on a multi - racial state?".[131]

In concluding his submissions, he emphasized that

> Mr. Speaker, Swaziland is, in our view, the most perfect multi - racial state with perfect race relations ; probably with better race relations than anywhere else in Africa and if we can only fit our constitution to local conditions we have a better future than almost any other territory in Africa; in fact we could be the Jewel of Africa.[132]

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[128]TOS, "Political Pace Quickens As Ngwenyama Speaks: Race Federation Plea is His Main Plea", 26 April, 1963.

[129]UWL / William Cullen Library, Government Publications, Swaziland Legislative Council: Official Report of the Debates, 28 March, 1966, p. 162.

[130]*Ibid.* , p. 166.

[131]*Ibid.* , p. 172.

[132]*Ibid.* , p. 177.

Meyer forcefully supported Stephens and claimed that acceptance of the policy of a non - racial state, was tantamount to "eliminating the European as an entity in Swaziland".[133] It became apparent during the debate on this constitutional issue that Stephens' camp was a minority. However, Stephens and his supporters put their signatures at the end of the constitutional proposals while indicating their reservations. Frank Mbelu further supported the non - racial stance by arguing that, "We believe in non - racialism mainly for what we think it will be as future benefits, but we know what multi - racialism did bring for us ... under multi racialism, even as late as 1960, it was not possible for Swazis to eat at the Central Hotel in Mbabane".[134]

In reference to Macmillan's 1960 speech Mbelu stated that, "Majority rule has come to stay in Africa and will not be stopped even by the atomic bomb".[135] The preference for multi - racialism on the part of Stephens and his supporters still pointed to the reality that some whites, as was the case with Sobhuza and his council, were not prepared to forego their previously privileged positions. In the new dispensation they clung to previously held notions of the separate co - existence of racial communities which were likely to perpetuate than end discriminatory attitudes and practices.

Under the new constitution elections would be held under one common roll representing all sections in Swaziland. Twenty - four parliamentary seats would be contested for by different political groups. A general election was held under this arrangement on 19 and 20 April 1967. The election was contested by only four political parties. These were the NNLC, INM, SUF and SDP. The INM of all whose candidates were Swazi won all twenty four seats and obtained a clear majority of 79, 4 per cent. The NNLC polled 20, 2 per cent of the votes, but gained no seats.

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[133] *Ibid.* , p. 178.

[134] *Ibid.* , p. 192.

[135] *Ibid.*

On 6 September 1968, Sobhuza II formally received the instruments of government as king of Swaziland, marking the country's transition to independence. Making his speech on independence day, he remarked in reply to the Secretary of State who had delivered a speech before him, that, "you have mentioned that the Europeans have been in this country since the last century. Many of them have made their home here, and they now have a common interest with the Swazi. This is evident in that what is the Swazi joy is their joy, and what is the Swazi grievance is their grievance".[136]

During this period a black majority government came to power in which some whites were appointed to certain government political positions. Anderson Nxumalo, for example, pointed out that, "The first minister of finance was a white man. This tended to bring some balance and a healthy climate".[137] In this respect Nxumalo observed that, "Our government stood its ground and ensured that it did not embrace racist principles".[138] However, Stephen Dlamini has remarked that, "some whites in Swaziland did not like the idea of a government led by black people".[139] At independence, the country adopted a non - racial constitution which unequivocally prohibited racial discrimination.

About white reactions to the transfer of political power to blacks, Zechariah Masuku noted that, "Some left but many remained behind. My observation was that many of those who were born in the country continued living here".[140] Abednego Hlophe who was deeply involved in the constitutional and political struggles of Swaziland stated emphatically that, "Whites had to adapt to the new situation. Those who could not left to the Republic of South Africa and Rhodesia. I still remember some of them but I do not

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[136]Swaziland Broadcasting and Information Services, *King Sobhuza II Speaks*, Mbabane, Swaziland Government, 1982.

[137]Interview, Anderson Nxumalo, Manzini, Coates Valley, 14 November, 2004. Here Nxumalo was referring to Leo Lovell.

[138]*Ibid*.

[139]Interview, Stephen Dlamini, Matsapha- Logoba, 26 November, 2004.

[140]Interview, Zechariah Masuku, Mbekelweni, 3 November, 2004.

want to mention names".[141] Anderson Nxumalo also confirmed this observation but qualified it saying, "Yes, some whites left but it was not a big exodus because our post-colonial government had some whites as well".[142] In Sobhuza's politics, such gestures served as part of his measures to consolidate his rule. During the very early years of independence the appointment of whites in government served to bring stability to the country as well as to indicate Sobhuza's commitment in ensuring white security in the country. It ought to be noted, however, as I have attempted consistently to argue, that this stance was overwhelmingly adopted at the official level and did not necessarily trickle down to impact routine racism as experienced in everyday life.

The coming into power of the new government had some bearing on the black-white relations in the country. There is a sense in which most of my interviewees saw the coming of independence as a decisive moment in the onslaught on racial discrimination. Robert Dlamini, for example, mentioned that, "The coming of independence is what gave the final blow to colonial racial discrimination though it did not completely disappear".[143] Zechariah Masuku confirmed this view when he stated that, "The coming of independence brought racial discrimination to the ground. However, in the mind of some blacks the mentality of looking down upon themselves persisted. They could not believe that they could run the country without the whites".[144] Arthur Khoza, the late veteran politician and statesman claimed that the constitutional process in Swaziland did away with racial discrimination and also pointed out that, "The main issue enshrined in the constitution was a bill of rights which upheld the equality of all races".[145] This battle was, however, only won at the legislative level. What continued to transpire in the public domain was not necessarily a reflection of the enshrined constitutional aspirations.

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

[142]*Ibid*.

[143]Interview, Robert Dlamini, Nyalinyali, Buseleni, 5 November 2004.

[144]Interview, Zechariah Masuku, Mbekelweni, 3 November 2004.

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

Describing this period, Booth mentioned that, "The first five years of independence were, politically speaking, a time of settling in and adjusting to the new realities and alignments, both for the government and the opposition– a period in other words not untypical of any newly independent African country".[146] One of the first issues that concerned Swaziland immediately after independence was that of relations between the blacks and the whites. This was shown among other things through the king when addressing different audiences throughout the country. This was the case, for instance, when in 1971 he addressed a large gathering of people at R. P. Stephen's residence in Piggs Peak. To the audience which had gathered there he said,

> There is the English word, 'multi - racialism', which is normally understood to mean that it is a guarantee of racial equality that people of different colours can live together in equality, but this very same word can be interpreted in various ways. I do hope that I shall interpret it properly. In America, 'multi-racialism' means two different groups combined to work together and that in terms of government they are together, they are one, they are equal. Also in terms of the wealth of the country, they go together as equals. But outside government and mineral wealth or the wealth of the country's considerations, the different groups, which form the American nation, live as they are– be they British, German, Italian– when they retire to their homes, they eat as English, German, or American– behave in that way. I expect that 'multi-racialism' in the kingdom of Swaziland will mean that, which in fact is what it does mean.[147]

The illustration presented by Sobhuza during this occasion was in fact consolidating a position he had developed and propounded since the early 1960s. I have already pointed out above that this arrangement guaranteed monarchical monopoly over a large section of the Swazi peasantry which defined its existence within the framework of traditional institutions. This had worked to the advantage of the monarchy during the transition period. Equally important under this "multi - racial" arrangement was separate co-

[146]Alan R. Booth, *Swaziland: Tradition and Change in a Southern African Kingdom*(Boulder, Colorado: West view Press, 1983), pp. 69 - 70.

[147]SNA / Special Library, King Sobhuza's speech at Mr. Stephen's Residence in Piggs Peak on 24 September 1969.

existence of the major racial groups in the country as well as their co - operation in governance and economic development. Though living as different communities, their co-operation in these spheres spelt out the progress and development of the country. Evidence has so far shown that the adopted model did not lead to any fundamental departures from the previous racial attitudes and practices. The nature of relations between the races as they co-operated in the political and economic spheres does not appear to have been Sobhuza's preoccupation. Similarly, this disposition does not appear to have bothered the major stakeholders who were above anything else concerned with issues that ensured their political security as well as guaranteed a suitable environment for their economic enterprises.

8. 12 Post - Independence Swaziland's Efforts to Eliminate Discrimination

The post-colonial government in Swaziland adopted non - racialism as its officially policy and acceded to the UN's Convention on the Elimination of All forms of Racial Discrimination in 1969 whereby it became a signatory to that organisation's campaign against discrimination. To monitor and implement practices and policies related to discrimination in the world the UN established a special Committee on the Elimination of Racial Discrimination. The country subsequently submitted annual official reports to the organisation for review and comments with regard to discrimination. The persistence of discriminatory practices in Swaziland became one of the major challenges of the post-colonial government of that country. It was against this background that the government declared in 1970 that

> The Government is directing its attention to the remnants of discrimination as practised by minorities upon the majority. This bigotry finds powerful encouragement from without the borders of the country, and it would quickly entrench itself once again if the Government and the people ceased their vigilance. By condemning prejudice, promoting tolerance and friendship among racial groups, and providing effective guarantees against the denial of basic human rights and freedoms, the Government shall eradicate discrimination by minorities against the majority, while safeguarding the minorities from majority oppression.[148]

[148]University of Swaziland Library / Swaziana, Report to the Committee on the Elimination of Racial Discrimination on The Measures which give effect to the Provisions of the International Convention on the

In admitting the persistence of racial discrimination particularly in the private sector the government observed that

> Although the problem in Swaziland is not discrimination practised by governmental or quasi - governmental authorities, but discrimination by private institutions and individuals, the Government realises that it is principally the responsibility of the State to ensure racial equality within the country. The Government shall endeavour to enlist the support of all the people for the policy of non-racialism, to exhort the victims of discrimination to avail themselves of the existing remedies in the Constitution and laws of the country, and - although the problem will admit of no easy solution through additional legislation– to devise practical legal measures to attack any racism that continues to persist.[149]

During the occasion of the International Day for the Elimination of Racial Discrimination on 21 March 1970, the Prime Minister of Swaziland, Prince Makhosini remarked that

> It remains Government's resolve to ensure that in our kingdom all people– irrespective of race, colour or creed– continue to freely enjoy and to exercise on the basis of equality, human rights and fundamental freedoms in the political, economic, social, cultural and any other field of public life. I trust that all people everywhere will see this day as a moment for re-dedication to the task of eliminating racial discrimination. And for our part, I hope we shall begin to realise afresh that peace, stability, progress, mutual respect and understanding today and tomorrow rests on practised non - racialism, acceptance on the basis of merit and disregard for colour.[150]

Despite the passage of basic legislation to outlaw racial discrimination and the post-colonial government of Swaziland's commitment to the elimination of discriminatory

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Elimination of All Forms of Racial Discrimination in the Kingdom of Swaziland, Stamped 13 February 1970 by the Department of Foreign Affairs, Statement Issued by His Excellency the Prime Minister, Prince Makhosini, on 21 March, 1970 On the Occasion of the International Day for the Elimination of Racial Discrimination, p. 3.

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

[150]*Ibid.* , p. 8.

practises, *de facto* discrimination persisted. The Swaziland Government Report to the UN Committee on the Elimination of Racial Discrimination in 1970 claimed that

> The Constitutional and Legislative Prohibitions have rid Swaziland of the overt discrimination of the past. A visitor to the country will notice that all races co-exist together in unusual harmony. They work side - by - side, educate their children in the same schools, live in the same neighbourhoods, worship in the same churches and enjoy themselves in the same restaurants and cinemas.[151]

The picture painted by this report, however, did not necessarily hold true for all spheres and in all of Swaziland's areas. In acknowledging the persistence of discrimination in certain spheres and areas the report conceded that

> But it is not pretended that all racism has been eliminated. Certain discriminatory practices persist in the hiring policies of some businesses; some hotels have discreetly divided their accommodation among racial groups; and there are still a few private clubs in Swaziland where in practice separate recreational facilities are provided for those who wish to try to preserve the privileged status of the minority.[152]

Upon realising the continuation of such discrimination the government promised to step up its efforts to eliminate racial discrimination in the country. At the international level the UN also declared 1971 as the International Year for Action to Combat Racism and Racial Discrimination. The focus of the government on official policy, however, left the issue largely untackled in the spheres where most Swazi were exposed to ongoing discrimination.

[151] *Ibid.* , p. 6.

[152] *Ibid.*

8. 13 Land

A key issue in this regard was that of land. As I pointed out in chapter three Sobhuza took the issue up with the British government from the early 1920s to the beginning of the 1940s. Once independence had been achieved it received renewed attention. Booth has summarised concerns about land as follows;

> There were three issues that concerned land. The first was the Swazi claim that the British had bargained away thousands of square miles of Swazi territory to South Africa as its borders were being delineated during the nineteenth century. When the king accepted the instruments of government in 1968, he rejected those dealing with Swaziland's international boundaries, with the intent of investigating the legal issues and the possibilities of negotiating later. The second issue concerned ameliorating the condition of the peasantry on Swazi Nation Land in order to improve productivity and to help counteract the baneful socio - economic effects of the imbalances in the economy created by the post-war capital development. The third land question was the most politically charged of all, involving as it did the class interests and deepest aspirations of the growing petite bourgeoisie and at the same time touching the national pride of every Swazi. The problem cantered on the festering issue of the European-owned freehold (title deed) lands, still making up nearly half of the country.[153]

What must be understood is that under this political dispensation the Ministers were agents of the executive monarch. Land problems led to the promulgation of the Land Speculation Act. Booth has observed that, as "the land (much of it owned by South African individuals or companies) came up for sale, speculation was driving up prices so that individual Swazi– even wealthier ones– were being priced out of the market".[154] In response, the government of Swaziland passed the Land Speculation Control Act in 1972. Introducing the Bill, the Minister of Agriculture Abednego Hlophe observed,

[153]Booth, *Swaziland*, pp. 70 - 71.

[154]*Ibid.* , p. 71.

> In the past few years, Swaziland has been besieged by land-hungry speculators from outside our borders. Attracted by our beautiful landscape and political stability, the land speculator has found a paradise here. He has bought large farms, chopped them into little plots and resold them to more outsiders who are also interested in speculation. Buying and selling land in Swaziland has become big business, making profits for the selected few, but causing galloping inflation of land prices that is totally disproportionate to the overall economy of this country. Swazis who are interested in buying plots of title deed land are finding that all the desirable land is far beyond their means.[155]

Levin has explained that

> The Land Speculation Bill which came before Parliament during its final session of 1971 was an attempt to create conditions under which Swazi capitalist farmers could emerge. By this time, land prices had dramatically increased, with several deals being negotiated by South African speculators. Following long private discussions with various cabinet members, the king agreed that a law be introduced to control land transactions involving non-Swazi citizens.[156]

The promulgation of this Act had appreciable effects on white-black relations in Swaziland. Levin has also observed that

> the new law caused alarm, especially amongst the settler bourgeoisie. The situation was aggravated by the secretive manner in which the bill was brought to parliament for discussion. The cabinet members most sympathetic to the interest of foreign and settler capital, Leo Lovell, Mfundza Sukati and Sishayi Nxumalo were all out of the country when the bill came before parliament.[157]

In a similar vein, Booth has remarked that, "The Act transformed the theretofore serene relations between the country's whites and the new government into a storm of

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[155]Cited in Levin, *When the Sleeping Grass Awakens*, p. 92.

[156]*Ibid.* , However, it is Hilda Kuper who first made the observation, see, H. Kuper, *Sobhuza II*, pp. 313 - 314.

[157]Levin, *When the Sleeping Grass Awakens*, p. 92.

controversy and led to the replacement of the finance minister, Leo Lovell, a liberal ex-South African who had taken up Swazi citizenship".[158] Concerning the absence of the trio when the Bill was passed, Prince Mfanasibili reasoned that, "Even if they were present, they would have been a negligible minority".[159] He however, recalled that, "Leo Lovell was the most outspoken with regard to the redistribution of land ; he desired to see white settlers maintain the previous *status quo* where they owned much of the land".[160]

8. 14 1972 Elections and the 1973 King's Decree[161]

As Swaziland was preparing for the first independence elections King Sobhuza's was worried about the political unrest that had plagued independent African countries. He explained African political problems in terms of the destructive role played by the opposition in destabilising post - colonial governments in Africa. The prospect of the emergence of political opposition in his country preoccupied his attention at this time. As the time for the election drew closer he became more concerned about securing his political power. His major worry was whether Swaziland would be exempted from the experiences of other countries. Delivering his speech at the opening of the Swaziland show in 1971 he remarked that

> I must sympathise with ourselves. We were the last in Africa to have our independence restored to us. Many African countries got theirs before us. However, many of these have experienced unrests. That is why I sympathise with the people of this country and wonder if their country will be the exception from what the whole of Africa is experiencing.[162]

Expressing his opinion about what lay behind this unrest the king said,

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[158]Booth, *Swaziland*, p. 71.

[159]Interview, Prince Mafanasibili, Manzini, Town Council Offices, 12 October, 2005.

[160]*Ibid*.

[161]For a legal perspective on the subject, See, for example, Sikelela Magongo, "The King's Decree Powers Critically Visited", LLB Thesis, University of Swaziland, 1996.

[162]King's Speech at the Official Opening of the Swaziland Show in Manzini on 4 Septemper, 1971.

> I find that the cause of the trouble in Africa is that Africa has copied and followed Western traditions blindly. Africa has taken for granted that whatever people from the West do is perfect. Africa forgot to examine carefully Western traditions. That is where we went astray, in so much that today we have reached a situation where we do not know what to do. Europeans brought to Africa what they call the 'opposition'. But the type of 'opposition' which was imported from overseas would be very happy to see us get into trouble while we are here. So when you think deeply about the imported type of the 'opposition' you find that it is war, because it is only during war or fighting that you rejoice when your enemy gets into trouble or dies[163]

Here again is an instance where Sobhuza demonstrated his uneasiness with concepts that had been imported from Western countries and applied to Africa without any adjustments. In an attempt to explain the difference between the type of opposition that prevailed in Africa to that of Europe he reasoned that

> Why are political opposition parties not enemies in Europe as they are in Africa? The reason is that the system has become a European tradition. The Europeans grew up with this system and they are rooted in it. It was never suddenly imposed on them. It never grew up like mushroom which grow overnight and once the sun comes out it withers and dies. Even among Europeans the opposition system gradually grew and took roots. The system was discussed and accepted by the indigenous people in the same way a man discusses his family affairs with members of his family. In all discussions, there must be opposing views. However, having different views does not mean that the opposing groups become enemies. In discussions all differing views are meant to be constructive, not destructive. Yet in Africa , from south to north, fighting among countrymen is a common thing. Opposing leaders appear not to care even if their country is destroyed, as long as they are elected to power. [164]

Amplifying his position, the king pointed out that, "The opposition sows the seed of misunderstanding among their countrymen so that they don't speak to one another, and

[163] *Ibid.*

[164] *Ibid.*

they live animal life. As a result of such life, bloodshed follows".[165] He felt whites were to blame for such unrest in Africa and declared that

> I blame the white people for all this. They brought to us a system they knew very well that it took them centuries to evolve and develop so as to become what it is among them today. But they simply threw at us such a thing. When they wanted to hand back the sovereignty to a country, instead of giving back to us our system we were used to, they simply threw the country into the air and said: 'Anybody who may grab it, it will be his'.[166]

Towards the conclusion of his speech the king said, "I chose to speak about this today because both the Swazis and the whites would be here. I wanted the whites to know that they are to blame for bringing to us this fatal snake which may destroy Africa".[167] Sobhuza's position clearly indicated that he had issues to settle at the political level. The king's view tended to draw away attention from daily forms discrimination taking place in the country. Although policies against discrimination were laid out at the official level but the tendency to ignore the problem in everyday life persisted.

In May 1972 elections were held, the five-year term of the first post-colonial government having expired. In these elections the NNLC was able to win the Mphumalanga constituency, thereby securing three out of twenty - four elected parliamentary seats which had all been won by the INM. Levin observed that, "The victory reflected a growing frustration with comprador rule on the part of the working class sections and sections of the upper-middle class and rich peasantry".[168] Soon after the result of the election was made known the government moved swiftly to deport Thomas Bhekindlela Ngwenya, one of the NNLC's victorious MPs to South Africa as an "undesirable person". Recently, Prince Mfanasibili admitted that, "There was a flaw in the electoral

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[165]*Ibid.*

[166]*Ibid.*

[167]*Ibid.*

[168]Levin, *When the Sleeping Grass Awakens*, p. 96.

laws ".[169] Following Ngwenya's appeal to the High Court, in September the deportation order was set aside. Booth explained that, "In October a boycott by Imbokodvo MPs prevented Ngwenya's parliamentary swearing - in for lack of a quorum".[170] In November the Swazi parliament passed an amendment to the Immigration Act of 1964 that made the Prime Minister, not the High Court the final arbiter in matters of disputed citizenship. Ngwenya's lawyer's appealed to the High Court arguing that the Act was unconstitutional. His argument was rejected. A tribunal that was appointed in accordance with Immigration Amendment Act 22 of 1972 also decided that Ngwenya was not a Swazi citizen. He thereafter petitioned the Court of Appeal. On 29 March 1973 that court ruled that the Immigration Amendment Act was unconstitutional. Two weeks later, on 12 April 1973, King Sobhuza II declared the constitution suspended, Parliament suspended, and all political parties banned. He then announced that he would henceforth rule by decree.[171] After having gone about his criticism of the constitution and having expressed a desire to move the country forward, Sobhuza stated that

> Now, therefore, I Sobhuza II, King of Swaziland, hereby declare that in collaboration with my Cabinet Ministers and supported by the whole nation, have assumed supreme power in the Kingdom of Swaziland and that all legislative, executive and judicial power is vested in myself and shall, for the time being, being exercised in collaboration with a Council constituted by my Cabinet Ministers. I further declare that to ensure the continued maintenance of peace, order and good government, my armed forces, in conjunction with the Swaziland Royal Police, have been posted to all strategic places and have taken charge of all government places and public services.[172]

Commenting on this development Booth reasoned that

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

[170]Booth, *Swaziland*, p. 73.

[171]For the full speech, see, SNA / Special Library, His Majesty's Speech During the Repeal of the Westminster Constitution at Lobamba on the 12 April, 1973.

[172]*Ibid.*

> Even in a continent where the British legacy of Westminster-style constitutions has been notoriously short-lived, the precipitousness of the king's actions caught most observers off guard. In retrospect, it seems that his dislike of the constitution imposed on him by the departing British had been underestimated. The smashing early successes of the royalist INM had shielded his extreme distaste for the political process it had dominated. As long as Parliament had been filled with royalists, it could be seen as simply a harmless (even beneficial) legislative extension of existing traditional institutions. But the appearance of an official opposition in 1972 replaced that assumption with a spectre of a public body first questioning, then seriously eroding, royal authority. That was not to be tolerated.[173]

The king's decree closed one era as well as opened another in the political and constitutional history of Swaziland. Contrasting the old and new periods, Booth concluded that

> The suspension of the constitution and related arbitrary measures brought to an end the heady period of social testing and political skirmishing that had characterized post- independence Swaziland. Political opposition was silenced, and trade union activity was neutralized through the prohibition of meetings of any size. [174]

These developments ushered in a new politico - constitutional dispensation to Swaziland. Worth noting is that this era was characterised by the new tensions and contests between black political leaders and the opposition. In this case, state power was used to silence the opposition. Meanwhile the UN had declared the ten years from 1973 as the decade for action to combat racism and racial discrimination. Unfortunately, the programme tended to focus on racism on the part of white minority regimes and was unable to challenge many acts of political repression which were taking place in many parts of Africa.[175]

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[173]Booth, *Swaziland*, p. 73.

[174]*Ibid.* , p. 74. For a similar observation, see, Richard, W. Hull, *Southern Africa : Civilizations in Turmoil* (New York and London : New York University Press, 1981), p. 154.

[175]For some of these acts, see, Paul Gordon Lauren, *Power and Prejudice: The Politics and Diplomacy of Racial Discrimination* (Boulder: West view Press, 1988), p. 275.

More importantly, Sobhuza's preoccupation with reversing political practices that had been indiscriminately applied by whites in his county stole the attention away from discriminatory attitudes and practices that were prevalent in industrial and urban centres. This was further worsened by the policies of the post-colonial government which tended to deal with racial discrimination at an official level without considering structures that would deal with the problem as it unfolded on a daily basis in the affected places. Equally the UN's approach to evaluating discrimination was limited to the extent to which governments had legislated against discrimination and official periodic reports. The tackling of discrimination in this fashion proved to be inherently inadequate in dealing with problem at grassroots level. The tendency to focus on government policies essentially meant providing it with a forum to sing its praises when in reality daily manifestations of discrimination were being swept under the carpet.

8. 15 Conclusion

This chapter has shown that the outlawing racial discrimination in Swaziland did not result in the automatic or immediate disappearance of discriminatory attitudes and practices in the country. Despite the passage of anti - discriminatory legislation in the country racial prejudices and attitudes persisted largely in covert and subtle ways though at other times more overtly and obviously often covered with paternalistic undertones.

The ongoing constitutional struggle indicated that there was a strong desire by the most influential political formations in Swaziland to safeguard class and racial interests. Although Swaziland's independence constitution granted equality to the people of Swaziland irrespective of race or colour, past developments maintained a situation whereby wealth, property and certain privileges were still tilted largely towards whites. In trying to correct this, for example, the post-colonial government put in place the localisation policy and Land Speculation Act. What the chapter has found difficult to ascertain is whether such moves were an act of "reverse discrimination" by the black Swazi who formed a majority of the post - independence government.

Further, the chapter has shown that an underlying grievance existed among Swazi leaders because the British had imposed the Westminster constitution on the country. This was ultimately demonstrated by the king's abrogation of the constitution on 12 April 1973. In doing away with the constitution the king blamed whites for imposing their traditions on Africans. Thus, the abrogation of the constitution, though aimed at the first instance, at silencing those blacks who were in the political opposition, in a broader framework, it had serious reflections on white - black relations not only in Swaziland but in the whole of the continent. Through the abrogation of the constitution, the king was sending a message to the British and the white international community that their institutions were unsuitable for the Swazi as well as African life, more generally.

More importantly, it has been shown in this chapter that despite the putting in place of anti-discriminatory legislation and a non - racial constitution *de facto* discrimination continued. In this chapter this has been partly attributed to the limitations of the abolition

of *de jure* discrimination which did not necessarily mean that *de facto* discriminatory practices in many spheres of Swazi society had ceased. This trend proved W. E. B. Dubois' prediction made at the beginning of the twentieth century that, "those responsible for such discrimination on the basis of racial prejudice would not abandon their attitudes, or their practices, or their power lightly".[176] In the case of South Africa, Wilmot James and Jeffrey Lever observed that," With the abolition of most racially based laws in 1991, racism in South Africa was officially deinstitutionalized"[177] and further noted that, "What remains is the phenomenon that some scholars have referred to as "modern racism": sporadic, everyday incidents and rearguard actions in association and community life".[178] Similarly, Paul Maylam noted that the legacy of apartheid would take ages to be eradicated. He predicted that though the apartheid era formally ended in 1994, "the awful legacy of the system would continue to be felt for many generations to come".[179]

The chapter has also shown that the INM led government upheld non - racial policies. It notes that with time the government's most influential figures shifted from their initial notion of a "racial federation" to that of non - racialism. Such, it has been observed was a product of the dynamics of the race question not only within the country but also in the wider world. There was however, a big gap between government policies and actual practice in the larger society with regard to discrimination. Finally, the chapter hinted that the repressive nature of the post - colonial government towards the opposition in the

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

[177]W. James and J. Lever, "The Second Republic: Race, Inequality and Democracy in South Africa", in C. V. Hamilton, et. al (eds.) *Beyond Racism : Race and Inequality in Brazil, South Africa, and the United States* (Boulder and London : Lynne Reinner, 2001), p. 50.

[179]*Ibid.*

[180]P. Maylam, *South Africa's Racial Past : The history and historiography of racism, segregation, and apartheid* (Aldershot : Ashgate, 2001), p. 204.

country resembled that of many governments in the continent around this time, which continued unchallenged by those who were fighting racial discrimination internationally.

Despite Swaziland's adoption of an approach contrary to that of South Africa in her race relations there was a sense in which many spheres of Swazi society were left untouched by the anti-discriminatory legislation of 1962 and continued to resemble those of South Africa. This emanated not only from the limited approach which was adopted when discrimination was abolished in the country. The view of the colonial officials who first looked into the issue of abolition was that discrimination was unofficial in Swaziland. In preparing to outlaw racial discrimination therefore, only those laws which were suspected of promoting discrimination were tackled to the extent that *de facto* discrimination was largely ignored.

The subsequent anti - discriminatory official policies put in place during and after the Legislative Council period proved inadequate in dealing with day to day discriminatory practices and policies in industrial and urban places. Sobhuza's own approach and that of the post-colonial government in dealing with discrimination were limited. It has also been shown in this chapter that Sobhuza was preoccupied with what he perceived to be injustices imposed on the Swazi by whites. As a result, he mainly focussed on political power and did not do much to rescue a majority of the Swazi who experienced discrimination on a day to day basis. This therefore, yielded to a context in which many discriminatory tendencies and practices which were prevalent before the lawful abolition of discrimination was effected, continued unabated. Neither did the orientation of the UN prove useful in this regard as it tended to complement than question these approaches. Based on studies and experiences in Brazil, the United States of America and South Africa, Charles Hamilton has suggested that a holistic approach has to be adopted for racism to be effectively combated in the world. Such an approach takes into consideration demographic factors, political institutional structures and ideologies charged with the responsibility of producing policies as well as the function of education in developing "human capital".[180]

[180]C. V. Hamilton, "Concluding Note", pp. 591 - 597, in C. V. Hamilton et. al. (eds.) *Beyond Racism*