

UNIVERSITY OF ZULULAND

**THE POLITICAL ECONOMY OF SWAZILAND'S QUEST TO
INCORPORATE INGWAVUMA AND PARTS OF MPUMALANGA
(SOUTH AFRICA)**

**For the degree of
DOCTOR OF PHILOSOPHY
In the field of History**

FACULTY OF ARTS

Candidate: STANLEY M. GAMA

Student number: 201330443

Supervisor: Professor H.S. Simelane

Co-Supervisor: Dr. D.H.D Ngobese

Declarations

I, Stanley Mbongeni Gama, declare that this is my original research work. It has not been submitted to any institution of learning in any form. Information used from other sources has been acknowledged and referenced in the Bibliography pages. The contributions made by others, for example during the interviews, have been acknowledged as well.

Signature:  Date: 31 October 2019

DECLARATION BY SUPERVISOR (S)

I am satisfied that I have given the candidate the necessary supervision in respect of this proposal and that it meets the University's requirements in respect of postgraduate research proposals.

I have read and approved the final version of this proposal and it is submitted with my consent.

Signature:.....

Signature:.....

Print Name:.....

Print Name:.....

Date:.....

Date:.....

STATEMENT OF COPYRIGHT

Copyright © 2019 by Stanley Mbongeni Gama

I grant the University of Zululand the nonexclusive right to use this research for its purposes, and to make single copies of the work for the public on a non-profit basis, if copies are not otherwise available.

DEDICATION

This work is dedicated to the Glory of God

And

My family: My wife Ncobile, my sons, Lethokuhle and Siyavuya (Mawenzokuhle), my parents Fikile and Douglas, my siblings Thobsile, Phesheya, Khumbula, and my nephews and nieces: (Sisekelo, Nhlanganiso, Hlumie, Mahle, Nono, Nomcebo, Nothando, and Similo)

ACKNOWLEDGMENTS

I give glory to God for his Grace and Mercy. Without Him, this work would not be possible.

My wife, Mrs. Ncobile Faith Mpapane–Gama, was supportive until the completion of this project. She endured lonely weekends and worked over-time nights and days. To my sons, Lethokuhle and Siyavuya (Mawenzokuhle), the trips to Mpangeni have come to an end, no more weekends and nights without Daddy, and, finally, your prayers have been answered. To my Parents, Mrs.Fikile and Mr. Douglas Gama, and my siblings (Thobsile, Phesheya, and Khumbula), you have encouraged me throughout this rough journey. My Daddy would always say, “ finish up so that we have the first Dr. in the family,” as it had been his wish to do a Ph.D. himself.

I am indebted to Maxwell Ziyane, who made sure that he updated me on any relevant information he laid his hands on at the library. Also the staff at the Swaziland National Archives, especially, Khosi, you guys provided me with all the vast primary sources.

To Professor Hamilton S. Simelane my supervisor, I am grateful for your insightful supervision, care, and mentorship. When the going got tough, Prof Simelane was always there to provide direction and succor. As I stated in one of my several e-mails to him, I could not have asked for a better supervisor. You made this thesis a success by providing supervision even during your vacations. I thank you Mnguni for your patience, you encouraged and pushed me. Thank you very much.

ABSTRACT

This study analyses the political economy of Swaziland's quest to incorporate Ngwavuma and parts of Mpumalanga. The primary research question is: What drives Swaziland to pursue the issue of the land that was taken from her during the colonial era despite the declaration by the Organization of African Unity that all colonial boundaries should not be tampered with in adjusting the present borders. The study uses the Swaziland – South Africa border issue, to investigate the dynamics behind Swaziland's quest to incorporate Ingwavuma and some parts of Mpumalanga. The findings of the study are not unique to Swaziland and South Africa but are relevant to Africa as a whole.

Firstly, the study employed a political economy approach or theoretical framework which combines both the political and economic aspects and gives a better understanding of the factors involved in the whole set of border adjustments between South Africa and Swaziland. Is the theory of the interplay between politics and economics in driving historical events and processes over time. The political economy makes intensive and extensive use of class analysis in making sense of the community and history but does so in the context of the environmental, cultural, political, and other economic processes.

Secondly, this research study used a qualitative research approach because of its ability to provide more detailed information on a subject. The study also relied on fieldwork in the particular borderland societies astride the South African – Swaziland boundary. It was further informed by archival research. Secondary data was collected from the existing literature on African boundaries themes.

The study highlighted the political and economic gains that Swaziland would have if Ingwavuma and parts of Mpumalanga were to be incorporated. The economic benefits would be massive as there are natural resources in those areas. The political impact of the country would also be transformed into a very influential status in the region

ACRONYMS

1. **OAU** – Organization of African Unity
2. **PSC** – Peace and Security Council
3. **EEPLF** – Eritrean People’s Liberation Front
4. **TPLF** – Tigran People’s Liberation
5. **DRC** – Democratic Republic of Congo
6. **NIF** – National Islamic Front
7. **UNHCR** – United Nations High Commission for Refugees
8. **IEGEDD** – Interstate Agency for Drought and Development
9. **SADC** – Southern African Development Community
10. **BDF** – Botswana Defense Force
11. **ICJ** – International Court of Justice
12. **KEDC** – KaNgwane Economic Development Corporation
13. **SAR** – South African Republic
14. **SNL** – Swazi Nation Land
15. **UN** – United Nations

THE THESIS LAYOUT

TITLE PAGE	i)
DECLARATIONS BY THE CANDIDATE.....	ii)
DECLARATIONS BY THE SUPERVISOR.....	iii)
STATEMENT OF COPYRIGHT.....	iv)
DEDICATION.....	v)
ACKNOWLEDGMENT.....	vi)
ABSTRACT.....	vii)
ABBREVIATION (ACRONOMIES).....	viii)
TABLE OF CONTENTS.....	ix)
LIST OF FIGURES.....	xiv)
LIST OF MAPS.....	xiv)
ANNEXURES.....	233.

Table of Contents

CHAPTER ONE: GENERAL INTRODUCTION	1
1.1 The problem statement.....	3
1.2 Objectives.....	4
1.3 Intended contribution to the body of knowledge.....	5
1.4 Theoretical framework.....	5
1.5 Research methodology.....	6
1.5.1 Sampling procedure.....	8
1.5.2 Snowball sampling.....	8
1.5.3 Data collection: interviewing.....	9
1.6 Lay out of the study.....	10
1.7 Literature review.....	12
CHAPTER TWO: COLONIALISM AND THE QUESTION OF BOUNDARIES IN AFRICA	30
2.1 Introduction.....	30
2.2 The context of the African Borders.....	31
2.3 Colonialism and its Impact on Border Relations in Africa.....	33
2.4 African reaction to Colonial Borders.....	34
Map 1: Malawi – Tanzania Boundary dispute.....	41
2.5 Conclusion.....	45
CHAPTER THREE: LAND AS A RESOURCE RELEVANCE TO THE QUESTION OF BOUNDARIES	47
3.1 Introduction:.....	47
3.2 Land as an essential resource in Pre- Colonial Africa.....	47
3.3 State and land in pre-colonial Africa.....	51
3.4 Land as a socio-economic resource for Swazis.....	52
3.5 Land as a political tool.....	54
3.6 The belief and the importance of Land to the Swazis.....	55
3.7 Land tenure in Swaziland.....	55
3.8 The Development of the Swazi State on land and power issues.....	58

3.9 The ambition of the Swazi indigenous leadership for more territories.....	60
3.9.1 Conclusion.....	63
CHAPTER FOUR: BACKGROUND TO THE HISTORY OF SWAZILAND IN RELATION TO SOUTH AFRICA	64
4.1 Introduction.....	64
4.2 The Background of the history of Swaziland.....	64
4.3 The conquest state 1820-1838	81
4.4 Conclusion	90
CHAPTER FIVE: COLONIAL BOUNDARIES AND THEIR OUTCOME ON THE SWAZILAND – SOUTH AFRICA BOUNDARY.	91
5.1 Introduction.....	91
5.2 The historical background of Swaziland and South Africa border relations.	91
5.3 The concession scramble cemented the artificial boundary between Swaziland and South Africa.....	99
5.4 Conclusion.....	103
CHAPTER SIX: THE DEMARCATION OF THE BOUNDARIES BETWEEN SWAZILAND AND SOUTH AFRICA	105
6.1 Introduction.....	105
6.2 Historical background of the border between Swaziland and South Africa.....	105
Map 5. A map showing the disputed territory of the Kingdom of Swaziland.....	106
6.3 The Demarcation of the Swaziland-South Africa border	110
Figure 3. Changes to the western boundary	116
6.4 The impact of British – Boer conventions on Swaziland – South Africa territorial demarcations.	120
6.5 Conclusion.....	122
CHAPTER SEVEN.....	125
THE POLITICAL ECONOMY OF SWAZILAND’S DESIRE TO INCORPORATE INGWAVUMA AND MPUMALANGA	125
7.1 Introduction.....	125
7.2 The economic connotations of the incorporation of Ingwavuma and parts of Mpumalanga (KaNgwane).....	126
7.2.1 The Rural Economy in Swaziland	126
7.3 The Industrial Sector: Manufacturing, Mining, and Tourism.....	130

7.4 Mining	134
7.5 Tourism	135
7.6 Labour and Employment	136
7.6.1 Migrant labourers to South Africa	138
Table 1. Annual Statistical Bulletin (Swaziland, 1980)	138
7.6.2 The changing conditions in the South African labour market.	140
7.6.3 Wages and working conditions between Swaziland and KaNgwane.	142
7.7 Political ideology of Swaziland compared with Ingwavuma and parts of Mpumalanga (KaNgwane)	146
7.7.1 General Background.	146
7.7.2 Politics since Independence	147
7.8 Conclusion	150
CHAPTER EIGHT	152
SWAZILAND’S ARGUMENTS FOR THE INCORPORATION OF INGWAVUMA AND PARTS OF MPUMALANGA.	152
8. 1: Introduction	152
8.2: An overview of the origin and the rise of the Swazi kingdom (C 1750 – 1868 CE)	152
8.3 Swaziland’s arguments for the incorporation of Ingwavuma and parts of Mpumalanga.	154
Figure 4: for the Abortive Land deal in 1982	167
8.4 Conclusion.	168
CHAPTER NINE	169
THE VALIDITY OF SWAZILAND’S CLAIM TO THE TERRITORIES OF INGWAVUMA AND PARTS OF MPUMALANGA.	169
9.1 Introduction.	169
9.2 Replications of the border issue between Swaziland and South Africa	170
9.3 Negotiations between the Republic of South Africa and Swaziland.	176
9.4 Swaziland’s Proposed Land Deal with South Africa – The case of Ingwavuma and KaNgwane (1982)	178
9.5 The law on the maintenance of colonial boundaries.	185
9.6 The right of self-determination in international law and in the context of the proposed cession of KaNgwane and Ingwavuma to Swaziland.	189
9.7 Denationalization and the proposed cession of territory.	193

9.8 Conclusion	194
CHAPTER TEN	196
CONCLUSION.....	196
ANNEXURE A: PARTICIPANT INFORMED CONSENT DECLARATION	209
INFORMED CONSENT DECLARATION	209
BIBLIOGRAPHY	225

List of figures

Table 1 – Annual Statistical Bulletin (Swaziland, 1980)

List of maps

Map 1 – Malawi – Tanzania boundary dispute

Map 2 – Map showing the disputed territories between Swaziland and South Africa

Map 3 – Changes to the western Swaziland boundary

Map 4 – Abortive Land Deal in 1982

CHAPTER ONE: GENERAL INTRODUCTION

The extension of European imperialism to Africa changed the face of the continent in many ways. John Anene notes that “How European nations descended on Africa during the closing years of the nineteenth century in their scramble for territory was bound to leave a heritage of emergent African states. The approach adopted in the research is of significance to the study of border adjustment challenges in Southern Africa because it used the interplay between politics and economics to unveil historical change over time. Those emergent states, separated multitude of ethnic and linguistic groups, by the new demarcated international boundaries.”¹ The pace of this drama was shocking, for as late as 1880, only the limited areas of Africa had come under the direct rule of the Europeans. By early in the 20th century, the whole of Africa except (Liberia and Ethiopia) had been colonized and ruled by European powers.

From the time of the Berlin Conference (1884–885), which was void of African involvement, Africa was divided between the imperial powers who continued to exploit the resources of their spheres of influence to fulfill the economic ambitions of Europe. While all this was taking place, Africans of the same ethnic group were divided by newly demarcated boundaries. In the case of the Horn of Africa, Don Connell observed that the modern Eritrean nation is a product of the 19th-century European colonialism, but its historical roots lie masked in the distant past.² The people of the Eritrean territory are a mix of African and Arab ancestry who today consists of nine nationalities that are distinct, or ethnic groups or nationalities that overlap on all sides of the physical boundaries of Eritrea: the Tigress in the North and West extend into Sudan, the Afar’s in the Southeast into Djibouti and the Tigrinya – speakers into the Northern Ethiopian Province of Tigris. These divided and diverse peoples were brought by foreign conquest under one flag and unified through economic development’s impact which had an intense effect on their cultural and social differences. The current war for countrywide independence is as much

¹ J.C Anene, *The International boundaries of Nigeria 1885 – 1960* (London, Longman, 1970), 1.

² Don Connell, “Horn of Africa, The Birth of the Eritrean Nation,” *An Independent Journal*, Vol 2, No 1 (1992):231.

a continuation of this process due to the colonial boundaries. The Eritrean case is not isolated or unique but captures what was happening in most parts of Africa.

When the Organization of African Unity (OAU) was formed, it was sensitive to the problems associated with the colonial boundaries and in its Charter stated that the existing boundaries should not be tampered with.³ However, conflicts associated with these boundaries persisted so that there are attempts by the African Union (AU) to attend to the border adjustment issues, which are very sensitive and may develop into full conflicts if they are ignored. Murithi assessed the interventionist position of the AU through its Peace and Security Council (PSC), particularly about Sudan, Somalia, Djibouti, Eritrea, and Kenya.⁴ He argued that ten years after the founding of the AU and eight years after the operationalization of the PSC, the Union has adopted a position that can be defined as interventionist as far as security and peace issues are concerned in Africa. The African Union has noted that ill-defined borders are a potential source of conflict, especially where mineral resources are discovered in the border regions. Thus the AU launched the African Union Border Programme to minimize these risks. To show the gravity of the matter, they held an assemblage of Heads of the States and Governments, which was held in Durban, (South Africa) in July 2002 and proposed that at least there should be minimum challenges on boundary issues. The Assembly held in Durban was one of the many assemblies held before.

The Southern part of Africa, just like the rest of Africa, had been no stranger to the colonial boundary problems. Budelihas noted that in twentieth-century Southern Africa has had its share of boundary-related disputes.⁵ These were products of both the British and the Boer imperialism which resulted in several ethnic groups divided between different countries. Griffiths has commented on the making of the boundaries between South Africa and Swaziland.⁶ He traces the boundary-making exercise to an expansion of both the Boers and the British and the numerous agreements that they reached on the disputed

³www.africa-union.org/ Treaties/text/OAU-charter-1963.

⁴Murithi, Tim, "The African Union Peace and Security Council's Engagement in the Horn of Africa," *African Journal on Conflict Resolution*, vol. 11, no. 3 (2011): 46 – 56.

⁵Mangu, Mbata " The historic contribution of the United Nations to the resolution of conflicts in Southern Africa," *African journal on Conflict Resolution*, vol 11, no 3 (2011) : 9.

⁶ D.C. Funnell, "The Abortive SwaziLand Deal," *African Affairs*, vol. 90, Issue 358 (1982): 45 – 55.

or coveted territories. He also observed that in the 1980s the boundary dispute between the two countries took a turn when the South African apartheid regime in its desire to create a faithful and puppet ally showed an inclination towards acceding to the demands of the Swazi state. Different commentators and researchers such as JSM Matsebula, R.T Corydon, etc., have concerned themselves with Swaziland's pronouncement of its ambition to have its borders with South Africa adjusted but some aspects have not been addressed.

This study used the interconnectedness of political and economic dynamics to investigate the factors which drive Swaziland to pursue border adjustment with South Africa. This approach is a complete departure from the previous studies which have concentrated on the political rightness or wrongness of Swaziland's claim, completely neglecting the economic dynamics within Swaziland's pushing for the border adjustment.

1.1 The problem statement

Several scholars have studied how the African boundaries were drawn by the European colonial powers. They have also observed that within Africa, there has been continued unhappiness with some of the boundaries. The demand for boundary adjustment has increased in parts of Africa. While there are numerous accounts of the conflicts associated with the colonial boundaries, there is still a lack of comprehensive studies of what drives nations to seek boundary adjustment. New knowledge on this issue is needed, as we no longer rely on the assumption that these are simply historical claims. This research study used the Swaziland – South Africa border issue, to investigate the drivers behind the border adjustment demands by states. It investigated the dynamics behind Swaziland's quest to incorporate Ingwavuma and parts of Mpumalanga. The tool of analysis was the political economy approach, arising from the researcher's assumption that Swaziland's demand for incorporation of these areas is a result of the interplay of political and economic considerations.

1.2 Objectives

The objectives of the study were as follows:

- i) To investigate the drivers that push Swaziland to pursue the border adjustment between Swaziland and South Africa
- ii) To analyze the relationship between the imperialist expansion and the boundaries between South Africa and Swaziland.
- iii) To examine the economic dynamics behind Swaziland's demand for border adjustment.
- iv) To evaluate the political imperatives behind Swaziland's desire for border adjustment.
- v) To explore the validity of Swaziland's claims to Ingwavuma and parts of Mpumalanga
- vi) To uncover the arguments presented by Swaziland on border adjustment between her and South Africa.

1.3 Intended contribution to the body of knowledge

This study is important to the body of literature in the field because there are limited researchers who have investigated the subject in the manner done by my study. Most scholars such as J.S.M Matsebula and Gillis have concentrated on political issues, ignoring the economic aspect and land which is the most crucial issue in Africa. This study used the political economy approach which has yielded a more comprehensive understanding of the subject. The research study has filled the grey area that was left by other scholars. Politics and economy cannot be separated, the economic benefit informs the political legislation to safeguard all the economic benefits. The research study looked at the background, thus combined the two to achieve more comprehensive research.

1.4 Theoretical framework

The research study used the political economy approach as its theoretical framework. According to Chalfin, the political-economy approach is the study of the interplay between the economy and politics in driving historical events and processes over time.⁷ Political economy has come to be closely associated with the work of economists who adopted the key concepts developed by Karl Marx, focused on class processes and relationships, but who rejected the economic determination of orthodox versions of Marxian theory. Thus, the political economy makes extensive and intensive use of class analysis in making sense of society and history but does so in the context of political, cultural, and environmental processes, as well as other economic processes. Political economy is a strong instrument for improving the aid's effectiveness. It bridges traditional concerns of economics and politics. It also focuses on how resources and power are distributed and contested in different situations and the development outcomes. It gets beneath formal structures to expose underlying interests, incentives, and establishments that promote or disturb change. The terminology of Political economy in large part shows the belief that economics is inseparable from politics. This is more than a managerial classification of

⁷Chalfin, B “*Border Zone Trade and Economic Boundaries of State in North – East Ghana, in Africa*” Journal of the International African Institute. Vol. 71, no. 2 (2001): 202 – 210.

disciplines. It arises from the broad view that political factors are essential in influencing and determining the outcomes of the economy.

Nevertheless, several writings in political economy, including the work of Marx, have been concerned in particular with understanding the role of capitalism in shaping society and history. For this research, this approach is pushed beyond the narrow confines of just what is capitalist to include issues of power and general politics. The Marxist political economy begins from the relationships between people and classes and tries to understand the economy not as a wonderful clockwork mechanism but as a dynamic system with a lot of contradictions and doomed to be replaced.

Political economy is about people and their social relationships, not about the relationship between prices, commodities, demand, and supply. The research study will use the political economy approach as a theoretical framework. This framework combines both the political and economic aspects to give a better understanding of the factors involved in the whole set of border adjustments between South Africa and Swaziland.

1.5 Research methodology

This research study is qualitative because of its ability to provide detailed information on the subject. As Mouton puts it, “qualitative research, is an attempt to study human action from the perspective of the social actors themselves.”⁸ It helps the researcher to describe and to understand rather than to explain human behaviour. Bryman adds that “qualitative research, is a research strategy that usually emphasizes words rather than quantification in the collection and analysis of data.”⁹ Bryman further attests that qualitative research, deals with the following:

- Points of view of participants
- Contextual understanding
- Rich, deep data

⁸ Earl Babbie Mouton, *The Practice of Social Research* (Cape Town, Oxford University Press Southern Africa, 2005), 270

⁹ Alan Bryman, *Social Research Methods*, 3rd Edition (London, Oxford University Press, 2008), 366.

- Natural settings.¹⁰

Another scholar, Creswell, “describes qualitative research, as a guide and raises the questions of the subject they would like to address.”¹¹ He goes on to state that, it provides a theory and guides the researcher on issues that are important to examine and participants to be studied. It also shows how the researcher should position themselves when conducting qualitative studies.

Qualitative research pays less focus on the metrics of the collected data. Rather, it focuses on what can be found in that data. That makes it possible for the data to have a higher level of detail to it, which can provide further opportunities to pick up insights from it during the examination. Several research opportunities pursue a particular pattern of questioning. Qualitative research offers a different approach. It adapts the quality of data that is being collected. If the collected data seem to be failing to provide any results, the research can suddenly change and gather data in a new direction. This gives extra opportunities to get important clues about the subject instead of being limited and confined to a self- fulfilling perspective.

The open-handed structures of qualitative research enable researchers to get underneath shallow responses and rational thoughts to get information from the participant’s emotional responses. This is important for this research because it is an emotional response that usually drives participants’ decisions or influences their behaviour. It is difficult to analyze data that is gathered from individual sources because a lot of people respond subconsciously in a way that they deem someone wants them to. That desire to impress others or someone reduces individual creativity and affects the accuracy of data. The use of a qualitative research method makes it possible to encourage the creativity of the respondents and allows people to authentically express themselves. In return, the data collected becomes more accurate.

¹⁰ Alan Bryman, *Social Research Methods*, 3rd Edition (London, Oxford University Press, 2008), 393.

¹¹ J. Creswell and W John, 2003. *Research Design, Qualitative, Quantitative and Mixed Methods Approaches*, 2nd Edition (London, SAGE publications, 2003), 181.

Most qualitative research projects are completed promptly using limited budgets because they use smaller samples than other methods of research. That allows for results to be obtained faster so that research can confidently move on making use of the good data that has been collected.

1.5.1 Sampling procedure

The study used purposive sampling, which encompasses all the details that are necessary to carry out the research. According to Bryman, “the purposive sampling, is essentially strategic and entails an attempt to establish a good correspondence between research questions and sampling.”¹² The researcher samples with the view of interviewing people who are relevant to the research questions. Bryman further argues that purposive sampling aims to choose cases and participants in a strategic way so that those selected are relevant to questions posed to them. Since it is a non – probability sampling approach, purposive sampling does not permit researchers to generalize the findings to the entire population.

Mouton and Prozesky add that “purposive sampling is appropriate for the researcher to select the sample based on one’s knowledge of the population, its elements, and nature of the research aims; in short, it is based on the judgment and the purpose of the study.”

1.5.2 Snowball sampling

Bryman argues that snowball sampling is a form of a convenience sample which has attracted a lot of attention over the years. In this sampling approach, the researcher makes preliminary contacts with others.¹³ The sample is not random, because it is impossible to draw a random sample. No one knows the nature of the world from which it would have to be drawn. There is no accessible sampling frame for the population from which the sample is to be taken and the difficulty of creating such a sampling frame means that such an approach is the feasible one.

¹²Alan Bryman, *Social Research Methods*, 3rd Edition (London, Oxford University Press, 2008), 184.

¹³ Alan Bryman, *Social Research Methods*, 3rd Edition (London, Oxford University Press, 2008), 485.

Mouton reiterates that snowball sampling is a procedure most commonly used in qualitative field research. It is suitable when members of the targeted population are not easy to locate.¹⁴ This procedure is implemented by identifying a (few members from the target) who possess the required data for the study and then asking them to link the researcher with other members of the population whom they know to have the data that is needed by the study. It is used primarily for exploratory purposes. The data for the present study was collected from:

- 1) Academics, who are historians and adequately knowledgeable on the subject.
- 2) The chiefs from the affected areas, who may, in turn, refer me to the relevant people on the subject
- 3) Inhabitants, especially those who are over 60 years of age and who have the relevant information on the border adjustment.
- 4) The origin of the informants played a pivotal role in data analysis.

1.5.3 Data collection: interviewing

Qualitative research typically employs semi-structured or unstructured in-depth interviews. De Vos, argues that an unstructured one-on-one interview extends and formalizes the purposeful conversation which is not aimed at testing a hypothesis or evaluating the usual sense of the term.¹⁵

This research used the face to face interview, a popular method of collecting data in qualitative research. According to King, most qualitative researchers use interviews because they have advantages in extracting data. When a researcher informs the participants that he/she wants to interview them, they usually have a good idea of the type of encounter that they are committing to.¹⁶

¹⁴ Earl Babbie Mouton, *The Practice of Social Research* (Cape Town, Oxford University Press Southern Africa, 2005), 167.

¹⁵ AS de Vos, H Strydom, CB Fouche and CSL Delpont, *Research at grass roots, For the Social Sciences and Human Service Professions, 3rd Edition*, (Pretoria, Van Schaik Publishers 2005) , 292.

¹⁶Nigel King, *Interview in Qualitative Research* (California, SAGE Publications, 2010), 42.

A qualitative research interview makes use of open-ended, non – leading questions focusing on personal experiences. It also builds a rapport with the interviewees by minimizing power in the balance between the parties. In the majority of cases, it maintains a high level of anonymity and confidentiality.

In the social sciences, qualitative interviewing has become the most famous and frequently used research method. Face to face conversations occur every day and this has possibly resulted in an assumption that interviewing is the preferred option because the researcher feels most comfortable with this technique.

Cassell asserts that the purpose of an interview is to get the descriptions of the life–world of the participants being interviewed, with regards to the interpretation of the meaning of the phenomena being described.¹⁷ The goal of the interview is to see the research topic from the interviewee's perspective and to understand how and why they develop that particular perspective. As Cassell says, that to meet that goal, qualitative research interviews generally have the following characteristics:

- a) A large number of open-ended questions
- b) A focus on particular situations
- c) Action sequences in the world of interviewees
- d) Rather than abstractions and general opinions.¹⁸

1.6 Layout of the study

Chapter one presents the problem statement, objectives, ethical considerations, and intended contribution of the study to the body of knowledge and it also presents the theoretical framework, the research methodology, and the literature review.

Chapter two presents the imperial power imposition of state borders on African territories and it had major implications on the illogical, short-term strategic, and economic divisions.

¹⁷ Catherina Cassell and Gillian Symon, *Essential Guide to Qualitative Methods in Organizational Research* (London, SAGE Publications, 2004), 11.

¹⁸ *Ibid*, 22 – 30.

Chapter three interrogates the importance of land to the Swazi authorities. It establishes the importance of land and shows why Swazi authorities seek the disputed territories in South Africa.

Chapter four traces the background history of the Kingdom of Swaziland to establish how the Swazis eventually settled at present-day Swaziland and also traces the history of the areas which are now said to have belonged to Swaziland.

Chapter five traces the factors that contributed to Swaziland losing the land to South Africa through the concession scramble.

Chapter six outlines the demarcation of the boundaries between Swaziland and South Africa. It highlights how colonial draftsmen mapped out the boundaries, regardless of culture and ethnicity.

Chapter seven uses the interconnectedness of political and economic dynamics to investigate the factors which drive Swaziland to pursue the border adjustment issue with South Africa.

Chapter eight presents the arguments that Swaziland put forward in its quest to incorporate Ingwavuma and parts of Mpumalanga.

Chapter nine tests the validity of Swaziland's claim to the incorporation of Ingwavuma and Mpumalanga.

Chapter ten concludes the study, highlighting the important components.

1.7 Literature review

The chapter reviews the literature on the international boundaries generally, with particular focus on the African boundaries and specifically the Swaziland – South Africa boundary. Several scholars have been interested in the making of boundaries in Africa. Most of these works, trace the boundary-making exercise to the colonial draftsmen.

Geographically, the concept of boundary is worldwide. It is an essential component of human social organization. Throughout all ages, boundaries have remained the 'container' by which national territory is delimited and 'contained'¹⁹. For as long as there has been a human society based on the territorial space, there have been boundaries. There is less surprise that scholars since classical times and throughout the middle ages up to present times have been concerned with boundary studies. Although the focus of the concept has changed through the ages from zones of separation to frontiers (no man's land) or border regions and finally to its present form as a finite line of division, it has remained (either as a frontier or boundary) a zone/line indicating the extent of the area of jurisdiction of one independent political community about another.²⁰ For instance, the boundary was the extent of the city representing the commune of subjects and slaves who were under the rulers of the city and beyond which were barbarians who were unwelcome from the city which marked civilization or citizenship.

The surfacing of modern boundaries as predetermined delimiters of geopolitical space evolved steadily over the ages, starting from the zones of separation or 'no man's land', to the frontier, and finally, to the explicit 'line on a map'. The Westphalia treaty and the Enlightenment were essential to the development of the fixed boundary. The Westphalia Treaty heralded the creation of the modern state system with its requirement for explicit territorial sovereignty, while the enlightenment was a period marked by increasing empiricism, reductionism, rationalism, and scientific rigor. This means that enlightenment resulted in new ways of thinking, which influenced modern-day opinions on territoriality

¹⁹M. Foucher, *Cross Border Interactions: Realities and Representations in International Boundaries* (Durham: Littlefield publishers, 1988), 46.

²⁰A.E Boyce, "The Swaziland Concessions and their Political Consequences (1876 – 1908) (Master's degree thesis, University of South Africa, 1945), 10.

as the fixed lines and specific boundaries which were considered more ideal than zonal boundaries.²¹ Authority over the territory overlapped and shifted during the medieval period. The alteration of the notion of territoriality included the integration of the bordered territory with exclusive authority. Since then, enormous steps have been made in boundary-making with the development of modern survey equipment and mapping techniques, which aided the pursuit of specific boundaries as the juridical limits of territorial sovereignty.

Territoriality is essential to the establishment of boundaries as fixed delimiters of geopolitical space. The concept of territoriality is an attempt by an individual or group to control people or relationships by asserting control over a geographic area.²² That behaviour was territoriality and the area of control was the territory. Territoriality was a 'strategy' which vigorously used territory and boundary to 'present classification, communication, and enforcement. It regulated information, resources, and people by delimiting and asserting control over territorial boundaries. Territoriality was thus characterized by enforcing control over access to a geographic area and things within it, or to things outside by restraining those within and outside its confines. In other words, territories would be insignificant without the attendant ability to exercise control and ownership, which sovereignty provided.

According to Zondi, the study of governmentality explained how nations organized practices of control, discipline, and exclusion to create uniformity and unity of the state. This means that the state is to be seen as an effect of disciplinary practices seeking to guarantee the security of its territory by differentiating it from and securing it against all kinds of external threats. Territorial sovereignty marks the boundary between inside and outside as the limits of the Territory marked by boundaries concurrently showing what is external and internal to the state.

²¹Edward Balcerzan, *Boundaries Literature, Boundaries of History, Boundaries of Boundaries* (London, Rowman and Littlefield publishers, 2000), 32.

²²J.C Anene, *The International Boundaries of Nigeria, 1885 – 1960* (London, Longman, 1970) pp. 12 – 14.

The concept of sovereignty is closely associated with the idea of territoriality. Sovereignty implies absolute and superior authority within a given realm of power. Sovereignty and territoriality relationship emerged after the Treaty of Westphalia when the two concepts were combined as the nucleus of the modern state system. The Treaty provided for the sovereignty of every country and made provisions against external interference in the local issues of the nation. This was considered the first transgression of international law. The Treaty of Westphalia Article 64 states ‘...and to prevent for the future and differences arising from in the Politick State, all and every one of the Electors, Princes, and States of the Roman Empire, are so established in their ancient. Rights, Libertys, Prerogatives, Privileges, free exercise of territorial rights.....that they never can or ought to be molested therein by any whomsoever upon any manner of pretense.’²³ This means that, concerning the state, the Treaty codified the core principles of territorial integrity, border inviolability, and supremacy of the state (rather than the Church) effectively establishing the basis of territorial sovereignty.

Anderson contended that the boundary acquired a legendary significance in the construction of states and political identities. In the light of this observation, boundaries could be classified into two categories, one based on the origin and the other based on a cultural relationship which further enhances the understanding of the nature and implications of boundaries on divided societies.²⁴ Anderson states the differences between functional and generic functional classifications of the boundaries. Generic classifications were based on the origin and consist of four types – ethnic, physical, historical, and geometric. The functional classification was based on cultural relationships, which were related to the ethnic type under the generic classification. That classification was anthropological because it considered boundaries concerning the human aspect of the landscape such as land utilization, patterns of settlement, population distribution. That category was sub-classified into antecedent, superimposed, and

²³ I. Griffiths, “The Scramble for Africa: Inherited Political Boundaries,” *Geographical Journal* Vol. 151, No.2 (1986): 190.

²⁴J. Anderson, “The Question of Democracy, Territoriality and Globalization.” *Regional Studies*, Vol. 33, No.7 (1999): 98 – 110.

consequent. In this study, the functional classification that is based on cultural relationships was deeply explored.

Predecessor boundaries were formed before the current cultural landscape developed. The territory had been divided before the development of the human communities or cultural features of the area, such as economic activities patterns, road arrangements, patterns of settlement, etc. Kapil contends that antecedent boundaries referred to the situation where political boundaries had been formally allocated before the human settlement had taken place and before socio-cultural features, such as industrial growth, markets, or regions of articulation and movement had time to develop'.²⁵ For example, the boundary between the United States and Canada west of Lake Superior is antecedent. Contrary to Anderson's claim that many several African boundaries are antecedent, boundaries in the continent are superimposed. That was because, contrary to an antecedent boundary, a superimposed boundary was only bordered after the development of the human pattern of the area had a place. Such boundaries (usually termed subsequent) cut through the cultural pattern of the area and were thus superimposed on the pre-existing social formations. The boundaries in Africa were superimposed because they were drawn long after the area had established territorial patterns, which the forced boundaries subsequently tangled. Reader rightly contended that colonially- superimposed boundaries in Africa 'cut through 177 ethnic-cultural areas, dividing the pre-existing economic and social units and distorting the development of the entire region.'²⁶

The disintegration of indigenous African communities could have been avoided but the colonialists deliberately divided these communities. Some scholars argued that territorial boundaries should be coordinated with ethnic boundaries, claiming that this was due to the divisive effects of territorial boundaries and the "suffocating" tendencies resulting from the merger of unrelated groups within the newly invented states. But would the ethnic definition of territorial borders be a problem? The state in the colonial metropolis was a

²⁵R. Kapil, "On the Conflict Potential of Inherited Boundaries in Africa." *World Politics*, Vol.18, No. 4 (1966): 657.

²⁶J. Reader, *Africa: A Biography of the Continent* (London, Penguin Book, 1997): 127.

mixture of different ethnic groups. This suggests that ethnic boundaries were simply not the norm.

Another level of distinction can be made in the study of the boundaries; that is the externally (superimposed) and internally (negotiated) determined boundaries. That distinction was of importance to this study because African boundaries were externally determined. Externally determined boundaries were imposed by outsiders whose own interests were the sole consideration in the partitioning, which was true of interstate boundaries in Africa. As Griffiths submitted that, 'African boundaries were drawn by Europeans, for Europeans and, apart from localized details, paid scant regard to Africa, let alone Africans'²⁷ Thus, Africans do not consider these boundaries as dividing them, but the colonialists needed definite lines to distinguish one territory from another.

On the other hand, certain internal limits were those which were deliberately determined by the people themselves or their representatives with their interests as central determinants through contracts, negotiations, assignments, etc. Such boundaries were relatively crisis-free. On the other hand, the external borders were those overlaid by foreign powers, and they were usually controversial and prone to conflict.

It is important to note that how borders were established in Africa was not an exception, but, in line with the practice of border determination everywhere, neither before the African experience nor afterward. In Europe, for example in the Basque regions of Cerdanya, and the Basque regions of France and Spain, the boundaries of a previously homogeneous cultural area have been superimposed, as was the case in Africa. In the words of Sahlins, "Cerdan came to identify himself as either French or Spanish".²⁸ Sahlins claims that Britain is an invented nation overlaid with much older orientations and loyalties; the combination of four politically and culturally diverse peoples – the English, the Scots, the Welsh, and the Northern Irish – into an identity.

²⁷I. Griffiths, "The Scramble for Africa: Inherited Political Boundaries," *Geographical Journal* Vol. 151, No.2 (1986): 204.

²⁸ P. Sahlins: *Boundaries, the making of France and Spain in the Pyrenees* (Paris, Rowman Publishers,2012): 25.

Imperial education and overseas colonization was not a new idea, but an extension of the inner colonization in the metropolis, which was pioneering the shifting of borders and the establishment of new ones. The question then is what was so peculiar about African borders, since their process of becoming was no different from processes elsewhere.

Another category of boundary differentiation in the literature is the concept of the border as artificial or natural. There was a debate between the natural border school and the artificial border school. The debate has now been resolved with the adoption of the position of the artificial border school, which can be explained by asking for the justification for borders and their production. Culturally, it was claimed that human society was based on the most rudimentary form of social organization from numerous independent groups of people who had previously had no contact with each other. As the population expanded with simultaneous pressure on land, adjacent areas were assimilated until such a point was established that contact was made with another group of people. In that case, there was no consensual type of spatial interaction or intergroup relations. What followed were battles for space with weaker groups that were either driven out of the country or assimilated into stronger groups.

Prescott, on the other hand, claims that border negotiations between political communities arose as soon as a conflict of interest developed or was imminent. These conflicts of interest would entail territorial contacts and disputes. Borders are therefore being drawn to eliminate potentially dangerous situations and to ensure the peace of neighbouring groups. War was prevented between Great Britain and France in the Niger Basin in the last years of the 19th century, especially in the hinterland of Lagos, where there were protracted territorial contacts and struggles until the border was determined in 1898. The Berlin West African Conference was held to regulate the inter-imperial territorial "scramble" in Africa to prevent a war in Europe.

Another reason why borders were drawn was the need to gain economic benefits, especially in areas with strategic or economic potential. The international border between Nigeria and Cameroon, around the Bakassi Peninsula, was decided and settled by the International Court of Justice in 2002. The peninsula was disputed after massive oil

deposits were discovered in the area of the ambiguous international border. In earlier times, this border between Great Britain and Germany had been seriously disputed, with tropical areas able to support valuable tropical crops as objects of interest.

The risk of a possible loss of autonomy could force states to negotiate border agreements. Prescott supported this claim that states facing imminent defeat agreed to border negotiations to maintain a degree of independence. The Guadelupe - Hildago Treaty of 1848, ended the Mexican-American territorial concession to America, but secured Mexican independence in the remaining territory.²⁹

The borders between states became necessary to regulate administrative matters at the border. The border was a no man's land and would provide escape routes or a haven for those fleeing legal and financial obligations. To solve the administrative problems between their colonies on the Gold Coast and Togoland, Germany and Great Britain negotiated a border to demarcate the neutral zone between these colonies. Given that the different needs for the determination of boundaries arose out of expediency and were deliberate constructs, consciously, and purposely contrived to meet specific social demands, they were artificial. In the words of Prescott, boundaries are 'social practices and as such the product of human agency and choice...' which required a rejection of the idea that territorial borders were exclusively...natural.' Boundaries were only categorized as artificial or natural depending on their use of natural features. Thus, 'natural' boundaries were supposed to follow natural features such as rivers, mountains, ranges, ravines, etc., while artificial boundaries were man-made without regard for physical features. All the boundaries were man-made, whether or not they follow natural features. Artificiality was often used as the 'equivalent for "bad boundaries"³⁰ on the other hand natural boundaries were perceived as good.

Having established that territorial boundaries were deliberate social constructs rather than natural, African boundaries could therefore not be described as 'artificial'. As stated above, those boundaries were only artificial in the sense that they were described as

²⁹ J. Prescott, *The Geography of Frontiers and Boundaries* (London, Hutchinson, 1965), 57.

³⁰ *Ibid*, 60.

'bad'. According to Curzon good boundaries are those that promote peace, while bad ones are those that have the potential of provoking wars between neighbours.³¹ Curzon also stated that every boundary possessed the dual capacity for either provoking war or promoting peace, depending on which of these characteristics the state chose to adopt. Curzon's description in other words means that states can choose how to interpret their boundaries. They can interpret them as either point of cooperation or conflict. This highlights the dynamism of boundary discourse.

A critical topic in the literature on borders is the role of globalization in the changing nature of borders. Some authors have argued that no debate on the border is complete without exploring the concept of globalization. Globalization is the condensation of space and the resulting demarcation of territories. Sovereignty as the concept and character of the state has been severely compromised by today's globalization; and if territorial sovereignty is decisive for the limited space of the state, it has been that the fate of the borders was inevitably linked to that of sovereignty. As Williams asserted, 'if sovereignty declines in importance or changes in its nature, then territorial borders will change too to accommodate the need for a "new" sovereignty regime.....'³² International boundaries have been undergoing considerable changes both in form and in function as a result of the impact of globalization on the nature and function of sovereignty. Hence, the effect of the disciplinary practice of states to control and differentiate elucidated and was hampered by globalization.

Globalization was an intensification of an age-old phenomenon in the context of the borders in Africa. Before and during the colonial era and beyond, Africans never saw them as finite lines of exclusion, barrier, or wall, but as corridors of opportunity, either for trade or expansion. Borders were indeed zones of expansion, as they were "no man's land" between political organizations in pre-colonial Africa. However, it is strange to note that the impact of the current globalization on African borders has been limited compared to

³¹M. Curzon, *The Rise and Decline of the State* (Cambridge, Cambridge University Press, 1980), 75.

³²J. Williams, *The Ethics of International Borders: Drawing Lines in the Shifting Sand* (Basingstoke, Palgrave, 2006), 42.

its impact on Europe's intergovernmental borders. In other words, sovereignty has remained static in post-colonial Africa, while it has always been redefined elsewhere.

As mentioned above, borders are a social construct everywhere and are deliberately created. Given that all the borders are artificial as they were and continue to be made by humans, what then made the situation in Africa extraordinary? The problem with the borders in Africa is that the borders were overlaid by external outsiders on existing social formations and were hastily created with little or no knowledge of the region. The externality of borders would not have been a major issue if the process had been duly taken into account, taking due account of the existing social context, involving the leadership of the local population, and taking into account the local details and interests as an integral part of the process. In the arrogance of the power of the invading imperialists, however, neither local interest nor knowledge of the socio-political circumstances of African societies was among the decisive factors. Again, time was of the essence, especially as territorial boundaries were desperately needed to order intercolonial relations. Thus, according to Church, the key to understanding African boundaries is the speed with which they were defined. Most of them were decided between 1884 and 1919. Borders were drawn on maps by European politicians who had little to do with the physical and even less with the social, economic, or political fabric of indigenous African societies. Therefore, the intense division of Africa took place with little or no knowledge of the terrain, the peoples, and their economies.³³ Even if this knowledge had been available, the mood and motives of the imperial powers that divided Africa were not such that they would have been willing to use it in their border deliberations.

The study of boundaries, as mentioned earlier has been thriving recently, much of it linked to the role of boundaries in promoting peace. In Africa, however, boundaries are typically not rigid territorial markers. They have been evolving through an entirely different process. Although they may look like sharp lines on a map, on the ground they can be invisible. Leuan Griffiths observed that the political boundaries of modern Africa emerged mainly

³³ J. Church, "African Boundaries," *Studies in Political Geography*, Vol.45,no.4 (1956) : 52.

30 years after the Berlin Conference.³⁴ They were drawn by Europeans, for Europeans and, apart from some localized detail, gave little regard to Africa as a continent and its citizens. Before the Berlin Conference, a few of the present-day boundaries of Africa existed. Those that did were limited to settler territories, in the north between Algeria and Morocco, and in the south to protect Basutoland against Boer encroachment around the South African Republic (Transvaal), and the enclave of Walvis Bay. Five years after the Berlin Conference, European powers signed bilateral treaties with each other, covering all parts of Africa. Boundaries were drawn to define the different European spheres of influence, first as short lines made roughly at right angles to the coast. In East Africa, the German sphere was distinguished from the British to the north and the Portuguese to the south.

Chanaiwa recognized that at the time of the Berlin West African Conference (1884-1885) with its feverish competition between European nations for colonial possessions in Africa, which led to the terms such as a treaty, the sphere of influence, occupation, annexation, and border troops, which became common in the rest of Africa after the Berlin Conference.³⁵ An example of such a scramble was between the British and the Afrikaners over the areas of southern Africa that have been going on for seventy years. Silberfein used the Mano River Region as a case study to focus on two specific characteristics of African boundaries that make them complicit in civil unrest: they are porous and contestable.³⁶ He argued that their permeability reflects the spatial structure of traditional African politics units, a structure that was incorporated into colonial and post-colonial counterparts. Typically, African politics were more concerned with controlling people than land, and most of their administrative work took place in centralized populated areas, while the remote edges were created as part of European imperialism.

³⁴ I. Griffiths, "The Scramble for Africa: Inherited Political Boundaries," *Geographical Journal* Vol. 151, No.2 (1986): 210.

³⁵ D, Chanaiwa, *Africa under colonial domination, 1880- 1935*, General History of Africa VII (London, Heinmann, (1990).

³⁶Silberfein Marilyn. *Boundaries and Conflict in the Mano River Region of West Africa*. Downloaded from cmp.sagepub.com at UNISA on the 9th July, 2012.

Aghemelo noted that African territories that have gained independence and national sovereignty cannot in a strict sense, be regarded as national states.³⁷ They do not embrace a common past and a common culture. They are in truth the arbitrary creation of colonialists. The manner, in which European nations descended on Africa during the closing years of the nineteenth century in their scramble for the continent, was bound to leave a heritage of artificially controlled borderlines, which now demarcate the emergent African states. The article was intended to demonstrate that international agreements of the era of the scramble for Africa were a source of conflict among the African states. Undoubtedly, several boundary disputes have broken out between African states and, so far, there is no acceptable criterion that may afford the best guide to a settlement of an unhappy legacy of colonialism.

Bischoff's research outlined the colonial political geography derived from the Berlin Conference of 1884-1885. Each of them laid down the rules for the European division of the African continent. What was drawn when colonial borders moved from colonies to independent states? Borders are only one aspect of Africa's inherited political geography. European colonialism is grouped into different cultures and traditions, sometimes leading to secessionist movements and civil wars. The study focused on international borders, which are arguably the fundamental part of Africa's political geography. Borders collectively divide the continent into many states and individuals. They are a source of international conflict and influence the spatial pattern of economic development. Amadife's article seemed to disagree with the resolution of the Organization of the African Union, which states that, despite their historically problematic origins and questionable ethnographic rationality, the borders in Africa are best remaining intact. The increasing politicization of ethnic identity, which has been observed in most parts of Africa in the past generation, calls for a review of the borders inherited from colonialism. The violability of inherited borders must be understood in the light of the political circumstances that have changed during the first generation of independence from colonial rule.

³⁷ S. Ibhasebhor, "African Boundaries," *Journal of Social Science*, Vol 13, no 3 (2006): 177 – 181.

Connell described the Eritrean nation as a relatively modern social formation of the nineteenth-century European colonialism, but its historical roots lie buried in the distant past.³⁸ The people of the Eritrean territory are a mix of African and Arab ancestry who today comprise nine separate ethnic groups that overlap Eritrea's physical boundaries on all sides with the Tigris in the North and West extending into Sudan. These diverse peoples were brought under one flag by foreign colonizers and unified through the impact of economic development, which had a profound effect on their social and cultural differences. The current war for national independence is as much a continuation of this process, as a result of the colonial boundaries.

Zondi shared the same idea as Connell but he tends to focus on the role of the international community. They stress that five years after the signing of a peace agreement set up by the United Nations Mission in Ethiopia and Eritrea and launching the implementation of the Algiers Comprehensive Peace Agreement, the peace process between Eritrea and Ethiopia is stalling.³⁹ Ethiopia refused to comply with the Eritrea-Ethiopia border commission's ruling, as agreed in Algiers, and Eritrea laments the failure to comply with agreements. The war of words almost becomes words about war.

Ruth Iyob examined the norms in bilateral, regional, and international relations that evolved in the wake of the emergence of the Eritrean state which had successfully challenged the hegemonic claims of both the imperial and Afro – Marxist Ethiopian state.⁴⁰ The analysis proceeds from a retelling of the events in 1998 which precipitated the break between the Ethiopian and Eritrean partners of the Cold War alliance and their consequences. The examination suggested that two interrelated phenomena helped to shed light on the structural historical and philosophical underpinnings of the 1998 – 2000 Ethiopia – Eritrean conflict. The first phenomenon is the asymmetry of the vision between the diaspora and the hegemonic states, leading to a clash of interests. The failure of both

³⁸ Don, Connell. "Horn of Africa, The Birth of the Eritrean Nation." *An independent Journal*, Vol 3, no 1 (1989) : 21 – 23.

³⁹ S. Zondi, "The Ethiopia – Eritrea Border conflict and the role of International community." *African Journal on Conflict Resolution*, Vol.6, no.2 (2006): 70.

⁴⁰Ruth. Iyob, "Ethiopian – Eritrean conflict: diasporic vs hegemonic states in the Horn of Africa, 1991 – 2000," *The Journal of Modern African Studies*, Vol 38, Issue 04 (2000): 659 – 682.

post-war regimes to formalize their 'understandings' into formal treaties based on international law.

Other border scholars have looked at border issues from a different perspective. Lentz's article analyzed how an African border had been dealt with from below, partly ignored or subverted, and partly appropriated.⁴¹ The border between Ghana and Burkina Faso, drawn up in 1898, was soon adopted by the border landers as a political resource, capable of shielding them from colonial tax and forced labour requirements. Local networks of kinship and strategies of land use, on the other hand, usually ignored the border. Although the border cut through many earth- shrine areas, the indigenous institution on which land rights are traditionally based in the region, the shrine custodians continued to exercise their ritual control on both sides of the border. In recent conflicts over land, however, lineal boundaries separating sovereign national territories have been used to usurp traditional land rights. The article discussed one such conflict, in which the rights to use fishponds are contested to explore the local perceptions of space and boundaries and how these changes concerning international borders.

Anene is the scholar who noted that the way European countries in Africa descended in their scramble for territories during the last years of the nineteenth century inevitably had to leave behind a legacy of artificially invented boundary lines that are now emerging in African countries.⁴² Within each country, there are several ethnic and linguistic groups, some of which are separated from their customs and relatives by the international borders.

Begg observed the arrogance and callousness of the South African government in its handling of the Ingwavuma / KaNgwane incident.⁴³ It was in the process of realizing a long-cherished ideal of the Swazis, who for a long time had been deprived, through a historical error, of their Swazi citizenship, of being united under one King, in one country.

⁴¹ Robert. Blanton, "The Border between Ghana and Burkina Faso". *Journal of Peace Research*, Vol. 38, no. 4 (1989): 64.

⁴² J.C Anene, *The International Boundaries of Nigeria 1885 – 1960* (London, Longman, 1970): 58.

⁴³ Sonja Begg, *Southern Africa Record* number 32, The South African Institute of International Affairs. (Contains the original texts of or extracts from, important statements by political leaders, government representatives and international organization concerning international relations in the Southern region of Africa.)

It deemed desirable for the finalization of the border adjustments to remove the areas in the Ingwavuma district from the jurisdiction of the KwaZulu and KaNgwane, to the Minister of Co-operation and development. The motive behind that was to create a climate in which the true feelings of the inhabitants of two territories about the desirability or otherwise of incorporation into Swaziland could be gauged impartially.

Bennett, argued that in 1982, the general public in South Africa became aware of the proposals by its government to cede two portions of the South African territories, KaNgwane with its Legislative Assembly, is a semi-independent “national state” composed of two separate sections, the larger of which lies on the northern and western borders of Swaziland.⁴⁴ Ingwavuma, formerly known as Tongaland, is part of another South African semi-independent “national state’ KwaZulu. Ingwavuma extends from the southeastern border of Swaziland to the Indian Ocean and has a natural advantage of a deep water harbor at Kosi Bay. The Minister of Co-operation and Development claimed that the South African government was taking the opportunity to reunite the Swazi people who had been divided for the past hundred years by boundaries imposed by the imperial colonial powers.

Dominy examines the history of Ingwavuma without allowing the present to ‘burden’ the study. He demonstrates that the recent efforts to characterize the people of Ingwavuma as eternally Zulu or Swazi are not only anachronistic but are also positively misleading since the historical development of all the peoples from Delagoa Bay to Lake St Lucia had been distorted by the boundaries imposed by European colonialists.⁴⁵

Shireen describes events that unfolded in June 1986, when David Lukhele (a Cabinet Minister in the former KaNgwane) was gunned down mercilessly in his home by members of Umkhonto we Sizwe’s elite ‘elimination’ unit. He was assassinated for his defense of the apartheid government’s 1982 plan to cede KaNgwane (and Ingwavuma) to Swaziland, and for mobilizing – against the African National Congress broader African nationalism –

⁴⁴ T.W Bennett and N.S Peart, *The Ingwavuma Land Deal: A Case Study of Self – Determination*, <http://law.digitalcommons.bc.edu/twlj/vol6/iss1/3>.

⁴⁵ G.A Dominy, “The Ingwavuma dispute revisited,” *African Trade Route and European Buffer Zone*. *Kleio*, vol 5, issue 18:71 – 92.

an unrepentantly chauvinistic Swazi ethnic nationalism deferential to ‘incorporation’ under King Sobhuza and Swaziland.⁴⁶ That dramatic reversal in the politics of David Lukhele indexes the volatility of South African Swazi ethnic – politics over the twentieth century. From its beginning in Sophiatown in 1931 to its deathly denouement in 1986, the South African Swazi Nationalism cultivated ethnic identification as a particular fertile conjectural politics of land, custom, and chiefly authority, and instantiated interestingly by the persistent desire for a Bantustan.

Gillis observed that the British and Boer collaboration at the 1881 Pretoria conference and afterward effectively deprived the Swazi Kingdom of much of its territory and resources. The complex British – Boer relationships in Southern Africa had loosened long enough to enable the Europeans to win mastery over the indigenous peoples; and although the Swazi had been reluctant pawns in the struggle, they became the principal victim.⁴⁷ Gillis highlighted that Swazi leadership was not entirely free to blame. As the Kingdom’s lands were depleted through border adjustments, the King of Swaziland, in concert with several chiefs, speeded the process by frittering away to European concessionaires a good deal of Swaziland’s remaining assets.

The idea of incorporation of the territories had been discussed between the British and the Boers. Hailey highlighted that the question of the unification of the territories was mooted in 1907/8, the Imperial Government had further thoughts on the subject and insisted that the terms should be laid down against ‘the probably far distant day’ of transfer of the three territories.⁴⁸

Mazrui noted that most Africans such as the province of Barotseland, pursuing the policy of indirect rule that was not substantially different from the one in Swaziland in the patchwork of African Land under the rule of Paramount Chief Sobhuza II.⁴⁹ In Swaziland, where the land was good, the white peasants had been alienated by dubious concessions

⁴⁶Shireen Ally, "If you are hungry, and a man promises you mealies, will you not follow him? South African Ethnic Nationalism, 1931 – 1986" *South African Historical Journal*, vol .63: 414 – 430.

⁴⁷ Gillis Hugh. 1999. *The Kingdom of Swaziland*, Studies in Political History, London, Greenwood Press: 48 – 50.

⁴⁸ Hailey O.M, *The Republic of South Africa and High Commission Territories*, (London, Oxford University Press, 1963), 96 – 100.

⁴⁹ A. Mazrui, *Africa since 1935*, UNESCO General History of Africa, (California, Heinemann,1993), 65.

from previous Swazi rulers and equally dubious laws enacted by the early British administrators, Sobhuza tried to take control of the some of these countries but failed in 1924. Nevertheless, the contradictions in the British administration of his settler colonies were most acute in Swaziland.

According to Matsebula, the South African Republic took it upon itself to interview a group of Swazi Chiefs to find out about their knowledge on the line in which the Swazi King allowed the whites to settle freely. The chiefs orally described that borderline, a statement, which was ambiguously recorded, was taken. According to chiefs, they indicated that the line ran from the source of the Pongola River up over the Drakensberg of the Vaal River to the Steelpoort River.⁵⁰ Following the assertion by the Chiefs, they clearly articulated that Ingwavuma and parts of Mpumalanga did belong to Swaziland. Although the statement was verbal, it confirms the boundaries that Swaziland was trying to negotiate to be incorporated back to her.

A UNISA information publication highlighted the secrecy of the land deal between Swaziland and South Africa, as well as the extent of deliberate manipulation of the media and facts.⁵¹ It pointed to what made it difficult to draw the final and confident conclusions on some of the enigmatic aspects of the issue. This deal included a series of events that were not yet over and in which political power was mobilized by all the parties involved. The two main players were the governments of South Africa and Swaziland, which have been negotiating "border adjustments" for several years. The publication unpacked the secrecy surrounding the land deal between Swaziland and South Africa. This research not only looks at the secrecy but goes beyond it and examines in detail the political economy of the intended inclusion of the territories that were occupied by the colonialists in Swaziland.

A statement by the South African Minister of Foreign Affairs and Information, Hon R.F Botha, in Parliament raised the issue of border adjustment with Swaziland. He complained that the border issue should have been submitted to Parliament and that

⁵⁰J.S.M Matsebula, *The History of Swaziland* (Cape Town, Longman, 1988), 118.

⁵¹ UNISA Information Publication 7, August , 1982.

there had been no consultation with the province of Natal following the provisions of the Constitution on the demarcation to provincial borders. The border adjustments were discussed in Parliament concerning the transfer of the land to Swaziland. The present research examined the negotiations and the political and economic benefits that Swaziland would benefit if the deal to transfer the territory to Swaziland went through.

The History of Emaswati in South Africa was written by Mlotshwa, as a book that has an in-depth account of the history of eMaswati living in South Africa in general and in Mpumalanga in particular. A rich account resided with the individuals and it was only handed down orally from generation to generation. Such individuals, in most cases, were the elderly people who gave firsthand information by recounting personal experiences, others from the narratives told by their elders, and others from both sources. The book clearly illustrates that eMaswati settled first then the white settlers arrived. Not only does it address the eMaswati but it also goes the extra mile to trace the Bantu people from the Niger Delta Basin in West Africa. It also discussed how they made their farming and hunting tools using an iron.⁵² The present research study concentrated on the political economy of the territories lost to South Africa, heavily relying on the history of these areas.

According to Garson, Swaziland and the territory to the east of it, lying between Portuguese East Africa and Zululand and reaching the sea in Tongaland, made up a large area of “unclaimed” territory in 1837. By 1895, Swaziland had become a “dependency administered by the South African Republic”, Tongaland had been proclaimed a British protectorate and the intervening Trans – Pongola territory had been annexed to Zululand.⁵³ The dissertation was primarily concerned with how and why the disposition of these territories was arrived at, whereas the present study interrogates the political and economic benefits Swaziland would get if those territories were to be given back to her.

Gillis examined the aspects of the political history of Swaziland and covered the period up to 1921 when the late Sobhuza 11 assumed the kingship. Gillis also traced the

⁵²J.S. Matsebula, D.K Mlotshwa, N.D Ntiwane, The History of Emaswati in South Africa (Mbombela: Mbokodo Publishers, 2016), 4 – 5.

⁵³Noel George Garson, “The Swaziland Question and a Road to the Sea” (Master’s thesis, University of Witwatersrand, 1955), 14 – 15.

inception of the Swazi nation from the Middle East to present Southern Africa. He highlighted that, it was not to say that the Swazi or the emergence of the Swazi kingdom, were essentially by-products of modern history. On the contrary, both the identity of the Swazi and the existence of the kingdom had far deeper roots.⁵⁴The current research goes beyond the political history of Swaziland and encompasses the economic aspect, which was not Gillis' area of interest.

Most border scholars such as Mayall, Boyce, Tekle, Sedima, Asiwaju were all interested in conflict, politics, and the alienation of borders. This study examines the factors that drive Swaziland to pursue the land issue with South Africa. It follows a political and economic approach to study the evolution of the interaction in these factors. The researcher is not aware of any studies with this focus. This study is intended to contribute this focus to the body of literature.

⁵⁴ Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History*. (London: Green word Press, 1999), 10 .

CHAPTER TWO: COLONIALISM AND THE QUESTION OF BOUNDARIES IN AFRICA

2.1 Introduction

Border disputes are not unique to Swaziland and South Africa. Many countries have been involved in border conflicts with their neighbours at one stage or another. The most common cause of border conflict is the issue of boundaries. The boundaries which are not clearly defined have resulted in confrontations between countries all over the world. For example, they are the main cause of the Indian/ Pakistan conflict which has dragged on for decades. The cause of conflict is usually to who controls what part of the territory. Besides wars, border conflicts have manifested themselves in different forms, including cattle rustling and poaching. The nationals of one country cross into the neighboring country to steal livestock and carry out some illegal poaching activities because they claim that they have a right to that part of the territory. Several scholars such as Boyce, Vansina, Simelane have attempted to unpack events on colonialism; they were mostly concerned with the European impact in Africa.⁵⁵ These scholars of imperialism have created enlightening work but their collective work falls far short of revealing Africa's complete historical trajectory.⁵⁶

This chapter focuses on the background of colonial boundaries. It presents case studies that directly reflect the aftermath of colonial-drawn boundaries. These case studies

⁵⁵ P.K Huth and Ann Arbor, *Standing Your Ground: Territorial Disputes and International Conflict* (Michigan: University of Michigan Press, 1996), p 13.

D. Chanaiwa, *Africa under Colonial Domination, 1880 – 1935*, *General History of Africa VII*: (London, Heinemann, 1990), 194.

Leuan Griffiths, "The Scramble for Africa: Inherited Political Boundaries," *The Geographical Journal*, vol. 152, no.2, (1986): 204 – 216.

Ali. A Mazrui, *Africa since 1935*, *UNESCO General History of Africa*, vol. viii: (California, Heinemann, 1993), 80.

⁵⁶ A.E Boyce, "The Swaziland Concessions and their political consequences 1870- 1908." Master's thesis, University of South Africa, 1945: 75.

H. Simelane, "Swazi Resistance to Boer Penetration and dominion, 1881 – 1898," *Trans African Journal of History*, vol 18,no.4, (1989): 120.

J. Vansina, *Oral Tradition as History*: (New York, University of Wisconsin Press, 1985), 60.

provide a vivid picture of the colonial boundaries which had not considered the African cultural setup.

2.2 The context of the African Borders

Compared to Europe and North America, Africa is somewhat new in the Westphalian border concept. This is not to suggest that there were no borders in Africa before contacting external colonizers from Europe. The borders have always existed as the social phenomena that regulate interpersonal and inter-communal relationships. Similarly, pre-colonial socio-political structures and institutions in Africa have functional categorizations that can be equated with today's borders in their own right. There are about a hundred and ten (110) intergovernmental borders in Africa and several other national borders that crisscross the entire length and breadth of the African continent. The origins of all these boundaries can be traced back to colonization and imperialism in the late 19th and early 20th centuries. It was therefore the treaties, agreements, and the exchange of banknotes and protocols between several colonial powers that provided the legal basis for the borders.

Most of the knowledge about the pre-colonial African history is derived from oral tradition. However, beginning with the Portuguese adventure and the subsequent European exploration and colonization, the African community, history, and culture became more active as the subject of study of explorers, adventurers, colonialists, and missionaries. This story was recorded with the eye of the stranger in such a way that what would be right and normal in the local African context could not make sense to the European colonizers of the 18th and 19th centuries. There have been attempts by African scholars to produce knowledge of the African past to present an African report on the history of the continent. Awaji presented an analysis of the legacy of colonial structured borders in Africa. As was the case in other cases. Asiwaju claimed that the borders divided the continent into many territories and states and individually divided people. They are sources of international conflict and influence the patterns of economic development. According to Asiwaju, the African borders resulted from the Berlin Conference, at which competing European powers laid down the modalities for the division of the areas of the

African continent among themselves. It is claimed that the process of arriving at the inter-European borders in Africa was "dehumanizing," as it divided groups and nationalities into spheres of influence of various colonizers, and the Africans whose territories were divided did not go through the process. Thus, the emerging borders could not accept the aspirations of the main interest groups, which in this case are the indigenous African population.

Asiwaju described the African borders as being haphazard because they were imposed by foreign colonizers who had little knowledge of the territory. Also, a large percentage of the boundary lines were determined by a combination of astronomical lines (lengths and widths), straight lines, physical characteristics, arcs, and curves. This was against human social organizations, which were hardly configured on such foundations. Colonial borders thus distorted several pre-colonial African communities. It is a well-known fact, that most of the territorial problems in modern Africa are due to how the continent is divided.

The Berlin Conference from November 1884 to February 1885 and the subsequent events led to Africa not only being given its present borders but also trying to integrate Africa into the European concept of nation-states with clearly defined borders. The scramble for Africa through imperial Europe and, in this sense, the beginning of the rudimentary aspects of the nation-state – type borders in Africa – had begun before the Berlin conference. The conference served only to regulate the process of territorial conquest of the imperialists. There was, of course, even greater competitiveness among the European imperialists, because more than ever the concept of effective occupation had been included in the process. In the context, the borders imposed on Africa were conceived as exclusive to separate one sovereignty from another and were supposed to be a reflection of the European borders with their characteristic dual role of peace and war as famously observed by Lord Curzon in 1907.⁵⁷

⁵⁷ Lord Curzon Cited in "African Boundaries and the Imperative of Definition" In *Delimitation and Demarcation of Boundaries in Africa: General Case Studies*: (Addis Ababa, Commission of the African Union, Department of Peace and Security, 2013), 36.

2.3 Colonialism and its Impact on Border Relations in Africa

In the late 1800s, the industrialized nations of Europe competed with each other for world empires. Within a few decades, the European powers expanded their control over large parts of the world, in the new age of overseas expansion, commonly known as new imperialism. Africa, which was largely not the main focus to the Europeans, quickly came into focus. In 1884, Britain, France, and Germany fought for colonies in Africa. The conference began on 15 November 1884 and ended on 30 January 1885. The main European powers at the conference were Great Britain, France, Germany, and Portugal. They aimed to prevent the process from becoming an open war.

The outcome of the Berlin conference was supposed to be harmony between the European powers. On the other hand, it may be said that another aim of the conference was to create border conflicts in Africa, due to the drawing of colonial borders. It is therefore important to show how colonialism has affected border relations on the continent. When Africa was divided into colonial areas, the Africans were not consulted by the colonizers. The political map of Africa has been adapted to the interests of the colonizing powers. The colonization powers did not take into account the importance of the cultural homogeneity of ethnic groups in these areas. As a result, the colonial borders often divided closely related peoples. For example, the Masai were divided between Kenya and Tanzania. The Venda were divided between South Africa and Zimbabwe. The Kongo-speaking peoples were distributed across three states of the Congo, Zaire, and Angola, and these territories belonged to three different colonial powers.

The dispersal of groups in different states has had an impact on relations between these states during the post-colonial period. The tense relations have continued to characterize the interactions between these states due to competing claims to territories and people. Examples of such cases are South Africa and Botswana over the control of the Tswana; Ghana and Togo on the control of the Ewe; Kenya, Ethiopia, and Somali; Senegal and Gambia over the Wolof. Falola argued that as long as different countries pursue a policy that ignores the fact that these groups were previously members of the same "nations," the border tensions will continue.

At the same time, colonial borders had brought together different ethnic groups with very few common interests. As a result, the governments that followed the colonialists faced the difficult task of managing these groups within common borders. In countries such as the Democratic Republic of Congo (DRC) and Namibia, for example, rebel groups defy the central authorities or seek some autonomy for the areas that they control. The colonial borders in the case of Rwanda, have brought together two completely incompatible groups. The meeting of these two hostile groups led to the worst genocide, in which the Tutsis were almost wiped out by the Hutus.

2.4 African reaction to Colonial Borders

The arbitrariness with which Africa's national borders were drawn during the colonial era required some discussion in the 1950s. Some African leaders expressed concern that the decolonization of the territories could lead to the partitioning of the continent into up to fifty sovereign nations. Although some African leaders recognized the disruptive potential of the colonial borders, they were retained because they feared the chaos that could cause widespread border changes. They were also aware that dramatic changes in the inherited state system could be particularly catastrophic for those who succeeded the colonialists.

The Ghanaian President Kwame Nkrumah, who was one of the first African leaders to recognize the disruptive potential of the colonial borders, advocated a movement toward African unity. He and his colleagues organized a series of pan-African conferences that led to the establishment of the Organization of African Unity (OAU) in 1963. The issue of colonial borders was often raised during the Pan-Africa Conferences and the OAU Summits. The greatest fear of the founding fathers was that, since most African borders shared ethnic groups, "to admit to the demands of a dissatisfied group would open a Pandora's box with similar demands elsewhere." At the 1963 OAU meeting in Addis Ababa, the main concern of the African leaders was to protect the borders they had inherited from their colonial rulers.

In dealing with the borders and territorial conflicts among the African states, the OAU has recognized three principles for regulating inter-African affairs. The first was the availability of inherited colonial borders. The second was non-interference in the internal affairs of the Member States. Finally, such disputes were to be settled through mediation. The OAU Charter called on the member states to resolve their disputes peacefully through mediation, conciliation, and arbitration. The reason behind this Charter provision was that given the novelty of independence and the arbitrariness of most African borders, order and peace on the continent could not be maintained if African states would use violence against each other.

The Commission for Mediation, Arbitration, and Conciliation, founded in 1963 in Senegal, was not very successful in supplementing territorial conflicts between the African states. Twelve years after its formation, it remained unused. This was because it lacked the power to impose mandatory sanctions. Several cases show that the OAU has failed in its role as a mediator. Shortly after its foundation, the OAU was confronted with a series of the border and territorial disputes. These included the disputes between Ghana and Upper Volta, Somalia, and Kenya, Somalia, and Ethiopia, as well as Algeria and Morocco. They all took place between 1963 and 1964. The OAU was not consulted in any of these cases. This shows that the Member States were not motivated to refer their disputes to the Arbitration or Conciliation Commission.

Two conventional diplomatic methods for dealing with border conflicts on the African continent have been identified, and they are the OAU Commission for Mediation, Conciliation, and Arbitration and Presidential Mediation. Most countries opted for presidential mediation instead of using this OAU commission. In most cases, the role of the OAU party has been reduced to merely rubber-stamping the agreements reached through the personal initiatives of African leaders.

In the event of the Presidential mediation, African leaders offer their diplomatic services to their friends in difficult times. They act as mediators to bring the warring parties to the negotiating table. These mediators are willing to spend a lot of time and sometimes even resources to bring conflicts either to a peaceful conclusion or to a dormant stage until a

formula for a lasting solution is found. Thus, the late Wilhelm Tolbert and former president of Liberia successfully reconciled Guinea-Ivory Coast and Guinea-Senegal in 1975.

Conventional diplomatic methods have not always been successful in resolving border conflicts. The OAU has failed because African states have no confidence in it. It is more of a talk shop than anything else. It had no power to impose mandatory sanctions. It was interested in protecting the colonial borders, which are the real sources of border conflicts. In most cases, presidential mediation has only succeeded to find short-term solutions to the problems. The shortcomings of this traditional diplomatic method will probably continue to be found in the following specific case studies.

This section deals with specific cases of cross-border conflicts and the approaches used to address them. These case studies aim to highlight the weaknesses of some of the diplomatic approaches used in dealing with the conflicts between neighbouring countries. There are many such cases on the African continent but for this study, only three will be critically analyzed. These are the Eritrean/Ethiopian conflict, the Eritrean-Sudanese conflict, and the Botswana-Namibia conflicts.

Eritrea and Ethiopia are located in the Horn of Africa. Ethiopia was never colonized. Eritrea, like most of today's African states, was a creation of colonial history. It was colonized by the Italians in the 1890s. The border between the two countries had been agreed upon between the Italians and Emperor Menelik of Ethiopia by a treaty of 1889 (Selassie, 1989:106). This boundary was reviewed in several international agreements during the period 1896, including the Treaty of 1902. The British took control of Eritrea in 1941 after the Allies broke the Italians in World War II. In 1952, the two countries of Eritrea and Ethiopia were merged under the Federation Agreement. Eritrea gained independence from Ethiopia in 1993 after a long process of struggle for secession. Since its independence, the definition of its international borders has been the most important of the Eritrean government. As a result, the Eritrean government was embroiled in border disputes with some neighbours.

Eritrea and Ethiopia experienced armed conflicts in May-June 1998. The dispute was about the exact location of the 1000 km long common border. The border conflicts

between Eritrea and Ethiopia had long since brewed. In 1902, when the border was inspected, the area was not occupied. In recent decades, the region has been increasingly populated by farmers from the Eritrean and Tigran plateaus and Kuna villages. After the Federation of Eritrea and Ethiopia in 1952 The Lord of Tigray, Rasmengesha developed agricultural land along the border.

These agricultural properties were administered by the County's Tigray District. The area has been subjected to periodic disputes since that time. In 1976 and 1981, the guerrillas of the Eritrean People's Liberation Front (EPLF) and the Tigrayan Peoples Liberation Front (TPLF) clashed in the region. The clashes never got serious because they were allies against a common enemy who was then the Ethiopian regime of Mengistu Haile Mariam. The Mengistu regime made matters even more complicated when it changed administrative boundaries in 1987. When the EPLF took control of the Eritrean resistance movement, this dispute was temporarily put on hold.

When Eritrea gained independence in 1993, a bilateral commission was set up to establish the border between the two countries. The commission hardly got beyond listing the points of dispute, before, the border war broke out between the two countries. The main disputed areas along the Eritrean-Ethiopian border appear to lie on the Ethiopian side and are claimed by the Eritreans. These areas are the Yirga Triangle, which includes the villages of Badime and Shiraro, as well as several areas east of the border post. There is also Zalambessa on the main road between the capitals of the two countries and an area in the far south, opposite the port of Assab. On the 12th of May 1998, the Eritrean soldiers occupied the Yirga Triangle and several people were killed in the crossfire caused by this occupation.

The dispute has been the subject of intense debate. As the reasons for the conflict, Ragnhild EK suggested a border dispute and speculation about economic and other internal problems. He argued that the conflict was not about the real international border between the two countries. Rather, it was a matter of the problem of the two definitions. The first was an international colonial definition while the other was of various administrative regulations that have changed over different periods. Since the declaration

of war, several countries have offered several services from their offices to meditate on this conflict. The United States acted as a mediator with the support of Rwanda, Djibouti, and Libya. The compromise they proposed suggested that Eritrea should withdraw from its position on 6 May, while further discussions on the border would take place based on colonial demarcation. Their mediation did not help, because Ethiopia, on the one hand, demanded the unconditional withdrawal of Eritrean troops from its territory. Eritrea, on the other hand, denied that its troops had occupied areas they did not own. Both the Eritrean President and the Ethiopian Prime Minister were unwilling to lose faith in the United States. Once this was explained, they were not prepared to lose faith in front of their respective publics. Many other countries also offered their diplomatic services to bring peace to the region. These included countries such as Italy, Egypt, Zimbabwe, the Netherlands, and the Democratic Republic of Congo (DRC).

On 5 June 1998, Italian diplomacy managed to achieve a ceasefire in airstrikes, but Ethiopian Prime Minister Meles Zenawi was tempted to demand Assab and the Eritrean Dankalia to gain the support of the opposition after the humiliating military shortcomings. The position of the Ethiopian Prime Minister was very fragile. He had lost the support of many people. His position required the mediators to push for a solution that would not lead to the overthrow of his regime in Addis Ababa. On 26 June 1998, the United Nations Security Council anonymously voted to call on the two governments to cease hostilities immediately. Both sides welcomed the Security Council's solution but continued to build up military forces on the front line. The world was surprised by the unwillingness of both governments to find a negotiated solution. This was a clear example of the failure of conventional diplomacy, in which both parties chose to solve their problems without exhausting all the diplomatic means available.

The OAU set up a mediation commission in June 1998 to end the dispute. In July 1998, the OAU delegation visited the two countries. The Committee presented its report to the Ethiopian and Eritrean Foreign Ministers at the meeting in Ouagadougou, Burkina Faso, in August 1998. In November 1998, the OAU submitted peacekeeping proposals approving the Rwandan plan of the United States. This proves the above point that the role of the OAU has been reduced to the role of rubber stamping in the decision taken in

the context of the president's mediation. Ethiopia agreed to the phrase work almost immediately. Eritrea rejected the clause calling for a unilateral withdrawal of its troops to allow Ethiopia to enter the region that Ethiopia controlled before May 1998.

Further international mediation efforts continued at the end of 1998. These included that of Anthony Lake, a former U.S. national security adviser who was unable to resolve the dispute. Eritrea requested an emergency meeting of the Security Council to "condemn Ethiopia's territorial ambitions and aggression against Eritrea" (President Isaias Afeeerkis' words when he asked for an emergency meeting of the Security Council). The meeting took place on Saturday 27 February 1999. At that meeting, Ulithian finally agreed to accept an international peace proposal with Ethiopia. The Security Council called for an immediate halt to all hostilities, welcomed Eritrea's decision, and supported the OAU's peace efforts. The misunderstandings could easily have been cleared up by negotiations. The biggest problem was that it looked as if none of the leaders of both countries were prepared to back down. This conflict threatened the stability of the entire Horn of Africa.

The Republic of Sudan lies in northeastern Africa. It borders with Egypt to the north through the Red Sea, Eritrea, and Ethiopia in the east, by the Central African Republic, Chad and Libya to the west, and Kenya, Uganda, and the Democratic Republic of Congo (DRC) in the south. The Sudanese Government has been concerned about all its neighbors because they supported Islam fundamentalism. It has clashed with all of them at one stage or another.

Before 1989, Eritrea and Sudan had good relations. The EPLF enjoyed the Sudanese hospitality during its struggle for independence from Ethiopia. The anger between the two countries began in 1989 when the National Islamic Front (NIF IN Sudan) allegedly supported the establishment of the Islamic Jihad (EIA) movement in 1992. The Eritrean provisional government complained that its troops had fought against the Jihadist infiltrators from Sudan. Following this incident, the Eritrean Government has taken the first step towards a peaceful solution to the problem. They sent several delegations to Khartoum and were able to persuade the Sudanese Government to cease the activities

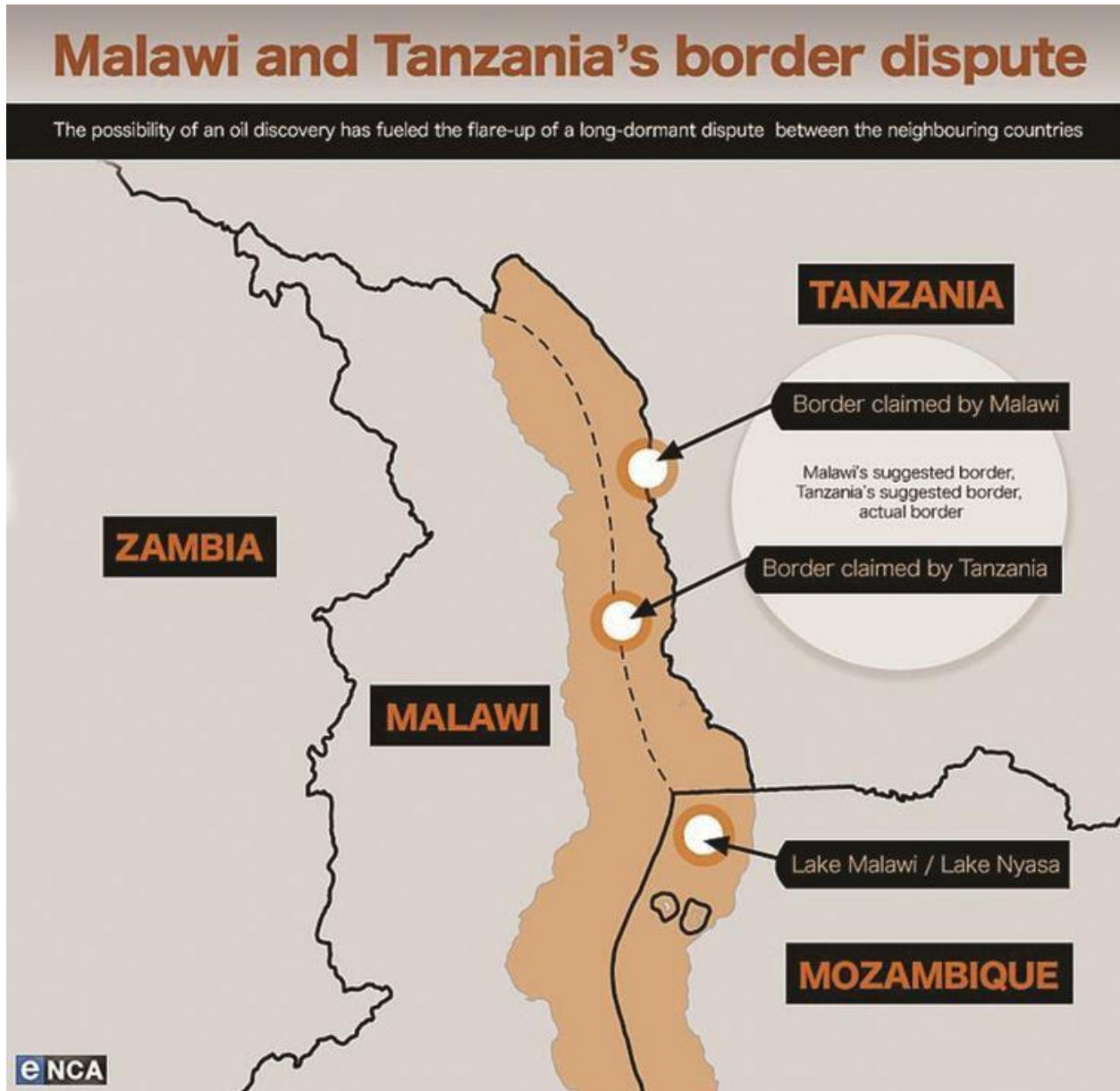
of the EIJM. This reduced the voltage between these two countries for some time.⁵⁸ However, the negotiation between the two governments only brought about a short term solution.

In August 1994, Eritrea and Sudan signed an agreement concerning the boundaries the security and the reputation of the refugees. In November, the Office of the United Nations High Commissioner for Refugees (UNHCR) launched a repatriation program for Eritreans then in Sudan. Some 500,000 Eritreans had fled to Sudan during the 1990s during the struggle for independence. Only a small number of them returned after independence.

Relations between the two deteriorated in November 1994, when the Eritrean authorities accused Sudan of training 400 terrorists since August 1994. Sudan accused Eritrea of training 3,000 Sudanese rebels in camps in Eritrea. In December 1994, Eritrea severed diplomatic relations with Sudan and threatened an all-out war. The OAU offered to act as a mediator, but Eritrea rejected the offer. In his response to the offer, the Eritrean Foreign Minister stated that the Eritrean Government did not believe in the effectiveness of the OAU mechanism for conflict prevention and management. Instead, Eritrea chose the Interstate Agency for Drought and Development (IEGEDD). This shows how much confidence Eritrea has lost in the OAU's ability to resolve conflicts between the Member States. Eritrea was arrogant and dismissive in the way it responded to the OAU's offer to mediate in this conflict. The arrogance of the Eritrean politicians made it impossible for the OAU to help solve the problem.

⁵⁸ A Tekle, "International Relations in the Horn of Africa 1991 – 1996," *Review of African Political Economy* Review 20, no.70 (1996): 505.

Map 1: Malawi – Tanzania Boundary dispute
Diagram 2



The dispute between the Republic of Malawi and the United Republic of Tanzania focuses on the location of the border between these two states on or on the edge of Lake Nyasa. "The lake is the third-largest in Africa, it is located at the foot of the Great African Rift Valley and covers about 29,600 square kilometers. The coast of the lake runs around western Mozambique, eastern Malawi, and southern Tanzania. The dispute revolves around whether the border, which delimits the sovereign territory and territorial waters of the parties, runs along the eastern coast of Tanzania's territory or not. The dispute, therefore, relates to the question of whether Tanzania or Malawi exercise sovereignty over the eastern half of the northern part of the lake between Malawi and Tanzania.

The border dispute intensified in 2011 when Malawi issued oil exploration licenses for the disputed part of the lake to Surestream Petroleum. The provocation of the distribution of exploration rights in Malawi based on the unilateral enforcement of sovereignty has increased the interests of the parties by pointing to the potentially rich sources of state revenue. The potential extraction of resources also signals potential threats to local and regional trade, cultural and environmental interests. Also, the parties' failure to resolve the dispute by peaceful means may lead to local and potentially regional uncertainty and further damage the parties' aforementioned interests.

The border between Malawi and Tanzania was originally separated by Great Britain and Germany under the Helgoland Treaty of 1890. The treaty drew several borders, including the one between Tanganyika and Nyasaland (the predecessors of Tanzania and Malawi). At that time Tanganyika was a German colony and Nyasaland a protectorate of Great Britain. The agreement stipulated that the border between Nyasaland and Tanganyika would run along the eastern, western, and northern shores of the lake until it reached the northern shore of the Songwe River estuary. It then continued up that river to its intersection point with the 33rd degree of the east longitude. The entire lake was part of Nyasaland. After The First World War, Britain received a Class B mandate from the League of Nations over Tanganyika. In the current dispute over the lake, this could be crucial to Tanzania's argument. According to Mayall, " this strip falls naturally into two divisions (1) consisting of the western shore of Lake Nyasa, with the high tableland separating from the basin of the Luangwa River in Northern Rhodesia and (2) the region

that is between the catchment area of the Zambesi and the Shire rivers to the west, and the lakes Chiuta and Chilwa and the river Ruo, a wealthy part of the Shire, to the east, including the mountain systems of the Shire Highlands and Mlanje, and a small part, also mountainous, of the southeastern coast of Lake Nyasa.”⁵⁹

There have been attempts to resolve the border dispute between Malawi and Tanzania by the Southern African Development Community (SADC), which established the Southern African Development Tribunal which has been expressly given the power to resolve disputes between states. The SADC was the target of the international frustration after advocating a "credible" and "peaceful" and yet apparently unfair election in Zimbabwe, which led to the de facto suspension of the tribunal in 2010. Since the SADC did not deal with the Zimbabwe issue of the elections, it made the organization toothless because of its bias. This suggested that they could not cope with complex problems in the region. Their credibility was then questionable when Malawi decided to take the border dispute to the International Court of Justice because it considered it to be an objective and neutral organization.

Botswana is located in the heart of southern Africa. It is a large inland country bordering the Republic of South Africa to the south, to the west and northwest, it borders Namibia, to the north it borders Zambia and to the northeast, it borders Zimbabwe. It was declared a British protectorate in 1885 and gained independence in 1966. The border was established by the Anglo-German Treaty of 1 July 1890 through Article III (2) of the Treaty. The article placed the border between Botswana and Namibia in the Chobe River "in the middle of the main canal of the river to its crossing with the Zambezi, where it terminates."

⁵⁹Mayall, John. "The Malawi Tanzania Border dispute." *Journal of Modern African Studies*, vol 1, no.4 (1973): 12 – 14.

In July 1992, a border dispute developed between Botswana and Namibia over their rival territorial claims to the island of Sedudu/Kasikili in the Chobe River. The dispute took the form of poaching on the island. The people involved in poaching activities came from the Caprivi in Namibia and other countries such as Angola, Zambia, and Zimbabwe. In the mid-1980s, poaching patrols organized by the Department of Wildlife and National Parks in Botswana became increasingly vulnerable because poachers had resorted to the use of sophisticated weapons. The Botswana government responded in 1987 by sending soldiers from the Botswana Defense Force (BDF) to the island, as they were able to match the weapons and tactics of the poachers.

Sedudu Island formed an important part of the Chobe Game Reserve, which was founded in 1960 and later the Chobe National Park, founded in 1967. The wild species were endangered by the activities of poachers. Their survival depended on the patrols against poaching by the Botswana authorities. Between 1990 and early 1999, BDF recorded a total of 75 poaching incidents that killed species such as elephants, rhinos, leopards, buffaloes, and zebras. The South African army also played a major role in the destruction of wildlife in Caprivi through systematic slaughter while occupying Namibia before it gained independence.

The Namibians, on the other hand, wanted control of the island, and this was not well received by the Botswana authorities, who argued that the poachers would also destroy wildlife on the side of Botswana. The government in Botswana wanted both countries to continue to have access to the island. In 1995, the two states agreed to raise the issue of the delimitation of the joint border for arbitration at the International Court of Justice (ICJ).

At the presentation of their case to the ICJ, the Namibians accused the BDF of murder, violence, and harassment of people in the Caprivi region. Namibia claimed that Botswana's occupation of this island was illegal. According to the argument put forward by Dr. Kawana from Namibia before the ICJ, Botswana's territorial ambitions in the area date back to 1963, when a member of the Bechuanaland Legislative Council submitted a request calling on the Council to take full control of the Caprivi Strip. Although this request was rejected, this ambition was repeated in 1965 by the then Deputy Prime Minister

Ketumile Masire. Dr. Kawana argued that the BDF occupied Sedudu Island in 1991 when Masire was president of Botswana.

The Namibians argued that Kasikili Island had always been part of Namibia and would remain part of Namibia. It was occupied by the Masubia people for more than one hundred years. They also argued that the "Anglo-German Treaty of 1890, when correctly interpreted, ascribes the island to Namibia because the main channel of the Chobe River in the vicinity of the island was in the southern channel and the treaty established the boundary as the center of the main channel. When it was Botswana's turn to put forward their arguments before the ICJ, they argued that the border between Botswana and Namibia was established based on Article II of the Anglo-German Agreement of 1890. The agreement said where the river bifurcates, the border follows the main channel" According to them, the northern channel was the main channel.

In contrast to Namibia's accusation of harassment by the BDF and the killing of Namibians in Eastern Caprivi, Botswana claimed that they had recently received almost 2,000 Namibians from the region who fled harassment by security forces and political differences. They claim that the BDF was used in 1987 as an anti-poaching measure on the island of Sedudu, not in 1991, as claimed by Namibia. The continued presence of the BDF was jointly approved by the Presidents of Botswana, Namibia, and Zimbabwe at the Kasama Summit on 24 May 1992. The BDF was just supporting the Department of Wildlife and National Parks in fighting the poaching activities because poachers had resorted to sophisticated weapons.

The whole debacle between Botswana and Namibia was finally settled at the International Court of Justice in The Hague, where Botswana was considered as the lawful country over the Caprivi.

2.5 Conclusion

The chapter has shown that border conflicts are not only found in Swaziland and South Africa. The border conflicts in Africa are endemic. Most of the blame must be on colonialism. The selfish way in which the colonialists moved across the continent without

taking into account the interests of the African people has caused many problems for the entire continent. Many border conflicts have erupted in the postcolonial era, so the study will examine the background of white settlement in Swaziland, which eventually led to the drawing of artificial borders between Swaziland and South Africa. Swaziland lost plenty of land to the latter. Thus, the next chapter traces the background of Swaziland, even before the Mfecane, to trace the roots of the Swazis. This will help to examine those areas that belonged to Swaziland.

CHAPTER THREE: LAND AS A RESOURCE RELEVANCE TO THE QUESTION OF BOUNDARIES

3.1 Introduction:

The chapter interrogates the importance of land to the Swazi authorities. It traces the background of the land in the Pre- Colonial era in a drive to shed some light as to why Swaziland is eager to pursue the land that was taken from her by the colonial masters who were then attached to South Africa.

3.2 Land as an essential resource in Pre- Colonial Africa.

In the pre-colonial period, the indigenous peoples of Africa had vast land, with agriculture and herds being the most important economic activities. Environmental factors such as precipitation, topography, soil, and the availability of water influenced the economy of the indigenous population. An example can be made from Natal, where the patterns of residence and political authority were largely limited to independent homesteads. The existence of pre-colonial farms led to a relatively decentralized structure of political authority, with each unit having access to adequate resources that allowed sufficient existence. According to John Lea, of the High Land, the situation was different. The sparse water and harsh climate meant that the farms were concentrated where water was available and that political authority was centralized and concentrated in villages that comprised a thousand inhabitants. Because of the climate, agriculture was difficult and risky and therefore not destined to create prosperity. The focus was on livestock, whose agriculture was less risky and less labor-intensive.

Cattle were most appreciated and often used in ceremonies and celebrations to establish or confirm social relationships. Despite the exchange of cattle and other products, other regular goods were exchanged. Material has more social and ritual significance than economic value. Cousins' deals with the community land rights system and emphasizes the political and social embeddedness of land rights. This shows a picture of pre-colonial land ownership, when land ownership was both communal and individual, which can be

seen as a system of complementary interest held at the same time. The colonial settlers changed it to try to maintain a form of communal land ownership that could correspond to their selfish interests.

The concept of ownership was limited in pre-colonial Africa and more often embedded in status relationships. African indigenous property law focused more on people's obligations to each other concerning the property. Relationships between people were more important than an individual's ability to assert his interest in property against the world. The claims to the property were more in the form of obligations arising from relationships than a means of excluding persons from the use of a particular property.

It can be said that property in pre-colonial Africa was "embedded" in social relations, rather than inciting a person's exclusive claim over it as private property. In 1989, the Okoth Agenda noted that studies on African indigenous land ownership are mostly descriptive, with little regard for the theories underlying such systems. This influenced the discussion of land reform in that the descriptive analysis was always carried out within the theoretical framework of the Roman law, with the predominance of the doctrine of ownership, rather than the property itself becomes the focal point.

African indigenous law had only limited scope to develop at its own pace and based on its principles, as the colonial conquest introduced a market economy and the African indigenous law was, at least officially and as far as property was concerned, replaced by the common law.⁶⁰ Common-Law brought with it a new vocabulary that made it difficult, if not impossible, to interpret African indigenous law and tenure. The concept of "ownership" is particularly problematic, as is the idea that before "ownership" all things were held in common with everybody having equal rights to the same thing that belonged to nobody. Bischoff argued that it was more likely that only the rights of use would be protected before the concept of individual property appeared.

This implied that for a short time, while a resource was in use, other people could be excluded and protection was only required for a short time. The need for longer-term

⁶⁰ Lea, "Underlying Determinants," pp. 215 – 220.

protection arose only with the transition from a nomadic lifestyle to a more regulated lifestyle. Due to the settlement of people on land and the cultivation of such land and livestock breeding, resources became scarce. The result is the increasing scarcity of resources, the need to regulate access, and the protection of rights. The control of the land, therefore, became a monetary advantage, and competition to control it grew, with the introduction of trade, an exchange value had to be linked to a commodity, and in this context, the owner provided the answer to securing the property. Land ownership came with the idea of "absoluteness", which implied that a person could hold all claims to a particular property and sell them at free will. This was very different from the pre-colonial era, where different interests in the same property could be vested in different holders and where furthermore these interests were flexible and ever-changing.

The colonialists assumed that the language of ownership was universally applicable and assumed that the term 'property' applied only to civilized companies. They also assumed that land must have an owner, even if the rights had never been defined. The fact that property was a strange concept for indigenous groups meant that the government could appropriate this unowned land. When there was a dispute between Africans over land, the common law was used to resolve the dispute, rather than the court's evolving African indigenous law to fill such gaps. Some people tried to overcome the problem of indigenous land ownership and its incompatibility with the concept of property by declaring that land is common to all people and communities, or that communities as bodies make decisions about the access and the use of the land.

The use of the term "communal" is problematic, Bischoff summarized, noting that the popular use of the word suggested that groups of people who were closely connected by common interests and values, share land for purposes of subsistence rather than the more unobjectionable idea that all members of the community have equal claims on the land, that membership of a political community was the basis of an individual's entitlement to the land or that an individual was free to dispose of land at will. The idea that land was farmed collectively and that the produce was then shared was erroneous. The legal concept of communal was confusing. On the one hand, it can mean that a right is held by a group (One property, inseparable title) while on the other hand, it can mean that it was

held by a group in common. (One latter property, separate but with the same title inland) The latter term was useful only in so far as the right to pasture and natural resources was concerned, but not as far as African indigenous tenure was concerned.

The term trust was also used to describe African indigenous tenure. This meant that the mere title vests in the indigenous group, with the local chief as the trustee, and usufructuary rights were granted to individuals enjoying a beneficial occupation. The term trust was problematic because the usufructuary rights granted to a person do not describe in detail the interest in African indigenous law, nor do these people have an appeal against the traditional leader as a trustee, such as they would have it under the fiduciary right.

According to Beemer, the insistence on the use of common law concepts to explain and define African indigenous land ownership as more of an intellectual error and part of the larger draft of the colonial authorities to prevent the expropriation of land as land in this frame was considered a "dead capital". Although the consequences were that insecurity in most areas of the country under African indigenous law was the reality, as was evident in parts of Africa. This was not because the state legal systems of the African indigenous legal system were inherently uncertain, but rather because these systems were excluded from the social and institutional context that defined and supported them, and the application of the indigenous law in the colonial legal framework.

Control of access to the land should be seen in the context of political relations, as traditional leaders derived their legitimacy from the founding fathers and are seen as a direct channel for communication with their ancestors, they have certain powers about the land. They have the power to allocate the land, regulate the use of shared resources and expropriate and confiscate land under certain circumstances. When the chief allocates land, he not only distributes land for grazing and agricultural use, but such decisions have not been taken collectively, but have been made by reference to the common values of each of the levels of the land described in the above pyramid. Although the scarcity of land meant that the chief's role in the distribution of land declined, it plays an important role in confirming the transfer of land that takes place in practice. In doing

so, he must act as a father to be sure that the land is distributed fairly among households. The allocation of land was traditionally free of charge.

Traditionally, the exercise of the power to regulate resources meant that the chief decided when and how those resources were used. When formulating the rules on access, he must exercise his discretion for the common good. In the 19th century, the colonial powers tried to destroy the main power and replaced the chief with white judges. In some parts of Africa, for example in South Africa, apartheid laws and structures broke chiefly power down even further, often grouping people even further, grouping people who had no historical ties to each other, and appointment of traditional leaders who would advance the apartheid government policy.

The background above sheds light on the importance of the land in the pre-colonial era and how the chiefs administered the land on behalf of the kings. The chiefs exercised their powers on behalf of the king and were always in contact with the authorities to report everything that was going on in their areas. The arrival of the whites changed the whole structure. Judges were introduced and reduced the powers of the chiefs by introducing new land policies that Africans were not accustomed to. During this ordeal, the Africans lost their land. Swaziland is no exception. The land that was given to the whites for grazing was eventually moved to South Africa.

3.3 State and land in pre-colonial Africa

Compared to pre-modern Europe and Japan, land played a very different role in pre-colonial African states. In the former regions, political dominance was closely linked to the control of the land where intensive agriculture flourished in densely populated areas. The land was the basis of state-building, as national revenues depended heavily on agriculture. The relationship between political authority and the land was very different in pre-colonial Africa. The difference was reflected in the proportion of land in the population. In Africa, the population was extremely scarce and the land was abundant. In 1750, when Japan had 78.3 people per square kilometre, Europe had 26.9 people per kilometre, and China 22.2 people per square kilometre, Africa only 2.7 people per square kilometre. This

implied the easy availability of land in Africa and thus frequent changes of residence. These conditions strongly influenced the importance of territorial rule and domination. The control of land was not decisive for the creation of political authority in cases where the inhabitants could easily flee if they were not satisfied with their ruler.

The value of kinship was very important, therefore pre-colonial Africa was predominantly related to the principle of kinship. Lineage networks based on family ties were by far the most important in pre-colonial Africa compared to other networks, such as the clientship. The weight of family ties logically implied the essential autonomy of rural communities over the state. Also, the level of technology available to the political authorities restricted their territorial control. The rulers of pre-colonial Africa lacked the infrastructure to broadcast power.

To sum up, the African pre-colonial states were not able to formally establish control of a large area beyond the centre of politics. Their territory was generally small, as was shown, for example, in pre-colonial kingdoms in the Great Lakes region, two of which later became Rwanda and Burundi. Even in cases where the claimed areas were considerably large, such as the Kingdom of Mali or Songhay, their ability to gain resources under controlled territories was considered to be rather limited, as government revenues were mainly generated by distance trade than agriculture.

3.4 Land as a socio-economic resource for Swazis.

The centrality of land for economic development and social prosperity was undisputable for the Swazis. The land has always been used to promote economic growth and human development. More than half of the world's population lived and earned their living by tilling the land as farmers. In Africa, even in countries such as Egypt, which is more than 90% desert, agriculture is the mainstay of economic activities for most people. Despite the development of large-scale, capital-intensive agriculture, most Africans were subsistence farmers. Most of these farmers used family work - mainly women and children - to work in the countryside and produce both cash crops and food. The use of family labour had tended to strengthen some of the traditional patrilineal systems - African

women have no legal right to own family businesses and plots in a common area. As was customary in southern Africa, indigenous culture and tradition in Swaziland were inextricably linked. According to Gillis, Swazi law and habits are not significantly different from those of other groups that share a Bantu language heritage. Deviations that exist could be attributed at least in part to differences in environment and experience. Zulu warriors for example still present a disciplined militancy that dates back to the years of the conquest of the Zulu nation, and although Mswati II's successful war machine was modeled on the organization of the Zulu regiments.

The Basotho, secure in the fastness of their mountain villages, had tried to maintain, in difficult circumstances, the relevance of the village *pitso* – their traditional medium for obtaining the people's assent in decision making but the *libandla*, or citizens council of the Swazi, although it was said to have had its origin in Sotho political practice, had never achieved the independence or influence of the *pitso*. So also do centrist tendencies in Swazi government, evident since Tsandzile's regency, owe something to the example of the Ndwandwe, who had a close connection with the Swazi during the latter's sojourn south of the Pongola River and afterward at Shiselweni and the age-old *ncwala* ceremony, at one time celebrated by the Zulu and other Nguni groups but now more or less discarded, had retained its place in the Swazi tradition as the central ceremonial exercise in the kingdom.

It was probable that the Swazi, by mixing with other African ethnic groups, developed a certain openness in their response to foreign ideas and ways of life. This should not mean that the Swazi culture consisted of an amalgam of borrowings from other ethnic groups. Rather, its core identity was to be found in Bantu, faith, and mythology: the subjective world of faith healers, psychic forces, and communion with ancestors. These were the elements that had been accepted over the centuries as constant in the Swazi tradition. They directly influenced the political process and gave the craft of governance – especially through the Queen – mother as the spiritual head of the nation and co-ruler or, less tangible, by her influence on the king's mandate, a different world, since he was the ultimate arbiter of the common good.

Land, livestock, and the farmstead were the main pillars of material aspects of traditional life in large parts of southern Africa and strengthened the pillars that supported the Swazi Law and customs. The chiefdom had served as a regulator, at least since the beginning of organized settlements and probably longer. According to Gillis, the Swazis were pastoralists, needed access to water, and pastures for their cattle. Over and above this, they grew a lot of grain (corn and sorghum). Their settlement along the Pongola River saved this purpose because there was a plentiful supply of water and the soils along the river were very fertile for their agricultural purposes. The area along the Pongola River has always been invaded by the Zulus because of its potential for agricultural purposes and the availability of water for animals and the population.

The centrality of land for the economic development of the Swazis was linked to the importance of land resources for cultural and traditional practices. Rituals related to rain, thanksgiving and prayer were historically associated with the land. For example, the subject of Incwala was a very important national event for the Swazis, as it was seen as a prayer to the ancestors for leadership and prosperity for the next year. This ceremony took place in a particular place of importance and significance. Thus the land was bound to traditional practices.

3.5 Land as a political tool

The land's control was thus linked to the complex interplay of economic, social, and political power. Land control, distribution, and access were used to dominate and strengthen different nations, races, genders, and classes in Africa. Even during the pre-colonial era, the land was used to create and destroy empires and nations. The Bantu migrations down from the western and central parts of Africa, more than a thousand years ago, were caused in part by a conflict over control of land, pastures, and hunting grounds. The same applies to the Mfecane period in South Africa in the 19th century. Examples can be given, but the important point was that the struggle for control and possession of land in the pre-colonial period left a political legacy of large and dominant states. In addition to those dominant political units, there were many small ethnic groups and small states. Relations between these ethnic groups and nations have not always gone

smoothly. For example, the Zulus would constantly invade the Swazi nation, and they would take cattle and some grain with them to feed their nation.

3.6 The belief and the importance of Land to the Swazis.

The land was a birthright of every African indigenous person. It had a community dimension in which all members of the community were expected to share its resources under some form of traditional authority. The traditional authority from the Swazis' point of view was very central and important because although it was a uniting force, the village leader was a steward with divine authority over the land.

It had always been a Swazi belief that land was a gift from God and ancestors. The Swazi see themselves as stewards of God's resources, especially of the community's land. In many African families, the umbilical cord of a newborn was buried. The sanctity of the land with the Swazi was further linked to the fact that the ancestors were buried in it, without land they would have no home for the corpse. Therefore, Swazi knelt barefoot beside the tomb as they tried to share something with their ancestors, and showed a lot of respect for the land where they lie. So when death strikes in a family, no one could go all the way and till the land. There was mourning until that person was buried. The Swazis believed that the elders and young men go hunting so that a sacrifice could be made to the ancestors before the land was touched when a leader was to be buried.

3.7 Land tenure in Swaziland

In Swaziland, the question of whether a change in the traditional system of land ownership is necessary was a very lively issue. The area of about 6,705 square miles has been a remarkable economic advance over the past decade and seems to be preparing for even more spectacular progress. The local situation was in many ways uncharacteristic of the general Southern African scene. The area had an African and a European population, a strong Paramount Chieftaincy and social organization under the Swazis, and which almost came to a federal system of government within the country. While general political control was delegated to the representatives of the United Kingdom Government, which

was headed locally by the Resident Commissioner national authorities of the Swazi, had considerable governmental powers over Swazi within the territorial boundaries. That was a formalized division of authority, enshrined in the statutory pronouncements and statements of policy. Though it was based technically on population groups rather than territorial areas, there was a territorial basis to that division because the territory was divided approximately equally between areas where land was held on freehold tenure and the Swazi area, where the traditional system of the land tenure operates. It was in the latter that most of the Swazi lived, and it was there that the powers of the Swazi National Administration were most exercised.

The problem had been made even more complicated by the peculiar history of early contacts between the Swazi and Europeans. In the late 19th century, the then Swazi King Mbandzeni made a large number of concessions to the Europeans, who flocked to his court armed with liquor, money, peacocks, greyhounds, and other incentives to win the favours from the Swazi monarch. A turbulent and confusing period followed until after the end of the Anglo-Boer War in 1902 when the new British government faced the problem of concessions and had to decide on the rights of the Swazi and concessionaires.

The position was that the entire area had been signed off to several concessionaires, often many times over, while mining and other concessions often overlapped land concessions, under the Concessions Partitions Proclamation of 1907, one – third of the land was allocated to the Swazi to be held under traditional systems of land tenure, while the remaining two – thirds were allocated to the concessionaires. It was also ruled that all the expired concessions should revert to the Crown, not to the Swazi nation.⁶¹

Since then more land had been acquired by the Swazi authorities, either purchased by the Lifa (a fund set up by the Swazi with the specific aim of buying back land lost through the granting of concessions) or through grants of Crown land, bringing the total Swazi Area to just over half the total area of Swaziland. The Swazi have always argued that Mbandzeni did not sell the land, in the European sense of the term ‘to sell’, and was, in fact, not permitted to do so according to Swazi customary law. The view taken by the

⁶¹ J.S.M Matsebula, A History of Swaziland (Cape Town, Longman Penguin, 1987), pp. 177 – 178.

Territorial Administration and the paramount power was that those concessions transferred ownership, and it was that decision that resulted in the settlement of 1907. Thus, the differences between European and traditional Bantu systems of land tenure had come to have great sensitive significance for the Swazis. Any discussion about land – tenure problems invariably came back to the history of the concessions. The Swazis constantly stress that the selling of land was not a Swazi custom, but a European one. The implication usually being that the speaker considers it a thoroughly deplorable custom at that nor has the issue been allowed to acquire the respectable patina of an ancient injustice which must now be simply accepted as a historical fact. The Swazi authorities had never ceased theirs against the partition decision. A delegation was sent to the United Kingdom in 1907, to plead for its reversal. The present Ngwenyama (Paramount Chief) went over in person in 1922, shortly after reaching his majority, for the same purpose; and the latest Petition to the Secretary of State on that subject was sent as late as 1956. The legal actions, the raising of funds to finance those and other official efforts to challenge the partition, and the attempts to regain the ‘Swazi heritage’ by purchase through the Lifa Fund, had all served to keep the ‘land question’ alive in the Swazi minds.

Without going deeply into this system, it can be said that it was very similar to the general traditional pattern found among other Southern Bantu. The term ‘communal’ by which it had often been described, was partially justified in that an individual’s rights to the land were derived from his membership of a community, from his membership of a community, from his position in the political organization. The rights to allocate land to others were similarly based on the allocator’s political position. The Swazi ruler, the Ngwenyama, was technically the ultimate authority as far as land distribution goes, but in practice, that power was effectively vested in the subordinate territorial authorities, the local chiefs who rule 160 chiefdoms into which the Swazi Area of Swaziland was divided.⁶²

⁶² Paul- Henri Bischoff, “Why Swaziland is Different: An Explanation of the Kingdom’s Political Position in Southern Africa,” *The Journal of Modern African Studies*, Vol. 26, No 3 (3 September 1988): pp 457 – 460.

A married man derived the right to arable land and a site on which to erect a dwelling from being a member of a local community and a subject of the chief ruling over it. He can acquire that membership either through birth or by offering allegiance to the Chief and being accepted. His individualized right to any given piece of arable land was normally set up either through his legitimate use of it or by inheritance. Grazing land was not distributed to the individuals; only arable land and homestead sites were distributed.⁶³ That is the same format that was used by the Kings when there was the first contact with the whites. The Kings believed that they were adopting the same method of allowing the whites to settle for grazing their animals, not knowing that the whites' understanding was different from that of the Africans. To the whites that meant that the land belonged to them and thus they eventually took that as their Title Deeds.

3.8 The Development of the Swazi State on land and power issues

An understanding of the history of the Swazi state, and of the conditions under which their present system of the social and political organization under which their present system of the social and political organization evolved, was essential for a true appreciation of the position about the land. It must be noted that the state organization of the Swazi was still in a condition of flux, and of growth, when they first came under external political control in 1894. From time to time, one hears how the grandfather or great-grandfather of the local Chief, usually accompanied by only a handful of followers, came into what was virtually empty country and settled there. In some cases, there was the tradition of subjugation or eviction of a few Sotho.⁶⁴ In others, it was claimed that the area was completely unpopulated. It was under these conditions when the land was abundant, and the possession of a large and loyal following was of far greater practical importance than precise than the rights over clearly demarcated territories, that the Swazi state system and the traditional tenure system developed.

⁶³ Ibid, 462.

⁶⁴ Louis A. Picard, "Rural Development Areas in Swaziland: The Politics of Integrated Rural Development," *Comparative Politics*, Vol. 22, No.1 (October 1989): pp. 1- 10.

Kuper had already made the telling point (also concerning the Swazi) that “to split up each part of an existing culture and apportion the constituent elements to the traditional culture and western culture gave as little idea of the real emergent culture as the dissection of a corpse would give off the personality of the individual when alive.”⁶⁵ The Concession Partition Proclamation of 1907 embodied the recommendations of the Commission regarding the partition of the Territory but contained the provision that for five years from July 1909, no natives resident on such land could be compelled to move, but that thereafter they could only continue to occupy the land on terms to be agreed upon between themselves and the concessionaires, those agreements being subject to confirmation by the Resident Commissioner.⁶⁶

The Swazi authorities had never accepted the validity of that legislative enactment. Their arguments were normally based on the contentions already mentioned; that the Swazi rulers had no right to alienate land to non-Swazi; that in any case, they had assumed that the concessionaires were settling as the Swazi (which meant that any rights they acquired could be modified by the Swazi at a later date) and that the only tenurial system which should operate throughout the whole territory should be the Swazi traditional one.

The development of those lines of argument led to some logical inconsistencies. Thus, it was assumed that the rights of the Swazi nation over any land that any Swazi had ever occupied were automatically absolute; and that they were limited in any way by the rights of the wider community to which the Swazi Nation now belonged. Those rights seemed to be regarded as akin to the most absolute concept of land “ownership” known to the western one of individualized landholding. Since the western legal concepts resulted in partition, so the western system must have been bad; or so the argument seemed to run.

Positive reactions by the Swazi to this situation took two main forms. First, the Indlovukazi (Queen Mother) Gwamile, who was acting Chief Regent during that time, urged her people to go out and seek work under Europeans; and to contribute part of their earnings to a fund which was to be devoted to buying back the “Swazi heritage” (the land). The

⁶⁵ H. Kuper, *An African Aristocracy* (London: The Uniform of Colour, 1952), p.11.

⁶⁶*Ibid*, 7

Swazi authorities had set up that without land, their control over the Swazi nation was limited, the more land the Swazis had the bigger was their control. Thus, there were those attempts to negotiate for land that was taken by the white settlers and incorporated into the South African Republic.

In Swaziland's attempts to get back the land, the Swazis sent numerous petitions to the British Government requesting a reversal of the partition decision. Lack of success did not inhibit them from continuing to ask for their land. By 1964, farms totaling 268,000 acres had been bought, with Lifa monies and added to the Swazi area. A larger addition was the land provided by the Territorial government, either by the purchase of European – owned farms or by grants of Crown Land. Those Swazi Land Settlements, as they were called, totaled 916, 7000 acres in 1966. ⁶⁷

3.9 The ambition of the Swazi indigenous leadership for more territories

The land is a birthright of every indigenous African person, it had a communal dimension whereby all members of the community were expected to share its resources, especially in the rural areas, under some form of traditional authority. Traditional authority from a Swazi point of view was very central and important because, even though it was a uniting force, the community leader was seen as a steward with divine authority over the land.

The colonizers got land in an insensitive manner, driven by greed, and the process was intended to vanquish and dehumanize the original owners. That was achieved through military subjugation. The Zulu – Anglo War of 1879 and the Anglo- Boer war of the early 19th Century could be traced back to the struggle for land. Several massacres of Black South Africans were nothing other than an insensitive, greedy, and cruel method for dispossessing Blacks of the Land. The land was acquired with total regard for traditional beliefs and cultures underpinning the spirituality as Black Africans. Indigenous communities were stripped of their dignity, many lost their identity, languages, cultures, and spiritualities. In that sense, the land was acquired and used as a political tool.

⁶⁷ See Swaziland Annual Report, 1966, p.33.

In many Swazi families, the umbilical cord of a new baby boy was buried. The sacredness of land in Africa was further linked to the fact that the ancestors were buried in it, without land, there would be no land for the dead. That is the Swazis kneel barefooted next to the grave when they want to communicate anything to their ancestors, showing a lot of respect for the land on which they lie. When death strikes in a family, no one is allowed to till the land. The Swazis mourn until that person is buried. In some African cultures, people do not touch the soil with a hoe and do not plow or till the land.

The land is valued as a source of livelihood. It produces food and water, which gave life to all living things. When people go for hunting or look for the herbs in the bush especially in Swaziland, they burnt incense and request their ancestors for rain so that the land may be dug.

In precolonial times the indigenous peoples of the Swazi nation had land abundant with farming and herding was the predominant economic activity. The availability of the land allowed the Swazis to practice farming and to keep cattle for ceremonies and rituals. The indigenous leadership benefitted from farming and the cattle because the subjects would from time to time give their leaders food and also the cattle as one way of acknowledging their leadership. For example, environmental factors such as rainfall, topography, soil, and availability of water influenced the economy of the indigenous peoples. In Natal, the patterns of residence and political authority were largely limited to independent homesteads. These independent homesteads resulted in a more decentralized structure of political authority, with every unit having access to abundant resources allowing for self-sufficient existence. The availability of good soils, high rainfall, and the water resource was economically practical for production purposes. This is what makes it essential for the Swaziland indigenous leadership to pursue the issue of the land in South Africa. The land on the Pongola river banks was very fertile and had plenty of water, thus the settlers from Scotland settled in that area, calling it the "Little Scotland", the settlers could see the potential of the area for agriculture. The Zulu raids on Swazis also testified to the viability of the land. Although the Swazis were subsistence farmers, they could produce the surplus because of the good soils and the availability of water, mixed with good rains. It is quite clear that the leadership of Swaziland pursue the issue of land

because they see a lot of potential for food security rather than importing agricultural products.

Over and above everything else, the territory that borders Swaziland has a great potential for tourism with its diverse habitat and access to the sea (Kosi Bay). The area also has a natural forest that harbours a lot of different animals which in the past provided meat to the indigenous population. The land was paramount because it provided the livelihood of the indigenous population. The rivers that flow in these territories were essential for drinking purposes for both the animals and the people at large. Water was a very essential resource for the livelihood of the people. Indigenous leaders benefitted from ruling over large territories because the large, population meant that they collected a lot of revenue, in terms of cattle, food, and jewelry from their subjects.

The Swazi indigenous population had a belief that if those territories taken from Swaziland could be returned, they could add value to their control and would be able to access natural resources such as minerals and water. These areas were going to benefit the Swazi indigenous leadership in terms of trade with the Portuguese in Delagoa Bay, the Portuguese were mostly interested in trading with Ivory, which was available in those areas.

The large population would have given the Swazi indigenous leadership a more controlling power as they would raise enough revenue, to make them afford more luxurious items. The whites who pay some cattle for mineral and grazing concessions that on its own would make the Swazi Indigenous leadership wealthy and powerful through the land.

There were mineral prospects on the territory taken by South Africa. The Swazi indigenous leadership believed that having control over those territories could benefit the country economically and also provide the indigenous population with employment in those mines. Deducting tax from the working class. This would benefit the Swazi indigenous leadership. Tax remission would take care of their wellbeing as leaders would be well looked after. The availability of the harbor at Kosi Bay would also come in handy in the transportation of the raw materials to the overseas markets than relying on Delagoa

Bay. Having access to the sea would have been an advantage because they could export their raw materials at minimal costs, thus increasing the profit margin.

3.9.1 Conclusion.

According to the Swazis, the land was a very crucial factor. Without it, their leadership was meaningless. The Swazi indigenous leadership was eager to pursue the land issue from South Africa because there were political and economic benefits of getting the land back. There were prospects of fertile land, ample supply of water, mineral resources, and a game. All those gains could make Swazi leadership the most powerful leader in the region. The land was the most crucial entity to the Swazi leadership, without it, their leadership was weak and meaningless.

CHAPTER FOUR: BACKGROUND OF THE HISTORY OF SWAZILAND IN RELATION TO SOUTH AFRICA

4.1 Introduction

The chapter traces the background history of the Kingdom of Swaziland in order to establish how the Swazi eventually settled in present Swaziland and the disputed areas they eventually settled in the present Swaziland and the disputed areas. By the eighteenth century, several groups of immigrants from the north, known for their skill in smelting iron and metalworking, had occupied the mountains along the Limpopo River. This heterogeneous population had coalesced into several chiefdoms, known as the Venda, or VaVenda.

4.2 The Background of the history of Swaziland.

The geological formations of southeastern Africa, of which Swaziland forms a part, had been identified as being among the oldest in the world, and there was evidence of human habitation going back many centuries.⁶⁸ Cave paintings, particularly in the mountainous western region, point to an earlier occupation by the San people during a period when their preliterate culture, along with that of the Khoikhoi, flourished throughout Southern Africa. "Neither the development of the modern Swazi state nor historical roots of the Swazi nation can be traced directly to the existence of earlier civilizations within the confines of what is now the Swazi kingdom, for the Swazi, as a distinct political entity having a common language and a shared perception of customs and institutions, where the relatively recent origin."⁶⁹ They date back, in the context of their permanent occupation of part of the territory of present-day Swaziland, no further than the middle years of the eighteenth century. That does not entail that the Swazi, or emergence of the Swazi Kingdom, was essentially a by-product of modern history. On the contrary, both the identity of the Swazi and the existence of the kingdom had far deeper roots. The

⁶⁸ Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 9.

⁶⁹ Phillip Bonner, *Kings, Commoners, and Concessionaires, The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 27.

Ngwane history only dawns in the mid-eighteenth century (the term Ngwane was used there to designate the nucleus of what was later to become the Swazi, who took control of southern Swaziland (Eshiselweni) in the 1760s and 1770s.⁷⁰

According to the genealogies collected by James Stuart at the end of the nineteenth century, the Dlamini's were able to trace their line of succession back some forty generations. They experienced a period of crisis, precipitated by the efforts of the Tembe to expand their monopoly of burgeoning maritime trade and were paying rent in the process by a series of dynastic feuds. The same pressures were also probably responsible for the Ngwane embarking on their long odyssey south, which would eventually lead them to their historical home.⁷¹ The late eighteenth century thus represents the prelude to the formation of the modern Swazi state, and the events of this period were the first claims of a historical charter legitimizing that order and sanctioning the rights and obligations of its constituent groups.

The main movement took place in the reign of Dlamini 111 during which the Dlamini settled around the Pongola River, where the river cuts through the Lubombo mountain chain. According to Bryant, they journeyed south in the company of the Ndwandwe, a closely related lineage, with whom, he implies, they shared a common king. After traversing the length of the Lebombo, they cut inland during the reign of Langa and Ngwane, the Ndwandwe and Ngwane leaders respectively. Here they separated, with the Ngwane doubling back across the Pongola River and the Ndwandwe drifting south to the basins of the Mkuze and Black Mfolozi.⁷²

The Ngwane's close association with the Ndwandwe was to leave a deep imprint on their subsequent history. The Ndwandwe soon emerged as one of the leading powers in what is now modern Zululand, their chiefdom was the cockpit of struggle in the region. The Ngwane, Matiwane, the Khumalo, and the Mthethwa were all successively destroyed or defeated by the Ndwandwe in the early nineteenth century, setting the scene for the

⁷⁰ Phillip Bonner, *Kings, Commoners, and Concessionaires, The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 9

⁷¹J.S.M. Matsebula, *The History of Emaswati in South Africa* (Barberton, Mbokodo Publishers, 2016), 25 – 29.

⁷² Bonner, *Kings, Commoners, and Concessionaires*, 35.

denouncement of the struggle, in which the Ndwandwe were defeated by Shaka, and the Zulu state achieved its final crystallized form.⁷³ Little is known of the background to these events which were to have such profound repercussions on the Ngwane and the region as a whole. After the Ndwedwe's defeat by Shakas forces, their state splintered and collapsed, fragments flying out all over east and central Africa. The aged and the infirm suffered disproportionately in the turmoil, and with their extinction, much of Ndwandwe history was lost. The Ndwandwe was once one of the most important and shadowy actors in that drama, Swazi oral traditions being perhaps the only untapped source that can still fill some of the gaps. A closer look at the Ndwandwe – Ngwane relationships is, therefore, necessary if we are to locate the Ngwane in their broader historical context and make sense of the developments in which the Ndwandwe played so central a part.⁷⁴

It seems unlikely that long ago the Ndwandwe-Ngwane connection in Zululand and Natal was as intimate or continuous as Bryant suggests. Bryant himself canvassed the possibility in an earlier study, where, based on linguistic and historical evidence, he concluded that the Ngwane and Ndwandwe derived from different stock and that the Ndwandwe were safely ensconced in Northern Zululand long before the Ngwane arrived.⁷⁵ The early proliferation of Ndwandwe cadet lineages lends weight to the claim. The Nxumalo, emaNcwangeni, and IKohlo branches each have genealogies going back three or four generations before Shaka, Ndwandwe contemporary Zwide, while Gaza, was the grandfather of Zwides contemporary. Soshangane was reputedly established at Etshsaneni Mountain just south of the Mkuze River by the mid-eighteenth century. The difficulty of reconciling Ndwandwe and Dlamini genealogies, or of identifying the point at which they branch, further reinforces the point. As Hedges notes, the whole of the Ndwandwe clan claim to have descended from Mkhathshwa but Mkhathshwa does not appear on the Ndwandwe or Dlamini king lists. On the other hand, Mavuso and Ludvonga

⁷³ Paul – Henri Bischoff, "Why Swaziland is Different: An explanation of the Kingdom's Political Position in Southern Africa," *The Journal of Modern African Studies*, Vol.26, No. 3(1988): 460 – 464.

⁷⁴Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999): 66.

⁷⁵J.S.MMatsebula, *The History of Emaswati in South Africa* (Barberton, Mbokodo Publishers, 2016), 18 – 25.

do, but none of their Ndwandwe predecessors named by Stuarts only Ndwandwe informant, Luzipo, corresponds to any known previous Ngwane king. All the evidence thus seems to point to one direction, the Ndwandwe settled in Northern Zululand earlier than the Ngwane, never traveled south in their company, and used their long period of residence to construct a far more powerful and differentiated state.⁷⁶

That does not necessarily mean that there was no substance in the traditions that Bryant cites. Hedges argued, along much the same lines as I have argued above that there was no close link between the Ndwandwe and the Ngwane before the late eighteenth century. Shaky genealogical linkages such as those mentioned by Bryant he sees as later interpolations of the early 1820s when both groups were struggling to establish a tenuous hegemony north of the Pongola River and relied on each other's support. Swazi evidence casts doubt on at least part of this claim. According to a fairly widespread tradition, Ngwane, who ruled the Ngwane from about 1770, was born to a daughter of chief Yaka of the Ngwane which would push some sort of connection with the Ndwandwe back to 1720 or 1730 long before the Ngwane ever spilled out into the plains of Southern Swaziland.⁷⁷ No common ancestor or even common geographical origin is necessarily suggested by this claim, merely a political connection, possibly cementing a trading alliance, which later allowed the Ngwane to enter peacefully into the orbit of the Ndwandwe, and resuscitate the preferential marriage arrangement that had previously prevailed. The Ndwandwe may or may not have originated in the same area as the Ngwane. They certainly abandoned it for Northern Zululand at a much earlier stage. The Ngwane, by contrast, moved at a laggardly pace, only spreading out into southern Swaziland in the latter part of Dlamini 111s reign. It is unlikely that this took place in any single sudden movement in the way that Bryant conceives. Tembe desires to dominate trade in the south probably underlying the migration and it was only after a protracted struggle that the Ngwane allowed themselves to be squeezed out to the west. Dlamini's heir, Ngwane was hidden at Godlwako in Southern Swaziland while Dlamini resisted the Tembe pressures. The latter's burial on the Lebombo suggests a certain measure of

⁷⁶J.S.MMatsebula, *The History of Emaswati in South Africa* (Barberton, Mbokodo Publishers, 2016), 32.

⁷⁷Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 93.

success. Even Ngwane retained an interest in the area in the early part of his reign, as can be seen in the phrase 'Ngwane wamahlabatshi', which links the name to the sandy places on the east side of the Lebombo. In due course, however, Ngwane was gradually pushed out. By the end of the eighteenth century, the Tembeis supposed to have extended their control two hundred miles inland from Delagoa Bay and a hundred miles along the coast and it was probably in the boom years from 1750 to the 1770s that they tightened their grip over the area and expelled dissident elements such as the Ngwane.⁷⁸

As these pressures grew, the Ngwane threw off outriders into the country below the Lebombo. Ngwane's brother Ndlela seems to have moved into the vicinity of modern Mhlosheni, and his uncle Shabalala (Dlamini's brother) settled a little further west. The Ngwane presence was spreading, but it was not until Ngwane's reign that the kingdom's center of gravity shifted decisively west, coinciding in all probability with the expulsion from the Lebombo.⁷⁹ It was then that the Swazi made their first sally across the Pongola River. Having settled deep as far as Mkhakhweni hill, they then attempted to occupy the region between the Southern bank of the Pongola and the Magudu hills. That, of course, was Ndwandwe territory, and it is far from clear in what capacity they made their move. One Swazi account talks of the Ngwane finding the area blocked by the Zulu, and retreating across the Pongola River, while others imply a more protracted stay. Two possible conclusions can be drawn from these contradictory accounts. Either the Ndwandwe had already centered themselves further south on the Mfolozi, and then roused themselves to expel the Ngwane from the outlying part of their domains, or the Ngwane came to them as supplicants under pressure from the Tembe attacks. Whichever way, the result was much the same either sooner or later the Ngwane evacuated Magudu and then retraced their steps across the Pongola River, to settle as some sort of junior partners to the Ndwandwe in the region of modern Shiselweni, thus we find Tigodvo, the Hlophe chief whom Ngwane incorporated at that time, being praised as he who fought for two kings, Langa and Zwide, and the most have been others who shared this ambiguous role. At the same time whatever the initial relationship, it is likely that the Ngwane sought

⁷⁸K.Mlotshwa: *The History of Eswatini in South Africa* (Mbombela, Mbokodo Publishers, 2016), 19 – 21.

⁷⁹*Ibid*, 22.

from that moment to free themselves loose of Ndwandwe control, producing tensions which in the long run would lead to confrontation and war.⁸⁰

The land that the Ngwane entered was neither vacant nor thinly settled. Populous chiefdoms were present, which the Ngwane conquered or assimilated to construct a formidable state. State formation of Shiselweni (the new center of Ngwane settlement) mirrors development elsewhere in the region and it is to these that we must look if we are to grab what transformations were occurring among the Ngwane themselves. The traditional view of these developments is that they were spurred by the single dominant personality of Dingiswayo, who reconstructed his Mthethwa chiefdom along the lines of the ideas that he had gleaned from the European explorers, the Portuguese traders, or, most imaginatively, from a visit to the Cape. Recent studies have shown how flimsy such arguments are. The Northern Nguni had through with contact shipwrecked sailors making their way north to Delagoa Bay, been exposed to European ideas and elements of European technology for at least three hundred years before Dingiswayo's time. More importantly, similar changes to those supposedly initiated by Dingiswayo were taking place elsewhere in the region before Dingiswayo's reign. The questions that were thus begged by the white inspiration theories were what prompted the rise of larger-scale political organizations like those of Ndwandwe, the Qwabe, and the Ngwane before Dingiswayo appeared on the scene, and what caused them to assume the crystallized form in the Zulu and Swazi state.⁸¹

Hedges traced the progress of social reconstruction in the area back to at least the eighteenth century. Substantial chiefdoms existed in Northern Zululand and Southern Mozambique from the mid-sixteenth century if not before and in Northern Natal from the seventeenth century on. The impetus for political transformation was drawn from two endogenous features of lineage society regional ecological; complimentary between, for example, the wetter coast and the drier uplands, which promoted interregional trade, and the demands of larger-scale processes of production like hunting and burning which

⁸⁰Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 95.

⁸¹Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999): 72.

required the coordination of larger bodies of manpower than the lineages by themselves could provide.⁸²

Both of these activities elevated dominant lineages into positions of authority in more broadly based political structures. Trade subtly changed the relations within and between individual lineages and homesteads. In the homestead, the power of the elders depended upon the control over social reproduction (i. e. over new homestead formation) and hence over material production itself. For a junior or cadet to establish his homestead, and hence to engage independently in subsistence production, he needed access to wives who together with the progeny they reared would be able to produce the material necessities of life. Access to wives, however, depended on access to cattle, which the elders controlled. A dependent relationship was thus structured into homestead production. To acquire wives required bridewealth in cattle which was only made available in return for labor services and surplus product before marriage and while marriage cattle were being repaid. Reciprocity between the elders cemented these unequal relationships since no elder would release wives to marry juniors to neighboring exogamous lineages without payment in cattle, and no junior could flee to a neighboring lineage without reproducing the junior status that he had attempted to escape.⁸³

Trade threatened to dissolve these homestead lineage relations. Cattle were ultimately exchangeable against many items of trade which permitted independent access to the material resources underwriting the homestead heads dominant position. It became essential therefore for the elders to reserve to themselves the prosecution of trade, thereby further enhancing their privileged position. Trade at that time upset what were otherwise relatively stable relationships between the neighboring homesteads and lineages, allowing those better endowed with particular resources (for example iron) to expand and assume a more dominant role. Trade permitted better access to cattle and other goods exchangeable for wives, leading that lineage expansive characteristics and enabling it, through loans of the cattle that it amassed to penetrate the reproductive cycle of others less advantageously placed. It was a short step from here to attempt to secure

⁸²A.E Boyce, "The Swaziland Concessions and their political consequences 1876 – 1908", 50.

a monopoly of all branches of intra-regional trade, and it was in response to such stimuli that larger-scale political institutions gradually emerged.⁸⁴

Labour processes which could not be organized effectively within the framework of lineage production also reinforced the trend. Hunting was essential in both agricultural and pastoral production. Big game trampled crops and were also trypanosomiasis carriers, which gravely imperiled the survival of stock. Large -scale hunting parties were, therefore, necessary to check the persistent invasion of big game, and threw up coordinating agencies located in newly ascendant lineages. Widespread burning was also an activity conducted along similar lines, and with similar results, and both forms of organization, particularly hunting, provided the framework and even the tactics of military formations. The chiefdoms thus imaged in this analysis as the crystallization of lineage society with the dominant lineage guaranteeing both the reproduction and production of subordinate lineages falling under its sway.

That brief review does little justice to the subtlety and complexity of Hedges analyses but allowed us to focus on key points of the processes that he described. Against that background, we can consider the transformation of the Nguni society set into motion in the mid-eighteenth century which culminated in the consolidation of the Zulu and Swazi states. Several arguments, which can be grouped into two loosely related schools, have been advanced to account for these changes, those which focus on ecological factors, and pressure on scarce or diminishing resources, and those which emphasize the transformative effects of trade. Each of these interpretations will be considered in turn, after which an attempt at synthesis will be made.

As Webb and Daniel have demonstrated, three of the main states to emerge in the eighteenth century – the Ndwandwe, the Ngwane, and the Mthethwa – were based on similar configurations of natural resources. An examination of the Shiselweni area of Southern Swaziland on which the Ngwane centered their kingdom will serve to illustrate and, in some cases, amplify their main points. The land which the Ngwane settled on, in the late eighteenth century was ideally suited to their mixed agricultural and pastoral way

⁸⁴A.E Boyce, "The Swaziland Concessions and their political consequences 1876 – 1908", 45.

of life. Its heartland, in which all the royal capitals were situated, lay between the royal burial grounds of Mhlokotfwa and Mbilaneni. Ngwane built his national headquarters (Zombodze) in the vicinity of modern Dwaleni and his administrative capital (Hhohho) near modern Mhlosheni while Ndvungunye and Sobhuza subsequently sited their respective capitals a little south of Mhlosheni. It was this latter region that was particularly well suited to the Ngwane economic needs. Situated on the watershed of the Ngwavuma River, it also lay in the transitional zone between the Middleveld and the Lowveld. The importance of the latter division arose from the access that it gave to different types of grazing. In the Ngwane economy cattle occupied a central role. Apart from the multifarious uses to which their hides and horns could be put, or their role in Ngwane society as the principal store of wealth, a large part of the protein in Ngwane diets was provided by milk. Under ideal conditions Ngwane cattle could be fairly prolific producers of milk, sometimes giving as much as two to three gallons a day. Ideal conditions, however, meant access to nutritious and healthy pasturage throughout the year, and this neither the Middleveld nor the Lowveld by themselves could provide. During the summer months, the grass on the Middleveld was sweet and nutritious but in the winter it dried up and lost its power to sustain the animals. In the Lowveld, on the other hand, the low bush and the grass were nutritious all year round but were plagued by nagana and other insect-borne diseases throughout the summer months. Mhlosheni, therefore, combined the best of both worlds and allowed year-round grazing to the Ngwane's hardy Nguni heads.⁸⁵

The other principal element in the Ngwane diet was millet, prepared either as porridge or as beer, and once again the area South of Mhlosheni was well suited to its growth. Murdoch, in his analysis of Swazi soils, lists three areas in Swaziland with the largest concentrations of good soils, each of which became successively the center of the expanding Swazi state. Shiselweni was not itself located on the most fertile portion of the Southern bloc but a slightly inferior tract a little to the Southeast. The superior grazing of this area presumably accounts for the Ngwane drift in this direction, which suggests the greater importance of cattle in the early economy of the South. Nevertheless, even here

⁸⁵Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 98.

the soil was of superior quality, and its continuous cultivation since then has led to its present exhausted state.

A further advantage of Shiselweni was a relatively low incidence of drought, with a 40 risk as compared to 60 or 80 further east. However, even a 40 risk meant a fairly precarious existence and gave the rivers of the Ngwavuma watershed a central economic role. Their alluvial banks were planted during droughts and winter, and they provided perennial water for cattle when lesser streams had dried up. As a result, their distribution was a major influence on the pattern of Ngwane settlement. Ngwane villages clustered on river valleys stretching north from the Pongola along the middleveld or lowveld divide and had reached as far as the Mkhondvo River and Esineneni hills by the beginning of Sobhuzas reign. Ngwane territory, on the other hand, was a different matter. Rounded by the Pongola in the South, it also stretched as far as the Lebombo in the East and the fringes in the west, giving access in the latter case to yet another pasture type. Barring certain strategic limitations, it was a near-perfect environment.

In all these respects, the Ngwane heartland bore a close resemblance to the centers of the Ndwandwe and Mthethwa empires at Magudu, Kwa -Dlovunga, and Oyengweni. Like the Ngwane, these were situated on or near the highly prized Zululand thornveld. Like the Ngwane, they commanded access to the Lowveld and at least one other veld type, and like the Ngwane, they were situated in areas with rainfall of 700 millimeters or more, and within 10 kilometers of a major waterfall. The similarities between these environments have led Webb Daniel to infer that it was competition for these particularly scarce combinations of resources which underlay the growth of the great empires among the Northern Nguni in the late eighteenth century. Mounting pressures of population, their suggestion, led to increasing conflict over these areas, which came to a climax during the great droughts and famines at the end of the eighteenth century. Guy draws similar conclusions, but with somewhat different stress. The high relief of parts of Zululand, he argues, creates an environment for cattle unrivaled in Southern Africa, with pockets of thornveld in close association with other veld types and water supplies. In such uniquely favorable conditions, the human and cattle population increased rapidly, leading to a deterioration of pasture and growing intercommoned strife. These reached a flashpoint

with the late eighteenth century famines, producing massive dislocations and intense conflict between the Northern Nguni states. Dingiswayo attempted to expand into the converted grazing lands of the Ndwandwe in the course of which exercise he was defeated and killed. Shaka picked up the pieces of the shattered Mthethwa confederacy and after a protracted struggle with Zwide, emerged as the distinguished leader of the paramount Northern Nguni state.⁸⁶

Halls dendroclimatological study advanced empirical support to a number of these points. Recreating rainfall patterns from an analysis of tree-ring variations, he concluded that the area experienced regular oscillations of rainfall over approximately a twenty-year cycle. Superimposed on the pattern was a long term secular trend. The period 1350 -1750 was marked by fairly stable levels of rainfall but was followed by fifty years of unusually heavy rains, which only ended in the disastrous Madlathule drought. The wetter weather, his suggestion, led to the cultivation of more marginal lands, to the more generalized use of less drought-resistant maize, and a sharp increase in population. A precarious balance now existed between the population and the resources, which was tipped into disastrous disequilibrium when the Madlatule famine finally struck. Out of the chaos that ensued there emerged the centralized militarized states of Zwide, Dingiswayo, and Shaka with their controls over labor power and reproduction located in the age regiments (*emabutho*).⁸⁷

Hedges was skeptical of each of these interpretations. Building on the work of Alan Smith on the Northern Nguni – Delagoa Bay trade, he argued that trade was a much more intrusive factor in the late eighteenth century Nguni society. From 1750 the trade in ivory to Delagoa Bay boomed to new heights, allowing first the Tembe and then the Mbudu to build up formidable trading empires stretching inland and far down the coast. Its effects also rippled through much of the Northern Nguni society. Ivory now became not so much a by-product of hunting, as an objective in itself, and hunting formations began to take on a more institutionalized form in the shape of embryonic age regiments mobilized at the

⁸⁶Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999): 82.

⁸⁷J.S.M Matsebula, *The History of Swaziland* (Cape Town, Longman, 1988), 38.

commands of the chiefs. At the same time, new commodities penetrated Northern Nguni society, especially metal goods and copper rings, which were used for the conspicuous consumption and display of the chiefs and the dominant lineages, thus providing added impetus for trade. Finally, in the 1790s and 1800s, demand for ivory dwindled and was partially replaced by demand for foodstuffs and meat from British and American whalers victualling at Delagoa Bay. By this stage, the key sections of the Northern, Nguni societies were integrated into commodity exchanges with mercantile capital which was soon reflected in escalating conflict and cumulative political change.⁸⁸Dingiswayo sought to concentrate trade with Mabudu into his own hands and threw a ring of subordinate chiefdoms around the Ndwandwe – his chief rival in the area- to realize these ends. A drive to the west expanded the catchment area for both ivory and cattle under his control until by the time that the Ngwane on the Drakensberg had been brought under his sway the Ndwandwe communities were surrounded on three sides. The conflict between these two locally dominant powers quickly ensued, leading to the defeat and death of Dingiswayo and the events recounted above.

Hedge's argument is persuasive. It goes the usual mechanistic formulations of the effects of trade on state formation and shows how trade penetrated and transformed indigenous social relations. It is nevertheless excessively dismissive of other accounts of these events. By concentrating on Halls's twenty-year cycles, for example, Hedges emphasizes the repetitive nature of these events and asks why such a distribution of rainfall should have had such calamitous results then. Hall's argument, however, rests on broader foundations. The fifty-year cycle of wetter weather in the late eighteenth century followed by the Mdlatule famine is known to have had truly calamitous effects. Starvation was widespread, cannibalism common and chiefdoms concentrated in stockade villages to protect what the meager supplies they had left. At the very least the level of violence must have escalated, even if, as Hedges suggests, Natal was much less severely hit by the famine, at the most it may have led to permanent political change.

⁸⁸Hugh Gillis, *The Kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999): 90.

Even qualified in this way, the question remains, why should society not have sunk back into its former condition as it did when previously subjected to slightly less formidable strains? A partial answer can be found in Hedges's work on the subject and the contributions of Slater and Wright to the debate. As each of these authors notes, *amabutho* make their first appearance in the mid-eighteenth century, the time that the early nineteenth century Zululand trader H.F. Fynn saw as marking the beginning of political turbulence in the area. Slater sees this development as part of a programmatic unfolding of historical epochs through primitive communist, homestead, feudal and absolutist modes of production. Such an artificial imposition of ineluctable historical sequences drawn from other societies and epochs is not particularly helpful, as Hedges rightly said, but Slater does nevertheless have a serious point. The increase in European trade, he argued, prompted the dominant groups in these societies to expand their production of commodities destined for exchange, and to intensify their control over the labour power of producers to meet this demand. The result was the emergence of the *amabutho* whose primary functions were amassing, through the raiding of cattle for the aristocracy, and the cultivation of the kings' fields. Wright expands on the same points. In times of crisis, he suggests, the ruling elders would have sought to tighten their control over the processes of primary production and human reproduction. The age-regiments fulfilled both of these needs. Alongside the rise of the *amabutho*, circumcision fell more and more into disuse, and with it the previously fixed form of transition into manhood. Marriage could now be delayed, and the labor services of juniors exploited in the regiments over longer periods. Two important points flow from this observation. Firstly, a restructuring of the sexual division of labor was taking place, with young men who had formerly taken little part in homestead agricultural production being drafted into the regiments to work for the aristocracies gain. Secondly, the lineage heads control over reproduction, both biological and social (that is of new homesteads) was being interrupted, at least to the extent that it was deferred.

Hedges makes the most of these points but goes on to draw, in my view, the inappropriate conclusion. What he sees emerging in this period is the old lineage system. New labour processes had arisen, as had their complementary political structures, but most

agricultural production was still located in the homestead and under the control of homestead heads. Instead, what I suggest we are witnessing is the emergence of new principles of structuring the social organization, new methods of surplus appropriation, a new division of labour, a new aristocratic class (composed of regional and military leaders and the close family of the dominant lineage) a new dynamic of production, centered on the production of surplus for the luxury consumption of this group and new content in old ideological shells.

Here we come close to answering the question posed earlier in the discussion. A new mode of production was emerging, but still in underdeveloped form. It would require the exogenous crisis of the Madlatule famine to fix it in a mature crystallized state. As Hedges observed, that with the decrease in the trade to Delagoa Bay in the early nineteenth century, a scarcity of imported goods was *prima facie* a more pressing motive for conflict than the superfluity to which South alluded, and the same point could be made of the Madlatule famine. It seems inconceivable, given the scale (the whole of Northern Zululand) and the three-year duration of the famine that gave shortages of manpower and cattle did not result. Rather than a superfluity of resources, exacerbated by the Madlatule famine, being at the root of the crisis, it thus seems more reasonable to assume that the problem was exactly the reverse. Labour power for the aristocracy was lacking, and was hardened far more systematically in expanded *amabutho*, the new division of labour foreshadowed in the eighteenth century was now fixed. Cattle were scarce, and the more disciplined, more permanently mobilized units of the *amabutho* were sent to war to replenish shattered stocks. Simultaneously, the lineage heads' control over reproduction was drastically curtailed. The *lobola* price was depressed at the instruction of Shaka and unmarried warriors received a share of the cattle, as rewards for their Deeds. Even those not distinguishing themselves in warfare gained access to through similar channels, military commanders loaning cattle, through the *ethula* system, with which soldiers could marry. Cattle were thus available for marriage outside the jurisdiction of homestead heads, even though the homestead heads continued to officiate in the arrangement of marriages of juniors. Finally, control over the timing of marriage, which had remained in part the prerogative of the homestead heads, was withdrawn and placed under the

jurisdiction of the king. Marriage was delayed for many years in the Zulu state constructed by Shaka and was only permitted with the sanction of the king.

In short, what we see arising is the new tributary mode of production, replete with a new division of labour, the interruption of the homestead heads control over reproduction and production, a new aristocratic class cohering around the king, and new ideological forms to buttress the new order, The Madlatule famine was necessary but not the sufficient cause of the transition. Without the Mdlatule famine, there would have been no tributary state in its crystallized form, without the underdeveloped tributary state the Madlatule famine could not have brought this about.

It should be stressed that these developments display no pronounced regional uniformity. Different mixes of factors affected each of the states under consideration and led to significant variations in the structures that emerged. Lying in less watered areas, and with an economy more geared to pastoral production, the Ndwandwe were presumably worse hit by the droughts than their more agriculturally orientated cousins on the wetter reaches of the coast. Economic recovery for them was a task of a much higher order. The ferocity of their attacks on Mtiwane, the Ngwane, and the Khumalo may well reflect this starker struggle for survival. Whereas Dingiswayo incorporated peoples, leaving ruling lineages intact, and merely appropriated oxen for consumption or to exchange for goods from Delagoa Bay. Zwide demolished his victims' material bases of life. Not only oxen but cattle were seized, fertile river gardens were annexed, and whole populations were forced into the fight. Increased violence may well have had an institutional dimension as well. The notion of total war given expression in the campaigns of the Ndwandwe presupposes a greater degree of permanent military organization, which the Swazi themselves were subsequently to borrow. The ideological apparatus of kingship was also more fully developed as can be inferred from the Swazi again borrowing from the same source. If that was correct- and it was difficult to pay more with the few fragments of information available- then the Ndwandwe may qualify as the most developed Northern Nguni state. Zwide, not Dingiswayo would then figure as the real prototype of Shaka, and the Ndwandwe as the catalyst of the shattering events of the *Mfecane*.

The Ndwandwe display their regional particularities. The Madlatule famine had a similar impact on them and was probably responsible for the greater violence associated with Ndwandwe's reign. The introduction of *amabutho* by Ndwandwe would also seem to confirm the same point. Yet the same degree of centralization and militarization does not seem to have occurred. The *amabutho* were not organized in the same systematic fashion as those of Shaka and Zwane and circumcision was permitted to persist.

The power of the aristocracy was thus seriously restricted and that of the homestead heads correspondingly enhanced. Such divergences are not easily explained. It may be argued, perhaps, that the Ndwandwe state was not as developed before the Madlatule famine so that this natural catastrophe could not produce the same effects; one still has to explain the Ndwandwe kingdoms original underdeveloped state.

Here several contingents' historical and societal factors have to be taken into account. It is often forgotten that this area contained not just a range of environments but a variety of economies and societies as well. The latter, of course, assimilate to the former, but cultural factors nevertheless retained a sufficient degree of autonomy to effect individual patterns of political development. The influences operating on the Ndwandwe and Ndwandwe were strikingly different in this regard. Where the Ndwandwe were assimilated into a society that was predominantly Ntungwa in composition, the Ndwandwe was as strongly permeated by Sotho influences. In each case, the extent of this penetration is hard to exaggerate. So intense was the acculturation that took place between the Ndwandwe and the Ntungwa that it is difficult to decide who absorbed whom. Bryant, for instance, was thoroughly confused and could only come up with the erroneous conclusion that the Ndwandwe were probably Ntungwa in origin.

The Ndwandwe assimilated equally thoroughly into the groups that they conquered. One of the surprising things about conventional historiography is the way that they are so confidently classified among the Nguni when their culture is cluttered with Sotho borrowings. At a superficial level, this can be seen in things like hairstyles and patterns of speech, but it has also penetrated much deeper than that. It is an anthropological commonplace that systems of kinship lie at the heart of African societies, and it is

precisely here that Sotho's influence is most marked. Where the Nguni generally practiced a form of exogamy, which places all people from the clans of grandparents within the prohibited degrees, the Swazi broke through this taboo completely by adopting the Sotho practice of preferential cross-cousin marriage. As an index of Sotho influence this is particularly striking, but still more important for our purpose is Sotho penetration of Swazi politics and Swazi economy. Here, the greater democratization of Swazi politics as compared with say the Zulu, seems to derive directly from Sotho influence.

The Swazi *libandla*, which is a national council representing all shades of Swazi opinion, is far less developed among the Zulu, and may well be an adaptation of its Sotho counterpart, the *pitso*. So too may be the unique position accorded by the Swazi to the queen mother. Kuper characterizes the Swazi kingdom as a dual monarchy, with the queen mother wielding powers almost equal to those of the king, and Ziervogel regards this as an explicitly Sotho borrowing. His evidence is admittedly tenuous, but it is indirectly supported by Swazi tradition. Somnjalose Simelane who was the first queen mother to exercise these powers was supposed to have done so to check the growing arbitrariness of Ndvungunye and Sobhuza, and it was in recognition of her services that these powers were later institutionalized. Beneath this rather personalized description, however, it is possible to detect deeper forces at work, on the one hand, the increasing violence which went with state formation; on the other hand, the reaction of the dominated classes after the first trauma of incorporation, to establish an institution which would work in opposition to this trend.

Other forces inhibiting militarization and centralization arose from how Ngwane's rule was imposed. When the Ngwane first entered Shiselweni, they entered a land already infiltrated and partly conquered by various Ngwane offshoots. Thus Ndlela and Shabalala are supposed to have settled near Mahamba in the reign of Dlamini, while Lula seems to have colonized the area between Luqolweni and Poponyane possibly a generation before, and established his control over local Sotho groups. These principalities could, in theory, have presented an obstacle to Ngwane expansion, but they seem in practice to have accepted the superior status and power of the Ngwane aristocracy with whom they had, in any case, probably retained certain links. As a result, in much the same way as

the Capetian monarchy of France benefitted from the entrenchment of feudal rights by previously independent feudatories when it assumed control of their principalities in the thirteenth century, so the Ngwane capitalized on the prior pacification of Shiselweni undertaken by various splinters of the Ngwane royal house.

A second factor facilitating relatively easy expansion was the prior activity of the Ndwandwe North of Magudu. The Ngwane, as we have seen, did not arrive in the Shiselweni area for a generation or more after the Ndwandwe, and then in all probability as some sort of junior partner, having initially fled to Magudu before being allocated the track North of the Pongola. In the meantime, the Ndwandwe had broken the resistance of at least some of the groups that the Ngwane were to incorporate, the Hlophe of Tigodvo being a specific case in point. From this perspective, the conflict that subsequently blew up between Sobhuza and Zwide makes much more sense. In the years that followed the Ngwane must have gradually detached themselves from the Ndwandwe, and may even have come to challenge their overall hegemony south of the Pongola. Groups like the Hlophe fell more firmly under Ngwane control, while others like the Ntungwa Simelane, who fled from Zwide to Ndvungunye, further swelled Ngwane power. Under Sobhuza the situation deteriorated further until Sobhuza was eventually obliged to try and defuse the situation by proposing that a daughter of Zwide should become his chief wife. Zwide grudgingly agreed but warned that this would not stop him attacking Sobhuza if he wanted to in the future, and on that gloomy note, his daughter Thandile traveled north to meet her prospective spouse. Zwide did not desist for long. A new dispute, which served to crystallized earlier rivalries, soon blew up over grain fields on the Southside of the Pongola River and Zwide struck out to destroy Ngwane power once and for all.

4.3 The conquest state 1820-1838

Zwide's invasion very nearly obliterated the Ngwane state. Sobhuza was forced to flee far to the north to escape successive Ndwandwe attacks and was only able to return after Zwide became embroiled in new conflicts in the south. Zwide was eventually defeated by Shaka in 1819, but Sobhuza had no intention of reliving the nightmare with a newly triumphant Zulu power. He chose to rather colonize the north, absorbing a diverse

collection of Sotho, Tsonga and Nguni chiefdoms into a restructured Ngwane state. By the end of his reign, Swaziland had begun to assume its modern form. This chapter concerns itself with the early vicissitudes of Sobhuza, the construction of a transformed Swazi state, and the external policies that Sobhuza initiated to protect his new realm.

Zwide's invasions shook the Ngwane state to its core. Sobhuza is usually pictured in Swazi historiography as executing a tactical withdrawal to a sanctuary in the north, from the security of which he quickly reconstructed the Ngwane state. Nothing could be further from the truth. Rather than resuming a barely interrupted career to expansion, he was obliged to abandon the bulk of his followers to Zwide, and to lead the life of a rootless refugee whom Zwide hounded further and further north. After abandoning Shiselweni, he was driven back first to Ephungalegazi near Hlathikhulu, then (in some accounts) to the rocky fortress of Buseleni, just south of the Mkhondvo River, then to *the* Nqabaneni stronghold of the Maseko on the far side of the Lusutfu River, then to the Ezulwini valley in which the royal capitals were later to stand, and finally to the protection of a Sotho chief named Magoboyi living around the Dlomodlomo Mountains some way further northwest.

With each fresh Ndwandwe attack, Sobhuza's future looked increasingly bleak. The vast majority of Sobhuza's supporters had stayed behind at Shiselweni, the Mamba, the Ngcamphalala, and the Khumalo being cases in point, and on the third leg of his flight to the Maseko, Sobhuza is said to have been accompanied by only a hundred men. A steady trickle of supporters made their way North to Nqabaneni, once Sobhuza's refuge became known, but this was cut off by Zwide's fourth and final attack on Ezulwini which drove Sobhuza to seek refuge with Magoboyi even further to the Northwest. Only then did Sobhuza's fortunes begin to pick up. Not only could he count on Magoboyi's protection, but Zwide's attack also presently petered out. Having set in motion from the early phase of the Mfecane. Zwide was diverted as it approached its conclusion and he became locked in bitter struggles with the Mthethwa and the Zulu. Sobhuza put the respite to good use. He regrouped his forces under cover of Mgoboyi's authority, and then cut loose on his own by attacking the neighboring chiefs. Within the space of a year, his power had grown to such an extent that he was even able to destroy the chiefdom of Mkhize, which stretched from near Dlomodlomo to the vicinity of modern Mbabane. Magoboyi's

response is difficult to gauge. He may have initially tolerated Sobhuzas behaviour, but as the full extent of Sobhuzas ambitions became known he seems to have taken the lead in a Sotho backlash against his ungrateful protégé. Sobhuza thereupon fell back on the defensive, and might ultimately have been compelled to withdraw, but he was saved a decisive trial of strength by an unexpected intervention from the South.

Since Sobhuzas hasty withdrawal across the Lusutfu, the Ngwane heartland of Shiselweni had been the scene of turmoil and strife. Zwide's armies roamed back and forth, and the Shiselweni people were reduced to a state of anxious dependency, acknowledging Zwide's overlordship but never sure whether this would confer immunity from attack. In time some degree of regrouping took place. The Mamba who occupied the transitional zone between the middleveld and the lowveld around Mbelebeleni were never really subdued, and soon came to be looked upon by the leaderless remnants in Shiselweni as the natural heirs to Sobhuzas power. This they declined, perhaps for fear of inviting Ndwandwe reprisals, but there were others eager to take on that role. Foremost among these were a number from the Sobhuzas family circle. Forbes talks of a brother of Sobhuza called Nkwekazi assuming control of the area, while both Bryant and Honey refer to another brother named Magwegwe, who was aided, in Bryant's account, by several of Sobhuzas sons. The current Swazi tradition helps us to pinpoint things further, for according to the history of the Nsibande, Nkwekazi mounted his challenge, not after Sobhuza's flight from Shiselweni but on his initial accession to power. By a process of elimination, therefore, it would appear that it was Magwegwe who usurped Sobhuza's position and who tried to marshal the broken remnants of the old Ngwane state.

Magwegwe's efforts met with some initial success, but registered a serious setback with the refusal of the Mamba chief, Maloyi, to countenance his claims. That was soon to cost him dearly. In 1819 Zwide's armies were finally routed by Shaka, and Maloyi took the opportunity of sending an expedition to Dlomodlomo to bring Sobhuza back. Facing a hostile Sotho combination, Sobhuza was only too happy to return, and with Mamba assistance swept Magwegwe from power. Thanks to this, and no doubt to Maloyi's de facto autonomy, the Mamba were granted the ritual and military privileges which they still hold today. Maloyi was permitted to raise his regiments, to give sanctuary to the refugees

from Sobhuza, and to hold a version of the First Fruits ceremony, all of which was tantamount to treason for anyone else. The mamba in effect had become a state within a state. Despite the ease with which he had been reinstated, Sobhuza was still extremely insecure. According to Mamba historians, Zwide had first attempted to retreat into Mamba territory but had been forced to withdraw by the resistance put up by the Mamba's. Whether this was so, or whether the forces that the Mambas encountered were other displaced elements of the defeated Ndwandwe state, the Ndwandwe continued to present a potential threat. Zwide regrouped his forces at amaNzambomvu, the northern tributary of the Komati, and although seriously mauled, they were still a force to be treated with respect. Eight years later Zwide's heir Sikhunyane could muster an army of eight thousand men and that must have been a constant worry to Sobhuza as Sikhunyane perched on his western flank.

After Zwide's second defeat, a splinter of the Ndwandwe state flew off in all directions, lodging in some cases as far away as Lakes Tanzania and Victoria. This time Soshangane sped north to Delagoa Bay, and with a small band of followers began incorporating the local Tsonga chiefdoms into the nucleus of the Shangani state; Zwangendaba followed in his footsteps shortly after; and at more or else the same time Nxaba skirted the western borderlands of the Ngwane, picking up Ngwane Maseko on the way. Finally, Mzilikazi repudiated his newly sworn allegiance to Shaka in 1821 and established a short-lived ascendancy over the Pedi and the Ndzundza Ndebele in the eastern Transvaal.

These movements were not uniformly threatening to the Ngwane. Alliances of convenience were struck with the Ndwandwe and Mzilikazi's Ndebele and in some cases, the dislocations may have even played into Sobhuza's hands. Shemane, Zwide's heir, whom Bryant considers as being lost in the confusion, begged refuge from Sobhuza, as did sections under Ngolotsheni and Sihalahala Nxumalo and Zanzika Gumede, and between them, these three must-have greatly augmented Sobhuza's strength. Still more valuable were a host of individual refugees who fled to Sobhuza's armpit. Lacking any territorial or kinship base in Swaziland, these were dependent on royal favour and came to constitute one of the most reliable pillars of royal support. Nevertheless, it is unlikely

that the advantages of the confusion outweighed the disadvantages of Sobhuza. As parties migrated round or through the Ngwane territory, or even begged for refuge among the Ngwane themselves, there was always the danger that they would ally themselves with some disgruntled faction inside his kingdom, and it was probably with a growing sense of relief that he saw first Nxaba and Zwangendaba (1821-3), and the Mzilakazi (1823), Sikhunyane (1826) and Soshangane (1828) vanish over his horizon.

It was in this climate of insecurity that the new Swazi state was born. Having re-established his authority in Shiselweni, Sobhuza turned more or less at once to the colonization of the north. In part, he may have wanted to exclude Zwide and Mzilikazi, but more important in his thinking was the need for greater security from Shaka. During his exile, Sobhuza had been impressed by the strength of the natural fortresses of central and northern Swaziland and, since his return, it had become increasingly plain to him that if he were to evade subjection to Shaka he would have to take himself further out of his reach. The obvious answer was to conquer central Swaziland, and this he proceeded to do in 1820 or 1821. The area in which Sobhuza made the center of his expanded kingdom shared many of the advantages of Shiselweni. Based on Ezulwini valley, it was blessed with an abundance of water and fertile alluvial soils, besides being within easy reach of a finger of the lowveld which pushed in from the east (Map 4). Its only serious disadvantage was that Ezulwini itself and, most of its immediate vicinities, were covered in lowered sour bushveld, described by Acocks as 'of souring mixed nature, of poor quality for grazing and difficult to manage' (Map 3). Amply compensating, however, was the Mdimba mountain range which rose from the west side of the Ezulwini valley. This contained the largest cave fortresses in the whole of the region, and it was almost certainly their reputed impregnability that made Sobhuza fix on this particular spot. Stretching out on every side was a terrain very similar to the south. A few miles to the east the middleveld gradually gave way to the lowveld which was infested with tsetse at intervals for the last twenty to twenty-five miles west of the Lebombo range. To the west, the middleveld was soon displaced by the Highveld, with its relatively harsher environment for cattle and crops. Only in the north was there any major difference. There the line of the middleveld and the

highveld drew back into the interior, leaving a relatively larger expanse of tsetse-ridden lowveld in the area that fell under Swazi control.

Dotted across this landscape were various chiefdoms of Sotho, Nguni, and Tsonga stock. Most numerous were Sotho and in particular the Magagula- Ngomane. Over a space of four or five generations, these had split into several independent branches, spreading out from the Mdimba mountains as far as the Sabie River in the north. Other Sotho groups in the area were the Mncina and Gama at Mdimba, the Mnisi near modern Mbabane the Ngwenya, Mavimbela, and Dhladhla west of Mahlangatja, and the Malambe at Hhohho, but more powerful than any of these were the Maseko at Nqabaneni. Of Ntungwa- Nguni origin these had arrived at the Lusutfu at least two generations before and had constructed a minor confederacy composed of at least twenty subordinate clans. Further west, there were other Sotho interspersed with Koni and Ndzundza Ndebele. Magoboyi lived at Dlomodlomo, next to a section of the Ndzundza Ndebele, while a scatter of Koni settlements fanned out from the Steenkampberg towards the south. Finally in the east, lay several Tsonga or semi-Tsongaised Sotho chiefdoms. The Mahlalela and Maziya occupied a section of the Lebombo together with the Sifundza and Masilela, leaving the Thabede and Ndzimandze in command of the Lebombo flats below, and the Mathenjwa and Mngometfulo installed in the mountains further south (Map 2).

Sobhuza began his campaign of conquest cautiously, and in a way that underlines how very weak he still felt. The most formidable power in central Swaziland was the Maseko, and Sobhuza still dared not antagonize them. Instead, he chose the safer course of marrying Maseko's daughter la Mbombotsi and conferring a wide degree of autonomy on the Maseko king. Next in order of importance were the Magagula chiefdoms, but they presented a much less united front. Moyeni, who ruled at Bulandzeni, was at loggerheads with his kinsmen Mnjoli at the Mdzimba, and both acted entirely independently at their genealogical superior at Nyakatho. Even so, Sobhuza was reluctant to tackle them head-on and sent emissaries to Mnjoli to propose some sort of alliance. Mnjolis answer was crude and to the point. He had Sobhuzas messengers beaten and returned them to his encampment covered in bruises and weals. Mnjolis response placed Sobhuza in a quandary. Mnjolis headquarters were well defended, and Sobhuza did not have the forces

to take them by storm. On the other hand, his capital commanded the Ezulwini valley which had been chosen by Sobhuza as the center of his new state. Fortunately one of the Sobhuzas' followers came forward with an idea. Why not, he suggested, smuggle Swazi soldiers in under cattle hides as the Magagula brought their cattle in from pasture at dusk, and use these to open up the encampment from the inside. Makhubus suggestion was gratefully accepted, and with bits help the Magagula stronghold was stormed. Magagulas resistance did not end there. Although Sobhuza had acquired the Magagula rainmaking charms, and hence an immense increase in ritual power (Mnjoli was slit open because the Swazi thought he had swallowed the charms) Moyeni was still determined to hold out. Reluctantly, therefore, Sobhuza again prepared to fight, and it was only after a protracted siege of Moyenis mountain stronghold, during which Sobhuza may have had to call in the Ndwandwe support, that he finally bolted to Madolo in the east. Thereafter, Sobhuzas progress was smoother. The Mncina resisted and were forced to flee, but for the most part, the chiefdoms of the area took note of the fate of those who opposed Sobhuzas forces and accepted Ngwane rule without putting up a fight. Thus the Ngwenya, the Dhladhla, and the Mvimbela immediately subordinated themselves to Sobhuza, while the Maziya and the Mahlalela capitulated after the neighboring Ndzimandze had been destroyed. In this way, Sobhuza extended his control over the country, until in a few years he was able to subordinate chiefdoms as far afield as Chief Luguba on the other side of the Sabie River, and those of the Sotho and Koni on the Steenkampsberg.

It was an impressive record, but one should be careful not to exaggerate the extent of Sobhuzas power. Sanders remarks how often Moshoeshoe's existence during the early Mfecane hung on a single thread, and the same is true of Sobhuza throughout the 1820s. Quite apart from his problems with Shaka and various Mfecane states, Sobhuza's domestic regime was still far from sound. The Maseko, for example, jealously guarded their autonomy and may even have cherished ambitions to be free of all Dlamini control. An outward sign of such sentiments was their treatment of laMbombotsi, whom Sobhuza had sent to be Mgazis wife. The idea of giving laMbombotsi the first place was that she would be the mother to Mgazis heir, and so bind the Maseko that much more closely to

the Dlamini's, but this the Maseko made strenuous efforts to avoid. A village was built for her ten miles from Mgazis capital, and a Ndzimandze woman was surreptitiously installed as the chief wife, laMbombotsi was deeply offended, and she left her village at Kufinyeni to report her situation to the king.

To lend color to her story she is said to have soaked her leather skirt in the Mhlambanyati River, and then put on the dried and misshapen garments for her meeting with the king. Sobhuza was suitably provoked, but as yet was too weak to tackle the Maseko head-on. A less direct way had to be found. The one he eventually selected was to call Mgazi's regiment for a hunt and to use the opportunity to take them unaware. The stratagem worked, and Mgazi's regiments were cut to ribbons on Mawelawela Island in the middle of the Lusutfu River. A few soldiers escaped to warn Mgazi to flee, but this was still not enough to let him getaway. He was overtaken and killed at Intsakane Mountain before he had traveled more than a dozen or so miles. The Maseko were thereafter scattered in various directions. Some were settled in the Eastern Transvaal, some fled as far as Lesotho, while one minor section, which had remained loyal to Sobhuza during the hostilities was allowed to remain at Nqabaneni.

The clash with Mgazi was exceptional in as much fighting broke out, but it was symptomatic of a wider sect of tensions between rulers and ruled. On the Komati, the Mncina were exposed to period looting, while the Magagula's were still smarting from expropriation and defeat, and then there must have been many others in the same position who resented Ngwane rule. Indeed the picture that emerges from this period is of an army camped out in hostile territory rather than a settled administration. In those early days, one oral history recalls, there were no chiefs but only princes and leaders of regiments, and the same picture can be derived from the evidence given by the Swazi messengers to Captain Gardiner when they visited the Zulu capital of Mgungundlovu in 1835. The capital of Swaziland, they told him, was eLangeni, and a little to the south was another village called Lobamba, which housed the entire male population of the Swazi, then numbering no more than a few hundred men. The messengers were exaggerating, no doubt for Zulu ears. The Villages which they mentioned were the capitals of Sobhuza and his queen mother, and then there were certainly other Swazi settlements besides

those. Sonyezane Dlamini was posted on the strategic southern tip of Esineneni hills. Soon after, Sobhuza moved north, and Macetshane Fakudze was given a similar position around the Bulunga range. Similarly in Mankayana Matsebula talks of a royal homestead being established with a gift of cattle from Shaka, while on the southern bank of the Komati, Nyamayenja Dlamini was given charge of the scattered Mncina people. Least of all could the messengers' description apply to the Shiselweni area? Some shift of population may have taken place during Sobhuza's move north, but at the end of Sobhuza's reign, there were well over a dozen chiefdoms firmly established there.

The messengers were therefore misleading, but in the era of conquest, there was truth in what they had said. A few of Sobhuza's brothers or sons were assigned chiefdoms in the central areas until the closing years of Sobhuza's years, and the type of placing to which Copper refers did not occur on an extensive scale until the reign of his successor. The history of Maphalaleni illustrates the trend. Maphalaleni was established for LaNdwandwe who was one of Sobhuza's favorite wives, but so late in Sobhuza's reign that by the time she got there Sobhuza was already dead. A similar pattern recurred throughout central Swaziland, neither Maloyi nor Malunge seem to have taken effective occupation of their chiefdoms in the Mbuluzane River until the reign of Mswati, and on the north side of the Komati River in the Hhohho district was even allocated until the 1840s and 1850s. In the south, things were somewhat different. As many as five of Sobhuza's sons seem to have been given chiefdoms there but if Mantintinti is anything to go by, they only took possession comparatively late in Sobhuza's reign. After accompanying Sobhuza to Mdimba never set foot alive in the chiefdom he had been given, and it was only during the time of the return of the princes to neighboring Velezizweni that his successor Mtfonga was instructed to return. In summary, then, the story told to Gardiner is at least partially confirmed. In the area of conquest, Ngwane was, for most of Sobhuza's reign a nation underarms. Little of the conquered territory was settled and the bulk of the population clustered for security in military towns. Only in the final years did Sobhuza's reign and situation begin to change. Men could now be spared to reinforce the south and an administrative presence was gradually extended in the conquered zone. A shift was

taking place to a society less overtly parasitic, and non-less reliant on a naked use of force.

4.4 Conclusion

The chapter has given the background genealogy history of the Swazi in order to establish in the present-day Swaziland and also traced the background of the disputed territories to find out whether or not they belonged to Swaziland. It asserts that the Swazi migrated from Central Africa as the Bantu down to Southern Africa. The next chapter examines the establishment of the arbitrary colonial boundaries and their effect on African history.

CHAPTER FIVE: COLONIAL BOUNDARIES AND THEIR OUTCOME ON THE SWAZILAND – SOUTH AFRICA BOUNDARY.

5.1 Introduction

The imperial power's imposition of state borders on African territories had major implications. The problem lay with the fact when the boundaries were delineated, they rarely matched the existing pre-colonial political, social, or economic divisions. They were arbitrary because they reflected the short-term strategic and economic interests of the imperial powers and not the interests of the Africans. This chapter shows how the Scramble for Africa led to the creation of arbitrary boundaries that divided the same social groups into different countries. Swaziland and South Africa is no exception to the delineating of the boundaries by the colonial masters.

5.2 The historical background of Swaziland and South Africa border relations.

On a contemporary map of the African continent, the Kingdom of Swaziland appears as a little more than a diminutive enclave, scarcely 6,700 square miles in area and cut from the variegated landmass of Southern Eastern Africa between the Crocodile and Pongola rivers, extending eastward from the lower reaches of the Drakensburg mountain ranges toward the Indian Ocean. The eastern boundary with Mozambique follows the heights of the Lubombo escarpment, but otherwise, the kingdom is encircled by the Republic of South Africa. According to Gillis, that was not always so. During the later years of Sobhuza I and particularly during the heydays of Mswati II's reign, the Swazi Kingdom could reasonably lay claim to the territory almost ten times greater in extent.⁸⁹ As was the case elsewhere in colonial Africa, the reduction of the Swazi Kingdom was brought about not by conquest or occupation but by arrangements of convenience between the European powers. Boyce highlights that by about the 1840's the white men were closing in on the borders of Swaziland. Scots and Dutch farmers were settling along the frontier of the Eastern Transvaal in an area called New Scotland. These farmers discovered that

⁸⁹ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 29.

Swaziland was the most desirable winter grazing ground for their sheep. They argued that the highlands of Swaziland, with mountains, had slopes grassed to the peaks, abounding ever-flowing streams, timbered kloofs, and pleasant valleys with the silver streak of running water as an insurance against the moods of eccentric nature.⁹⁰

Less than twenty years after Mswati's death, a peace agreement drawn up by the Transvaal Boers and the British, ostensibly to end a war in which the Swazi had no part, left the kingdom with a truncated version of its former domain.⁹¹ The whole of the northern and northwestern territory that had been held by common consent since Sobhuza's time passed out of the Swazi hands. In a limited sense, the blame for the decreased Swazi Kingdom can be traced to the distorted diplomacy by the Swazi leadership. "Mswati II himself entered into an ambiguous relationship with the neighboring Dutch republics of Ohrigstad and Lydenburg, and the regency that followed his death was less than steadfast in safeguarding the integrity of the Kingdom. So when Mswati's young and inexperienced son Mbandzeni was installed as King, the stage had already been set for a sharp reversal in the existing state of things."⁹²The immediate catalyst for change was the arrival from the Cape of several hundred Dutch trekboers who took over the land near the Swazi hinterland, to be followed, in later years, by the infiltration into the Kingdom's heartland by Boer grazers and the British traders and, in their wake, a vagrant group of adventurers, speculators, and settlers.

Mlotshwa highlighted that Swazi contact with the Europeans began in earnest when a resolute wave of Dutch Trekboers, coming north for greener pastures, reached the western hinterland of Swazi territory.⁹³ By 1845 some 300 families had stopped in Origstad, to be followed by another settlement at Lydenburg further south. Both communities fell within the Swazi sphere of influence. The Trekboers saw the need to seek an accommodation with one of the indigenous groups and Mswati and his council, for reasons of their own, were willing to reciprocate. The result was the preparation of two

⁹⁰ A.E Boyce, "The Swaziland Concessions and their political consequences (1876 – 1908)", (M.A Thesis, University of South Africa, 1994), 7.

⁹¹ Ibid, 7.

⁹² Ibid, 35.

⁹³K.Mlotshwa : The History of Emaswati in South Africa (Mbombela, Mbokodo Publishers, 2016), 17.

Deeds of sale, in 1846 and 1855, which, if taken a face value, surrendered almost the whole of Swazi territory to the Dutch Republics.

Several scholars such as Gillis have challenged the land transaction between Mswati and the Boers. The transaction of 1846 gave to the Boers a vast tract of land, centered on Ohrigstad and stretching from the Oliphants River down to the Crocodile. The grant of 1855 extended the sale to include, though the geographic description was imprecise, more or less the core territory of the Swazi. The price for both amounted to some 170 head of cattle. The main thrust of both alleged transactions was a suspect. It was hardly credible that Mswati would have given away the territory north of the Komati River. Hhohho was his power base, and the area contained several Royal villages defended by his warriors. Gillis further argued that such cessions of territory were patently outside the law and custom of the Ngwane – Swazi. Land could not be alienated except by conquest or a decision of the people.⁹⁴

The Boers themselves were never fully convinced that the Deeds of the sale were authentic hence, the skepticism of the volkraad in 1876 when President Thomas Burgers brought them out to quell criticism of his campaign against the Pedi.⁹⁵ To further dispute the cession of that territory, after 1855, Mswati undertook a sweeping series of raids northwest, passing through the supposedly ceded territory without protest from the Dutch Republics. His regiments raided in all directions, in some of the most effective actions of his campaigns. Had the territory been ceded, the Boers would have not allowed Mswati to raid those territories that they knew were under his control.

After the death of Mswati, things turned for the worst, as the political union of some Dutch Republics became a reality in 1860. The South African Republic set in motion a series of initiatives that had the effect of cutting off the margins of the late King's legacy. In April 1866, while the Swazi were still in mourning, a survey party was sent by the Pretoria government to beacon off a boundary between Swaziland the Republic.⁹⁶ As much as the

⁹⁴ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 31.

⁹⁵ A.E Boyce, "The Swaziland Concessions and their political consequences (1876 – 1908)," 38.

⁹⁶ A.E Boyce, "The Swaziland Concessions and their political consequences 1876 – 1908, (M.A Thesis, University of South Africa, 1994), 22.

two tindvuna joined the mission, to give it the appearance of a bilateral exercise. By the end of June, thirteen beacons were erected, tracing a curve south-southwest from the Komati River down beyond the Assegai River toward the Pongola. It fixed a boundary between western Swaziland and the Republic that narrowly constricted the outreach of the Kingdom. Despite Swazi objections, the beacons became the recognized boundary. The British also cemented the narrowly constricted Kingdom by accepting the beacons as the immutable starting points of the Alleyne boundary survey that was then commissioned.⁹⁷

In essence, the 1875 agreement gave credence to prior transactions between the Boers and the Swazi, thus confirming the Republic's dominion over the Kingdom. To the Swazi, however, it guaranteed 'free and unencumbered' possession of their territory and 'free and undisturbed management of their affairs 'as long as their laws and customs were 'humanly reasonable and tenable', and they were promised assistance in case they were attacked, but there were restrictions; the Swazi government would have jurisdiction only on its side of the boundary, and the Republic could appoint a Commissioner to ensure cooperation, no matter what the acknowledged rights, the Swazi would be 'subjects and obedient servantsof the South African Republic'.⁹⁸

As with similar arrangements in the past, the agreement raised some questions about the motives of the Swazi council. It bore the signature mark of the new King and seventeen leading Chiefs and Headmen, but there was no evidence that it was ever presented for approval to the assembled Swazi nation. The Republic claimed to have been invited by the Regency to Crown the young King so that his claim to Kingship would have external recognition. Natal, however, and the Republic's action as a countermeasure to its participation in the crowning of Cetshwayo the Zulu King, the year before. Later on, the Republic made much of the fact that it had crowned the King, pointing to that as evidence of an existing special relationship with the Kingdom. It was difficult to understand why the Swazi council accepted the terms of the 1875 agreement. Hardly a decade had passed since Mswati's death, and to risk becoming, in the words of a South African statesman,

⁹⁷ J.S.M Matsebula, *The History of Swaziland* (Cape Town, Longman, 1988), 54.

⁹⁸ *Ibid*, 59.

'Vassals of the Republic, 'surely was too great a price to pay, no matter what the circumstance. The British government's annexations of the Republic in 1877, although criticized on other grounds, rescued the Swazi leadership from a serious blunder; the agreement was nullified by the takeover.

The annexation did not end what had become an aggravating situation along the western border, with the tacit approval of the regency and local chiefs, Boer burghers were in the habit of crossing onto the Swazi Highveld to winter graze their cattle and sheep. It was a fair exchange. The pastures were not fully taken over by the Swazi stock, and modest rentals were paid to the Chiefs whose lands were occupied. The problems did arise, some Boers looked upon the Swazis as squatters and determined to get rid of them. These men were influential in the border country, the Ferreira's, the Mritraes, Tosents, and the Murphy, among others and they used the means available to disrupt border chiefdoms. While such behaviour does not appear to have been typical, it did upset the Swazi and certainly contributed to anti –Boer sentiments that surfaced later on. Preserving a good rapport with the Swazi was important to the Republic if only to offset its prior relations with the Pedi and the Zulu.

Contacts between the Swazi and the British were on a different plane. The Natal administration was in Pietermaritzburg, nine days journey from the Swazi capital of Mbekelweni. It was one thing for the Kingdom to be threatened by next-door neighbours- Boers, Pedi, Zulu- but quite another to have a powerful distant friend, hopefully, ready to assist in times of crisis. That, in essence, was the Swazi expectation of Natal. They placed their faith in Theophilus Shepstone, the colonial guru in the colony and the relationship that followed was well bonded. Shepstone was empathetic and used his influence with the Zulu to discourage any move against the Swazi, thus ensuring, by his word, fifteen years of peace.

Mbandzeni's accession did not affect the ambidextrous policies of the Swazi council. While wanting a special relationship with the British, links with the Boers were strengthened. In 1876 the Swazis consented to send some warriors to support the Republic in its struggle against the Pedi. However, in an assault on a Pedi stronghold, the

war commandos let them down, and they returned home, embittered. There was reluctance, therefore, two years later when the British High Commissioner, Sir Garnet Wolseley, requested the Swazis to help fight against the Zulu. The council hesitated before calling out the regiments, and by the time they did so, the Zulu, were in retreat with their King Cetshwayo captured. Some months later, the Swazi again responded to Wolseley's call for help, this time in an attack against a Pedi stronghold. Their conduct during that engagement was criticized in the British press, with accusations of savagery, but a British officer serving with them denied the charges. "In no single instance to my knowledge or that ofmy four subordinate officers, did the Swazis attempt to kill women and children." The British command was not perturbed. Wolseley noted in his diary: "My object is to strike terror into the hearts of surrounding tribes by the utter destruction of Sekhukhune, root, and branch, so the more the Swazis raid and destroy, the better my purpose is affected." ⁹⁹

The annexation of the Transvaal in 1877 had unforeseen consequences, the Boers saw it as a violation of their rights as an independent Republic and were aroused sufficiently to undertake an armed rebellion. That reaction may have been anticipated, but the storm of criticism raised in Britain less so. Also, the British troops fared badly in early skirmishes with Boer commandos and the startling defeat of British regulars at Majuba Hill brought pressures to negotiate a peaceful settlement. In the discussions that followed, the claims of the Boers were generally admitted, with some reservations to imperial control, and the treaty signed at Pretoria in 1881 represented, for all intents and purposes, a return to pre-1887.

Swaziland was not involved directly in the Anglo- Boer struggle. Reports of British losses in the field may have surprised the King and Council, but there was no reason to suspect a British defeat. Hence the peace agreement and the retrocession of the Transvaal to the Boers caught them by surprise, unprepared for the dramatic shift in the policy embodied in the 1881 convention. They failed to regain any of its claimed territories, and even the Pongola strip, never occupied by the Boers was handed back to the Republic. Britain's

⁹⁹ Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 65.

willingness to appease the Boers by maintaining the status quo concerning the Swazi claims points clearly to the weakness in Swazi leadership. The imperial government wanted, if possible, a binding conclusion to the problems in Southern Africa, and Wolseley, despite the assistance given to defeating the Zulu and Pedi, relegated Swazi concerns to a low priority.¹⁰⁰

The 1881 convention did guarantee the independence of the Swazi nation, as the Boers had promised in earlier treaties but as events unfolded, these turned out to be a delusive warrant, no wonder that the issue was made clear to her. The Queen Regent Tsandzile, would raise her hands in horror and exclaim: “what have we done to the great Queen across the water that she should hate us so. Or that the colonial A.G Marwick, looking back on the British government’s treatment of the Swazi, could ask with bitterness...., what worse fate could have befallen the Kingdom, had it opposed the British in Wolseley’s wars.”¹⁰¹ The Alleyne boundary commission was appointed in 1879 when the Transvaal was under British control and there was no expectation that it would be shortly be reverted to the Boers. The survey was intended to meet Swazi objections to the beacons placed by the Boers and to define a border along the whole of the northern and western territory, separating the two. Its task was, in Wolseley’s words, to effect, “a final statement,” guarded by principles of “justice and expediency.” To achieve this ends, however, was to adhere, as far as possible, to the beacons already placed by the Republic.

The commission dealt with three areas of contention- the western border, the boundary north of the Komati River, and the Pongola strip. The Swazi claimed possession within a line connecting roughly the present-day communities of Chrissiesmier, Badplaas, and Barberton. They insisted that, after 1846, that parcel of land had been bought back from the Lydenburg Republic by Mswati. An officer at the High Commission advised Alleyne.....While it is desirable to establish the old Boer boundary in the Komati valley, it is still more desirable that the Swazis should look upon us as firm and honest friends incapable of spoiling them of their just possessions,” but in the end, the Swazi claim was

¹⁰⁰ Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 68.

¹⁰¹ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 65.

rejected. Part of the northern claim included Hhohho, Mswati's former base, and this was identified as belonging to the Swazi Kingdom. From there, however, a decisively negative decision was made, two options were open to the commission – a line northeast from Kamhlabane to the confluence of the Crocodile and Komati Rivers or a line running southeast from the same point to Mananga Peak, not far from present-day Mhlume. The second option was favoured, denying the kingdom a large sector of its claimed territory. Similarly in the south, despite strong evidence to the contrary, the Swazi claim to lands as far south as the Pongola River was rejected. The opinion in Natal and Zululand supported the Swaziland claim that the kingdom's Southern boundary was the Pongola River. Bernard Fynney, who spent many years in the area, declared.....as regards the boundary between Amaswazi and Zulu nations, the River Uphongola has always looked upon as such, and the fact, until lately, to my certain knowledge, has never been for a moment disputed.”¹⁰²The final report, the Zululand boundary commission of 1879 stated: The Pongola forms the northern boundary to Zululand, from its junction with the Pemvana to the Lebombo.¹⁰³

The boundary commission's recommendations were endorsed by Wolseley and embodied in the 1881 Convention with little apparent resistance from the Swazi leadership. Perhaps the reality of the European presence in Southern Africa had been brought home to them. The Swazi had never been much impressed by the fighting capability of either the British or the Boers, thinking the Zulu to be far superior, but the fortunes of war had changed. The dismantling of the Zulu Kingdom provided striking evidence of that, or perhaps they hoped for more favourable treatment from the British government in due time. Mbandzeni's later deposition to the governor of Natal gives credence to that view, he complained that the Boers were moving into "hill country" north of the Komati River. Though he had given it to the British, not the Boers, and wanted it returned. The reply was, to say the least, unpromising "It is ...unnecessary now to discuss the merits of the question."¹⁰⁴ The Transvaal –Swazi boundary was fixed after a

¹⁰² A.E Boyce, "The Swaziland Concessions and their political consequences 1876 – 1908, (M.A Thesis, University of South Africa, 1994), 38.

¹⁰³ Ibid, 44.

¹⁰⁴ A.E Boyce, "The Swaziland Concessions and their political consequences 1876 – 1908, 45.

full and careful consideration of the question...and I do not think it would....be possible to reopen the question of the Swazi boundary.

5.3 The concession scramble cemented the artificial boundary between Swaziland and South Africa

The British and Boer collaboration at the 1881 Pretoria conference and afterward effectively deprived the Swazi kingdom of much of its territory and resources. The tangled web of British – Boer relationships in Southern Africa had loosened long enough to enable the Europeans to win the mastery over peoples and although the Swazi had been reluctant pawns in the struggle, they became the principal victim, but the Swazi leadership was not entirely free from blame. As the kingdom's lands were depleted through border adjustment, the king, in concert with several chiefs, speeded the process by filtering away to European concessionaires a good deal of the Swazi remaining assets.

The concessions transactions were a near disaster for the Swazi, toward the closing years of Mbandzeni's reign. The kingdom became, in almost all respects, a European dependency. From then on its destiny was fixed by the shifting balance of British and Boer economic and strategic interests in Southern Africa.

The concessionaires were a mixed lot – for the most part, burghers and entrepreneurs, prospectus, and speculators, along with several adventures seeking quick rewards. Some were responsible and progressive in the classical model of capitalist innovators who contributed much to the advancement of industrial societies during the second half of the nineteenth century; others were “neer – do – wells” possessed of neither capital nor capacity. They came from every sort of background: Trek- Boers and farmers, honest men, trouble makers, and criminals. However, many of them had modest means and commonplace ambitions. In a stable confident Kingdom, the influx of several hundred alien Europeans would have had little more than a ripple effect, but in the current of Swazi society, the effects were disquieting in the short run and catastrophic in the long run. In

less than a decade between the late 1870's and 1890, a concession grant was handed out so freely as to mock Boer and British commitments to the Kingdom's sovereignty.¹⁰⁵

The concessions began innocently enough. Late in the 1860s, Mswati 11 granted to Conrad Vermaak, a track Boer hunter, a very large tract of land situated in the southeast in the present day, Swaziland, and covering a portion of what is now the northeastern sector of the district of Piet Retief. From the King's point of view, the grant was intended to be a defense against Zulu raids. To ensure that the grant conformed to Swazi custom, Vermaak is said to have been given a status of a chief.¹⁰⁶ No further grants were made during Mswati's or Ludvonga's chieftainship, and it was not until 1874, under the regency, that another track Boer hunter, P.J. Coetzer was given a land concession. Several more followed, and in 1876, an extensive grant of land was made to F.I. Martz and the Ferreira brothers, covering what later became the Little Free State. By 1880 transactions were beginning in earnest and during the next two years, several land grants were made to almost all the Boers but one to a man called Robertson in return for looking after the King's ostriches.

From the beginning, the pattern was fairly simple; surface rights were granted over the land, for grazing or farming or both, continuing for fifty years and generally renewable for another 50 years with the sovereignty of the Swazi king over the seeded territory reserved. In other words, the land concessions were made within the framework of Swazi law and custom. Mbandzeni's councilors were certainly aware of what they were doing; to surmise otherwise is to belittle the intelligence of men like Sandlane Zwane, whose mark appeared on some of the documents. By the same token, the Boers could not but have been conversant with traditional customs and there is no evidence that at that stage claims to ownership or challenges were contemplated.

By Swazi custom, all land was the common property of the people, held in trust for them, and allocated under the authority of the King and Chiefs. Not even the King could alienate the land, and when allocations were made either by the King or Chief, the sanction of the

¹⁰⁵ Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 126.

¹⁰⁶ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 74.

appropriate council was required. That formula was common in the way of life of the Ndwane- Swazi that no pretense of confusion or misunderstanding can seriously be taken from either side, Swazi or European. While the sovereignty of the King was specified in the documents, the wording did not adequately express the Swazi concept of common ownership by the nation. The written contracts were not, of course, prepared by Swazi or at their request. They were asked for by the concessionaires and drawn up by themselves or by official draftsmen. For Mbandzeni and the Chiefs, a verbal commitment was the norm, the word “once affirmed, was binding, and paper documents were at best irrelevant. This was the crux of difficulties that followed; a clash between the customary law as understood and practiced by the Swazi and the Roman-Dutch corpus juries of the European - hence the Swazi assertion that “the papers killed us.”¹⁰⁷

Even so, there was no ambiguity on this point in the written documents. A typical reservation repeated in other Deeds of sale appears in the mining grant given to Alexander Murray (Feb 24, 1887) by Mbandzeni; “in making grant or concession, I do not alienate from my Kingdom, these or any portion of it but reserve intact the sovereignty of my dominion.” If there was any question at the time, the King dispelled in a strong message to the European community when tensions between Boers and the British were building to a crisis: “I have not sold you the ground, you have simply got the lease of it,” he told them plainly and there was no dissent. Also, a statement by Swazi chiefs that the King “had the same power over white people as he had over the natives if they gave offense he could turn them out”¹⁰⁸ That reflected the Swazi position on such matters of land and its control.

It was not until 1882 that concessions began to be extended beyond a simple land grant. A dozen or more were approved by the King in that year, and several went beyond the standard pattern, providing a right to dig for precious materials. That privilege was first given to two Britons, Thomas MacLachlan and Walter Carter, who in 1879 had discovered pockets of gold along the Phophonyane River bed, not far from the present-day Ntfonteni.

¹⁰⁷ J.S.M Matsebula, *The History of Swaziland* (Cape Town, Longman, 1988), 90.

¹⁰⁸ *Ibid*, 93.

A minor gold rush was soon set in motion that lasted the better part of the decade, and several mining companies started production, with varying success.

The MacLachlan – Carter grant became a prototype for other mining ventures, frequently proving for ancillary rights. A mining concession necessarily involved the use of land and the rights considered soon, began to overlap on the ground. A parcel of land given to a Boer, for example, could be partly overlaid afterward by a mining concession given to a Briton; since the activities envisaged were not comparable (a complaint was made to the King that he was permitting the British to dig for Boer cattle to fall into), friction between the two parties inevitably followed. Through time, the overlapping of interest got completely out of hand and a commission of inquiry found some concessions, three and four deep over portions of the same area. No one could be sure that a Swazi, working his allocation, was not infringing on one or more European claims. To be sure, some grants did include a clause enjoining the grantee to respect the rights of indigenous Swazi and the evidence suggests that responsible beggars honoured that provision.

Between Vermaak's initial lease and the end of 1889 at least 376 concessionaries grants were made; 180 were made to the Boers and a few others living in Boer settlements near the border; 191 were made to the Britons and other Europeans associated with them and five to expatriates Swazi from Natal, several of whom had connections with the Dlamini household. During the first few years, most concessions were for grazing purposes and farming and it was not until 1886 that they began to cover, in significant numbers, mining and trading. After Offy Shepstone was appointed the resident agent early in 1887, transactions entered a new face, diverting from land and mineral, to sweeping to claims of monopoly. Less than two years later, Shepstone was temporarily deposed but the concessions boom did not abate. On the contrary, most of the monopolies, as well as other improbable grants, were given under the avowedly cleansing influx of the "white committee"¹⁰⁹

Against the backdrop of all that was going on, the most damaging to the Swazi Kingdom, in the long term was the monopoly concessions, for they placed in private alien hands

¹⁰⁹ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 45.

ownership of service operations essential to the kingdom's exercise of sovereignty. From the Swazi point of view, the land-related claims were subject to customary usage and could be abrogated; but service operations became private monopolies outside Swazi experience. Neither the King nor his council seems to have understood that in granting them, they were giving to European interests' effective control over substantial areas of administration to European interests.

The hunting concession was not, of course, a new phenomenon. "Staking a claim" had been endemic in the North American West and was common practice on the Rand and in the eastern Transvaal. Many of those who crossed the border into Swaziland were experienced, foragers. A distinction must be made, however, between the first Boer arrivals and those who followed. The Boers wanted pasture land on the Swaziland Highveld as grazing ground for their sheep and cattle during the winter months for the King and certain chiefs. They brought gifts and income in return for grazing privileges. When challenged by an influx of British concessionaires, the acquisitive spirit of the Boers did not long remain subliminal. It may not be surprising that between 1887 and 1889 when the mining boom was underway, a rush for land titles took place. Verbal agreements and squatter rights were translated into written petitions for long leases or permanent occupation. In fairness, it must be said that the Boers frequently acted only to protect their claim, yet their reputation for taking over African lands in stages (temporary holdings converted to claims of ownership and followed by exclusive possession) was already well established in the Cape and Transvaal.

5.4 Conclusion.

This chapter has given a background historical information of the coming of the whites to Swaziland. It has further highlighted the concessions that were signed between the colonialists and the Swazi Kings, which were solely for protection purposes against the Zulus who were a menace to the Swazi nation. Though it later came to haunt the Swazis as in the process lost a vast territory to the Boers and the British, through the convention signed between Swaziland and the Republic.

The next chapter discusses the demarcation of the boundary between Swaziland and South Africa. As the previous chapter discussed the settling of whites in the Swazi Kingdom, they decided to conveniently partition the country to suit their needs as Europeans (British and Boers). The chapter investigates the boundary-making of the two countries.

CHAPTER SIX: THE DEMARCATION OF THE BOUNDARIES BETWEEN SWAZILAND AND SOUTH AFRICA

6.1 Introduction

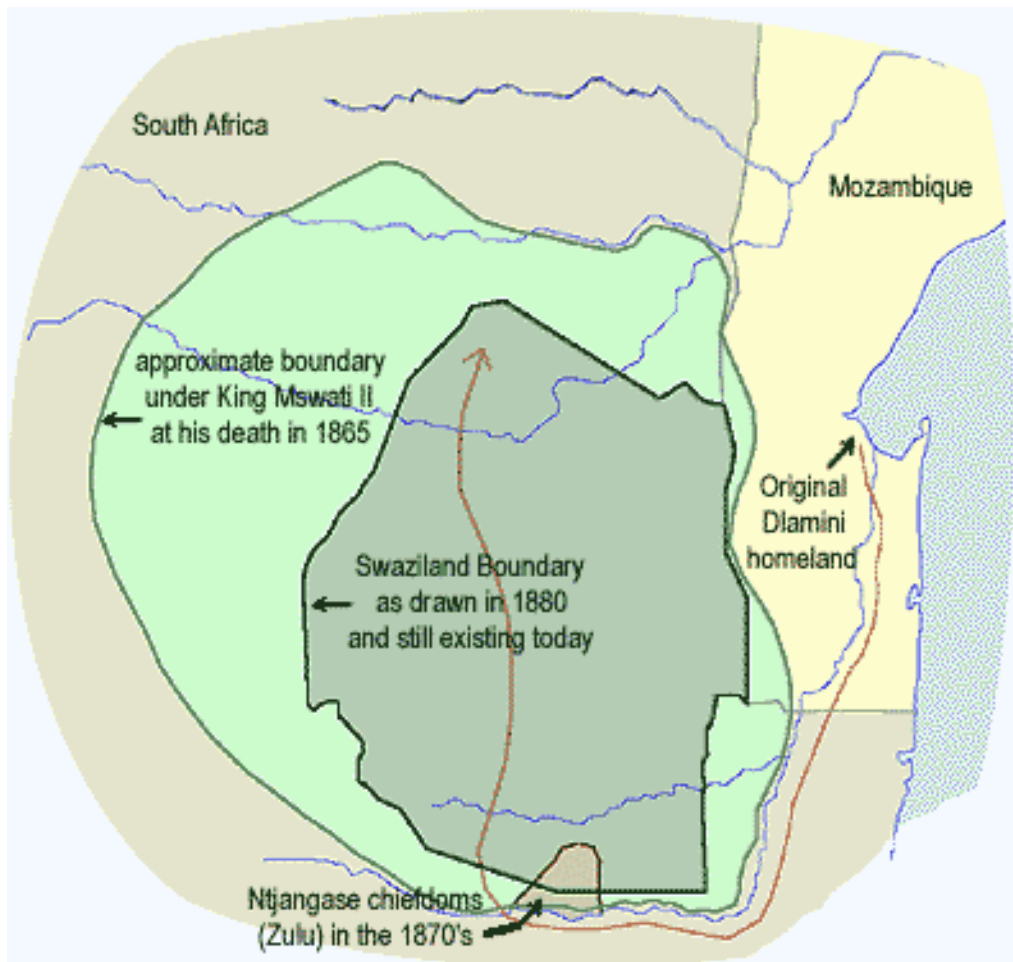
As the colonial draftsmen were out mapping out the boundaries, regardless of the culture and ethnicity, Swaziland and South African borders were also not spared. This has seen Swaziland laying a claim for some of its territories in South Africa (Ingwavuma and parts of Mpumalanga) that were appropriated during the scramble and partition of Africa. The chapter outlines how the colonial draftsmen mapped the boundaries between the two countries, leading to the outcry of the Swazis.

6.2 Historical background of the border between Swaziland and South Africa

As mentioned in the previous chapter, the Kingdom of Swaziland appears as little more than a diminutive enclave, scarcely 6,700square miles in area, cut out from the variegated landmass of southeastern Africa between the Crocodile and Pongola Rivers and extending eastward from the lower reaches of the Drakensberg mountain ranges toward the Indian Ocean. The eastern boundary with Mozambique follows the heights of the Lubombo escarpment, but otherwise, the Kingdom is encircled by the Republic of South Africa. ¹¹⁰

¹¹⁰ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 29.

Map 5. A map showing the disputed territory of the Kingdom of Swaziland



According to Simelane, available historical evidence suggests that Swazi relations with the Ohrigstad Boers date back to 1846 when a treaty of cooperation was signed between the two. According to the provisions of the treaty, King Mswati (1836 –1868) the ceded land between the Crocodile and Oliphants River to the Ohrigstad Voortrekkers in return for one hundred herds of cattle.¹¹¹ In 1855, Mswati further ceded a piece of land along the Pongola River running to the Lubombo mountains to the Lydenburg Boers. All these concessions were concentrated in Southern Swaziland which was diplomatic

¹¹¹ Hamilton Simelane, "Swazi Resistance to Boer Penetration and Domination, 1881 – 1898," *Transafrican Journal of History*, vol. 18, (1989): 117 – 146.

concessions aimed towards protecting the Swazi territory from the Zulu who were now and again encroaching on Swazi territory.¹¹² The main reason for Mswati ceding those territories was to create a buffer zone to act as a damper against the Zulu attacks.

The land ownership was a difficult one, Africans and the Dutch had different interpretations. As Matsebula highlighted, "on the other hand, the white emigrants did not understand the Swazi custom under which the newcomer who has been accepted pays tribute and is shown the boundaries within which he will build his homestead, plough his fields and graze his animals." The Dutch interpreted the hand – over of cattle and other items to the Swazis as payment for the piece of land on which they were allowed to settle. Therefore, they believed that ownership was passed to them. The Swazis, on the other hand, did not understand the Dutch system whereby tributes paid to the king meant the purchase price for the land on which they were settled. According to the Swazis what was passed on from the emigrants were mere usufruct rights over the lands in question. The Swazi law, in this case, stems from the fact that land is collectively owned by the nation which collectively fights for it. The king merely holds it in trust for the nation. As such he has no power to sell or alienate the land from the nation."¹¹³

The different understanding of land issues was later to become a very sensitive issue. According to the Swazi authorities, allocating the land to an individual was allowing that individual to use it but the ownership of the land solely belonged to the King in the trust of the Swazi nation. The whites on the other hand, whether intentional or otherwise tricked the Swazi authorities to append their signatures on the papers which were to serve as title Deeds which were abstract to the King. These agreements had been challenged and with reason. The agreement of 1846 gave to the Boers a vast tract of land centered on Ohrigstad and stretching from the Oliphants River down to the Crocodile. The grant of 1885 extended the sale to include through the geographic description which was

¹¹² Rodney Davenport and Christopher Saunders, *South Africa, A modern History* 5th edition (London, Macmillan Press LTD, 2000), 171-172.

¹¹³ J.S.M Matsebula, *A History of Swaziland*, 3rd Edition (Cape Town, Longman Penguin Southern Africa, 1988), 52.

imprecise, more or less the core territory of the Swazi. The price for both amounted to some 170 head of cattle.

Before the advent of Non-African explorers, Africans had their own culturally situated marks of boundaries characterized by natural features, such as Rivers, Mountains, and other landscape features. Thus those boundaries were determined by the paying of allegiance to the Kings of that particular country. "On the 12 June 1860, in Lydenburg, the Commandant- General of the South African Republic interviewed a group of Swazi Chiefs. The Chiefs were asked if they knew the line within which Swazi King allowed the whites to settle freely. The Chiefs described the line, a statement which was ambiguously recorded, was taken. It indicated that the line ran from the source of the Pongola River up over the Drakensberg headwaters of the Vaal River to the Steelpoort River."¹¹⁴ The assertion by the group of Chiefs clearly showed that the territory between the Pongola River up to the Drakensberg headwaters of the Vaal River to the Steelpoort River belonged to the Swazis. It was quite clear that the Chiefs paid allegiance to the Swazi King because they were put into those positions of Chieftaincy to safeguard the interest of the Swazis on behalf of the King.

King Mswati died in 1865, the disappearance of Mswati from the Swazi leadership created some feeling of insecurity in the Dutch. This is why they proposed that they should have a borderline within which they could settle their people defined. That assertion clearly showed that the Dutch knew that they were settled under the Swazi Law and custom, thus they asked for some borderline to clearly demarcate their land and therefore to avoid squabbles amongst themselves. It was in 1866, 20 years after the Dutch emigrants were permitted to settle permanently in the country, that President Pretorius, of the South African Republic, appointed a boundary commission consisting of C. Potgieter (Chairman), W.J Joubert, P.J Coester and A.F Jansen. The commission was to demarcate the boundary of the areas on which the emigrants had been allowed to settle. They asked the Queen Regent – in Council to provide men to show them the exact points.

¹¹⁵ It was the understanding of the elders of the Swazi nation that the exercise was to

¹¹⁴ J.S.M Matsebula, *The History of Swaziland* (Cape Town, Longman, 1988), 118.

¹¹⁵ Matsebula, *The History of Swaziland*, 118.

point out the boundaries of the areas agreed upon in 1846, 1855, and 1860. According to Matsebula, "to the Swazis, the request was following their law and custom whereby the chief's men or the King's men show to new people the boundaries within which they will build their homes, plough their fields, graze their stock and hunt buck."¹¹⁶ The Swazi had that understanding which was part of their everyday culture of what is known as 'Kukhontisa', whereas the Dutch had their western understanding of having title Deeds, which meant permanent ownership of the land. The two parallel interpretations tended to create the utmost confusion, in which the Swazis were made to append their signatures to the documents that they did not understand at all. To further show the different understanding, "around 1877, Silo Mbandzeni, as in the case of Silo Mswati II before him, was also approached by two settler hunters asking for permission to use the land for grazing (*kukhotsisa*). The southwestern portion of Swaziland near e Mkhondvo, later Piet Retief, was the subject of discussion as it was the territory that shared a boundary with KwaZulu Natal. Although again there was a clear understanding that they had no ownership of the land, the two Boers promptly invited other Boer squatters and began illegally sub-dividing the area into small farms.

An illegal settler squatter community soon filled up the whole allocated grazing area and more. At first, this group of illegal squatters respected Silo's (King's) leadership and approached him whenever they had disputes amongst themselves. Before long, without even consulting Silo, they went on to establish their government with a constitution and laws, also appointing a President and a council to govern them. The Swazis, for their kindness, had been disposed of their land as the settlers decided to declare that they were an independent "country" named Little Free State, to which they had the backing of the Transvaal Volksraad. In 1888, however, the territory was incorporated into Transvaal. That was after the governments of Little Free State and Transvaal agreed among themselves."¹¹⁷ The Boer settlers disregarded the leadership of the Swazi King, pretending to be looking for temporary grazing land and later to change the tone and eventually claim that particular territory as their own.

¹¹⁶ibid, 119.

¹¹⁷Matsebula, The History of Swaziland, 99.

6.3 The Demarcation of the Swaziland-South Africa border

As the demarcation process was gaining the momentum, the following were the envoys from the Swazi nation to help point out the boundaries of the areas in which the late King had permitted the Dutch settlers to graze their animals: Magwazidili Dladla, Madolo Dlamini, and a person whose first name is recorded as Sihlafuna. The Swazi representatives, having started late from the Swazi headquarters of Ludzidzini, joined the commission when it was already at Mpuluzi. The records of the commission reveal that the commission had already erected four beacons (namely beacons 1, 2, 3, and 4) when the Swazi delegates joined them.¹¹⁸ The mere fact, that the commission went on to erect the four beacons without the input of the Swazis, clearly show that the Swazis were there as spectators to make the commission to appear legitimate, disguising their hidden agenda of the cutting of a vast track of Swazi territory into the Transvaal. That was evident when the commission came to the Mahamba Mountain. The Swazi representatives pointed to the line of the Ngogweni hills, south-west of Mahamba, as forming the boundary. That fact was acknowledged by the residents, both black and white but when the sketch map was drawn later and the beacons erected, the boundary did not follow the line of the hills pointed out earlier by the Swazi representatives. Instead, it came close to the Mahamba Mountain.

The boundary line then continued to what was to be called Nyawo Hill or a point on the Lubombo Range. The report of that commission revealed that in 1866, the beacons at certain areas were not erected where the Swazis had shown the Dutch. The Swazi side had been encroached upon.¹¹⁹ Matsebula pointed out that, from the letter that the chairman of the commission, C. Potgieter wrote to the President on the 24th of August 1866, it was revealed that the commission was bent on robbing the Swazis of some of their land. Large tracts of land were added to the areas on which the Dutch settlers were to live. The letter read in part: “we.... wishto bring to your notice that, because we succeeded to obtain more lands in favour of our Government as what had been sold

¹¹⁸ibid, 119.

¹¹⁹ibid, 120.

to us according to the contract of sale of 1855....We, therefore, request Your Excellency cordially to treat us favorable granting each of us a farm ¹²⁰(in addition to the salary due to us) in the regions of the Kwimpies (Ngwempisi) or Luslelle (Luhlelo) River, as a reward for our difficult journey." ¹²¹ The Swazi did not mind much because they believed it was an internal matter, as they believed the Boers were under the Swazi authority, as they had asked to graze their flock because of the sweet grass.

In 1866, the South African Republic approached the Queen Regent of Swaziland for more land in the west, i.e. they wanted the chiefdom of Chief Mavela Shabalala because they and their stock had increased in number. The Swazi authorities had no problem in allowing them to settle, as they had that understanding that they were subjects of the Swazi leadership. The Queen Regent in council sent Magwazidili Dladla to go with the Boers to point out the borders of Chief Mavela Shabalala's chiefdom. After the Boers were settled at that chiefdom, the President of the South African Republic sent a second commission, consisting of A.A. O'Reilly, N.T. Joubert, C.P Pretorius, G.J Scheepers, to go with Magwazidili. The area roughly extended from Majuba Hill in the Drakensberg to where Vrede, Frankfort, Vereeniging, and Rustenburg stand today.¹²² According to the records, Magwazidili took the commission to the highest peak of Bloukop, to have the boundaries belonging to Chief Mavela pointed out from there. The commission resolved to proceed to the Klip River from there to have the boundary further pointed out. Magwazidili took home with him a document of agreement prepared by the commission to be signed by Swazi authority. Magwazidili made it clear that his actions would "be signed and actioned by the administrators of the Kingdom, and that my actions shall be declared valid." Matsebula put it on record that, there were no records to show whether the Swazi administrators ever signed the agreement to make it valid, that may be why there was no display of it as Deed of Sale."¹²³

At about the same time, a Scotsman named McCorkindale had a vision similar to that of Little Free State, into which he would import fellow Scotsmen. He approached President

¹²⁰ SAR File SS No.283, p.36 and No. 150, p.173, R867/66 Appendix F.

¹²¹Matsebula, The History of Swaziland, 36.

¹²²Ibid,120.

¹²³Matsebula, The History of Swaziland, 120.

Kruger who decided to kill two birds with one stone. As the Boer settlers were scared of eMaswati, the President seized the opportunity to use Scots as a buffer to protect his people from them. Instead of parting with the territory under his control and losing money, he chose to establish the Scots on the boundary just within mainland Swaziland. The President saw an easy way to dispossess eMaswati of yet more territory while protecting the not so hardworking Boers from the potential stiff competition of the hardworking but thrifty Scots.¹²⁴ Protestations by King Mbandzeni were met with various explanations, which included the assertion that the territory in question was barren anyway. That way, yet again more Swazi territory was added to the Transvaal, by the colonialists, robbing the Swazi nation of their land, through signing unscrupulous documents.

Thus on the 1st of July 1887, the President appointed yet another commission consisting of J. Viljoen and J.R Lys. The commission was instructed to ensure that the McCorkindale block of 80 farms known as “Londinia” was extended to the Umswazi boundary.¹²⁵ In 1867, the commission handed its report to the Volksraad, the executive council of the S.A.R and on the 23rd of January 1868, the Volksraad passed a resolution authoring President Pretorius to proclaim a boundary on the eastern side of the Pongola- Usutu (Maputo) River down to its mouth, where the river enters the sea. He claimed the piece of land suitable for a harbor. The claim evoked protest from Britain and Portugal thus the British sent a warship to hoist its flag at Delagoa Bay, thus bringing a dispute between Britain and Portugal.

In 1875 the Rudolph commission went to the Mahamba area under strange circumstances and meddled with the 1866 borderline.¹²⁶ It shifted the line further into Swaziland, added a strip of Swazi territory to the Transvaal, and created a “no man’s land” between Londinia farms and Swaziland. Rudolph's interference here was regarded by the South African Republic as a minor alteration but to the Swazis that was regarded as a fraud and condemned it in the strongest terms possible. The official explanation was that the government of the South African Republic sent a delegation to Swaziland to

¹²⁴K.Mlotshwa, *The History of Emaswati in South Africa* (Mbombela, Mbokodo, 2016), 100.

¹²⁵*Ibid*, 119.

¹²⁶*Ibid*, 101.

negotiate a treaty regulating the relations between the two states. In exchange for the promises of protection, the Swazis emphatically denied, and it was indeed inconceivable to other diplomats. According to Matsebula, there was an agreement that was entered into between the Boers and the Swazis at the coronation of Mbandzeni in July 1875. The Swazis understood the agreement – through translation by Rudolph himself afterward – to mean a renewal of a reciprocal treaty common to independent states. That they should accept becoming subjects of another country and surrender their land sounds very strange and abnormal to any reasoning person. The document was presented and explained to the Swazi King by Rudolph.¹²⁷ Rudolph may have deceived King Mbandzeni in believing that it was a treaty that was to safeguard the interest of the Boers amongst themselves but still the subjects of the King. Rudolph may have capitalized on the illiteracy of the Swazis, thus making them adopt a document they did not understand at all.

On 29 December 1879, Garnet Wolseley, the High Commissioner, appointed a three-man Royal commission to determine the boundary between the Transvaal and the Swazi territory. The commission comprised James Alleyne, Gerhardus Martinus Rudolph, and Lieutenant Rudolph Littledale, with J.S Brickhill as their interpreter. The instructions issued by Wolseley to the commissioners were that boundary should follow the boundary surveyed by the Transvaal in 1866 and 1875 and he added that “it will be your duty to explain to the Swazi indunas that Government cannot recognize any claim to the land in question, and cannot alter the boundary determined, beaconed off, and agreed upon by Swazi indunas with the commission of the late Government of this territory.”¹²⁸

The issue of a boundary between Zululand and Swaziland had all along been known to be the Pongola River. That assertion was also confirmed by the following colonial officers; Sir H. Bulwer, the Lieutenant. The governor of Natal wrote on the 17th of July 1878, “so far as I can learn. The Zulu King has not any right to claim to territory on the other side of the Pongola....whether the amaSwazi were at any time ever conquered, as others say and whether also the amaSwazi have at any time or have never been tributary to the Zulus, it is, I believe, a fact beyond doubt that the Zulus never occupied.... any portion of

¹²⁷Matsebula, *The History of Swaziland*, 121.

¹²⁸ *Ibid*, 123.

the country lying north of the Pongola....whether the amaSwazi fully recognize and agree to this claim, I do not know, Sir T Shepstone in a dispatch to me states that the Pongola River is the ancient boundary between the Zulus and the amaSwazi."¹²⁹ Also confirming the boundary was Bulwer. He categorically stated that the country north of the Pongola River, commonly called the Swazi country, has, as far as is known by the oldest native, never been in occupation of any other tribes but that of amaSwazi and the subject tribes, such as those of Mandlangempisi, Magonondo, and the smaller ones.¹³⁰

As the Alleyne Commission was carrying on with its mandate of determining the boundary between the Transvaal and Swaziland, they were met with controversy, as there were two schools of thought. The confusion emanated from, whether they were to follow the 1866 line or that the Pongola was the boundary between Zululand and Swaziland. Clarification had to be sought from Wolseley of whether the Swazis were to be given any territory south of beacon 13. That would have meant that the Pongola River, the ancient boundary, would be maintained. The reply from Wolseley was that the line of 1866 should be adhered to as the boundary. There were protests among the Swazi representatives because they claimed that the Pongola River was the southern boundary of their country. The Alleyne commission refused to accept the Swazi claim. This was a major blow to the Swazi representatives. The Swazis felt betrayed by the British because they were quite aware of the boundary. The frustration on the Swazi representatives was evident, when one of the Swazi members, by the name of Madolo went to report the situation to the King. As much as it was noted by Alleyne that " Madolo, one of the Swazi representatives left the commission because he had demanded the line of the Pongola River as a boundary and the Commissioners would not agree to it, and as he could not accept any other line, he left the commission."¹³¹ Despite Madolo's protest, the commission turned a blind eye to the concern of the Swazis, which appeared authentic and was a well-documented fact by the British. That observation was also made by the Colonial office itself when it highlighted that the southern boundary had not been dealt with adequately: It will be observed that the report does not make any recommendation for the extension

¹²⁹Matsebula, The History of Swaziland, 125.

¹³⁰ SNA RCS 506/20

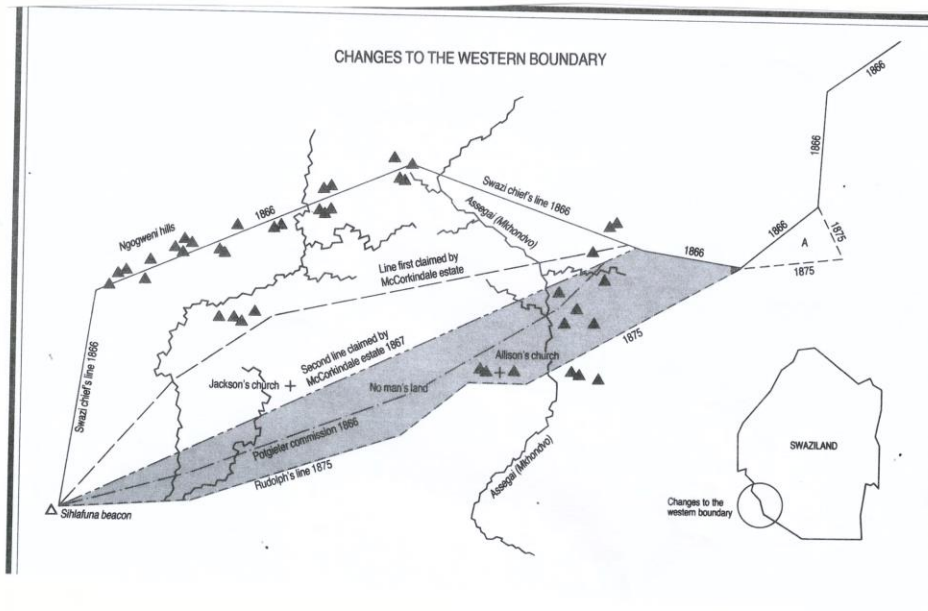
¹³¹Matsebula, The History of Swaziland, 124.

of the Swaziland territory to the Pongola River. There appeared at that time to have been some confusion between the northern boundary of Zululand and the Southern boundary of Swaziland, the former having been fixed at the Pongola River in 1879 and the latter on the line followed by the commission in 1866.”¹³²

The contentious issue of the boundary in the south was not an isolated case. Thus, were other territories that the Swazis also contended as theirs. Such areas included the Mahamba areas (namely the Ngogweni hills and the Rudolph strip), Mbhuleni, and Hhohho valleys. All the Swazi claims were disallowed. It was only at Mahamba, where the Swazis demanded that the boundary line return to the Ngogweni hills, which would have returned the Swazi lands that had been cut off by the 1866 Potgieter commission and by the so-called Rudolph commission of 1875. However, a small piece of land as shown on the map in figure 2, west of Mahamba hill was added to the Swazi territory. Even that small piece of land added to the Swazi territory arose from a technical problem rather than a claim since the Rudolph commission had not fixed a point on Mahamba hill through which the boundary line could pass and be demarcated by visible beacons. That strip of land was occupied by the Swazis. That was where Rudolph had made the so-called “minor alterations” in 1875.

¹³²Ibid. 124.

Figure 3. Changes to the western boundary



It was between beacons 9 and 10, at the source of the Ndlotane stream, that the commission found a group of white people, under Maritz and Ferreira, were living on the Swaziland side of the boundary. Although these people had settled with the full understanding that the place was on the Swazi land and with specific permission from the Swazi King, they eventually declared that area as "Little Free State." According to Gillis, on the 6th of February 1880, the commission told Maritz and Ferreira to leave the area. The Swazi representatives were told by the commission to send a message to their King, informing him that the land of the Swazi people was not alienated and that these people must vacate the land on which they were living as it had always belonged to the Swazi people.¹³³ That was a clear indication the land between beacons 9 and 10 at the source of the Ndlotane belonged to the Swazis but that was not to be, as that area was incorporated into the Transvaal.

A brief background is given here to show the land transferred to the Transvaal Republic, somewhere near the source of the Ndlotana River, northeast of Piet Retief, near the Magwazidili beacon, a few white families settled inside Swaziland with the permission of King Mbandzeni. These whites soon became a small community, and the Swazis allowed them to have their form of libandla (Local council). Unfortunately, this community declared the area they occupied the "Little Free State" and chose one of their members, J Bezuidenhout, as their president and chairman (voorsitter) of a committee of three men, the triumvirate of Driemanskap which became their local government. When Wolseley appointed the Royal Commission to demarcate the boundary between the Transvaal and Swaziland in 1879, he issued the following warning:" There are two men named Maritz and Ferreira who claim a tract of the country estimated at 36 000 acres on the border of New Scotland. That land they allege was given or sold to them by the Swazi King. It was their duty to inquire fully and to report as to the circumstances of that case and they were to convey to the Swazi Indunas, for the information of the Swazi King, the decision of the British Government that the land of the Swazi people was not to be alienated and that the

¹³³ Gillis, The kingdom of Swaziland, 44.

occupants, Maritz and Ferreira, must leave the land in question and allow it to return to the possession of the Swazi.¹³⁴

According to the map prepared by surveyor A. B Helm, the boundary of the "Little Free State" ran from Magwazidili beacon near Murphy's Post down the Ndlotana River eastward to its confluence with its little tributary. The River turned southward while the boundary line went up to the tributary and continued northeastward to Towela River. However, Potgieter and Ferreira took different lines. Potgieter's line ran from the Ndlotana River while Ferreira's line ran to the Ndlotana River. Ferreira's line cut more land from the Swazis and it was the one that was maintained. When the Transvaal – Swaziland boundary fence was put up shortly after 1894, it did not follow the boundary line of the "Little Free State" as described above. Instead, it was erected about 8 Km inside Swaziland.¹³⁵

When the commission reached beacon 5, on Busuku Hill, the Swazi representatives strongly contested the boundary north of this point. They contended that the boundary ought to go from beacon 5 to the Dlomodlomo hills and from there across the Komati River to the north of the Mgemane Range, then to the Crocodile River and from there down the river to its junction with the Komati River. The commission responded that the Swazi representatives who had accompanied the 1866 boundary commission had accepted the line. The Swazi explanation was that their representatives started from the Swazi headquarters of Ludzidzini and joined the 1866 commission when it was already south of the Mpuluzi River and that they had no say on the delineation of the boundary before the Mpuluzi River. Nevertheless, Alleyne's commission ignored the Swazi claim and proceeded northwards to erect beacons 4, 3, 2, and 1.

As the commission pressed ahead with the demarcation, they arrived at Mbhuleni and Hhohho valleys, which were crucial to the Swazis as they were royal residences in those areas, to signify that they solely belonged to the Swazis. The population of the Swazis living there, also clearly shows that the area belonged to the Swazis. The commission

¹³⁴ Gillis, The kingdom of Swaziland, 31.

¹³⁵ Ibid,35.

betrayed Swazi interest by declaring that the whole of Mbhuleni valley and the major portion of the Hhohho valley were lost from the Swazis, despite the assurances and the sentiments expressed in Wolsey's letters. The rightful claims of the Swazis to their just possessions were disregarded. According to Matsebula, the boundary encroached considerably on Swazi territory. The areas of Komatipoort (Hhohho), Barberton (Mjindini), and Carolina (Mbhuleni) were now declared part of the Transvaal. In 1955, Garson wrote, "Today many Bantu of the Eastern Transvaal are tribally speaking Swazi, and participate in Swazi tribal ceremonies, although they fall under the administration of the Union Government."¹³⁶ Coryndon, the second Resident Commissioner of Swaziland (1907 – 1916) also wrote in the annual report dated 1919 " Forty years ago, the Swazi nation held undisputed possession of an area considerably larger than the country which now bears its name, it included most of the present district of Barberton, and as far as Amsterdam. A Chief from Mbuzini, Chief Mahlalela, in an interview, was very clear that the area he was in charge of, was for the Swazis, and he pays his allegiance to the present King of Swaziland. He went on to state that they attend all cultural activities taking place in Swaziland. Likewise, those Swazis living in Swaziland also went to Mbuzini for the cultural ceremonies. ¹³⁷

The arbitrary boundaries which now define the territory on the west and north-west are the result of obscure and perhaps doubtful negotiations with the Transvaal Republic in quite recent times. The two assertions by these colonial officials, support the claim that the boundary as defined in 1880 was arbitrarily demarcated and there was no observation of the international norm that there must be mutual understanding and agreement between the two parties concerned.

¹³⁶Matsebula, *The History of Swaziland*, 130.

¹³⁷ An interview with Chief Malamulela Mahlalela at Mbuzini Royal Kraal in 2014.

6.4 The impact of British – Boer conventions on Swaziland – South Africa territorial demarcations.

At that time the two principal powers in South Africa, the Transvaal Republic and Britain managed to get a foothold into the country. They were responsible for the demarcation of Swaziland's boundaries. In 1852 when Britain and the Transvaal Republic signed the Sand River Convention, which recognized the independence of the Transvaal Republic, these two powers did not define the boundaries within which the Republic would be confined. It was left to expand as it could. To show that the two colonial powers had control over Swaziland, they appointed four men to a commission to demarcate a boundary between the Transvaal Republic and Swaziland. The commission handed its report to the Transvaal government in June 1867 and the delineated boundary that cut through the country that the Swazis had won by conquest over the Pedi. A second commission was set up by Sir Garnet Wolseley, the administrator of the Transvaal, in 1879, after the Swazis had questioned the boundaries that were drawn up by the first commission. Clear instructions were given to the second commission that it was to follow the lines that were demarcated by the first commission. Lastly, the commission was instructed to tell the *Indunas* that the Transvaal government was not prepared to recognize any claims to the land already demarcated and beaconed off and agreed upon by the *Indunas* with the commission of the late government of this country.¹³⁸

The British, in a drive, to cement their presence in Swaziland, on the 3rd of August 1881, the Pretoria Convention was signed by Britain and Pretoria. The document contained thirty-three articles, the first of which defined the boundaries between the Transvaal and the Swazi territory. Dlamini highlighted that the twenty-fourth article guaranteed the independence of the Swazis and Swaziland was recognized as an independent state.¹³⁹ A second convention was signed between Britain and the Transvaal Republic in 1893; it placed Swaziland under the protection of the Transvaal. That convention gave Swaziland the following guarantee: “ The natives are guaranteed in their continued use and

¹³⁸Thamie Dlamini, “Acquisition of Territory in International Law: A case study of Swaziland's claim to the Territories of Ingwavuma and KaNgwane” (LL.B Degree, University of Swaziland, 2010), 14.

¹³⁹ Ibid, 15.

occupation of all lands now in their possession and of all grazing and agricultural rights to which they are at present entitled, provided that no law made hereafter in Swaziland shall conflict with the guarantees given to the Swazis in this convention.”¹⁴⁰

In 1895 Britain unilaterally proclaimed the Ingwavuma area to be part of Zululand and it was to be administered by the Natal colony. The border between Zululand and Swaziland was traditionally demarcated by the Pongola River, and Ingwavuma was on the Swazi side of the boundary. This territory was occupied by the Bembo- Nguni descendants who had remained behind when the main body of the tribe moved into present-day Swaziland. They included the Mngomezulu, the Nyawo, and the Sambane, who owed allegiance to the Swazi King. When Mbandzeni was consulted about these two chiefs, he confirmed that they owed allegiance to him. A magistrate who was sent to ascertain the affiliation of these two Chiefs also confirmed that the Chiefs owed allegiance to the Swazi King, and were Swazi by origin.¹⁴¹ Irrespective of these facts Britain had unilaterally incorporated this territory into Natal. Furthermore, this act abrogated the treaty obligations and guarantees to the Swazi. In that way, the Swazi lost their territory to the south.

As Bonner attested, the Swazi state, as built up by Sobhuza I and Mswati II, was an entity in international law that was recognized as a state. The basis for that contention was that the conventions on Swaziland were based on the premise that Swaziland was an independent state, irrespective of the fact that the colonizing powers recognized the independence of Swaziland for their imperial purposes.¹⁴² The Pretoria Convention of 1881 was the first treaty between the Transvaal and Britain over Swaziland. Although that treaty was entered into for purposes of thwarting Transvaal’s efforts at obtaining access to the sea, for international law this recognition of independence was valid. This was further confirmed by the opinion of the court, in the Western Sahara case (1975) where it was stated that the state practices of 1884 indicated that “territories that were inhabited by tribes or people having a social and political organization were not regarded as terra

¹⁴⁰Matsebula, *The History of Swaziland*, 155.

¹⁴¹ Dlamini, "Acquisition of Territory in International Law", 15.

¹⁴² Philip Bonner, *Kings, commoners and concessionaires: The evolution and dissolution of the nineteenth – century Swazi state* (London, Cambridge University Press, 1982), 157.

nullius."¹⁴³ That statement indicated that territories that were inhabited by non-peoples or natives were capable of being recognized as states. Crawford also pointed out that the criterion for statehood in the case of native communities was a degree of governmental authority sufficient for the general maintenance of order.¹⁴⁴ Swaziland seemingly satisfied these requirements because it did have a government that was responsible for running its affairs.

6.5 Conclusion.

The chapter has shown how the demarcation of the boundaries between Swaziland and South Africa took place, much as the little contribution was sought from the Swazis but it was all the show of the whites, who had their ulterior motives when conducting the whole exercise.

With the outbreak of the Anglo-Boer war in 1899 South African Administration was withdrawn and the Swazis were again left to govern themselves. At the end of the war in 1902, with Britain victorious and the Transvaal becoming a British Colony the control of Swaziland was vested in the hands of the Governor of the Transvaal as Britain "inherited" those powers previously exercised by the Boers over Swaziland. When the Transvaal was granted a responsible self-government, the control of Swaziland together with the two territories of Basutoland and Bechuanaland was transferred from the Governor of the Transvaal to that of the Governor and High Commissioner of South Africa resident at the Cape. Thus these countries came to be known as the High Commission Territories. The High Commissioner was empowered to govern Swaziland by proclamation. It was through the use of this power that many proclamations inconsistent with the Swazi way of life were passed e.g. the change of the title "king" to "Paramount Chief".

As a result of the implementation of a series of conventions, one needs not to be wise to realize that political independence was usurped from the hands of the Swazis, and decisions were made without their consent. These powers were concerned with the

¹⁴³ Dlamini, "Acquisition of Territory in International Law", 16.

¹⁴⁴J, Crawford, *The creation of States in International Law* (Oxford, Clarendon Press, 1979), 25.

administration of their people resident in Swaziland. Even when the protests were made, they fell on deaf ears. This is clearly illustrated by the failure of the Swazi deputation to both the High Commissioner and the Queen of London to protest against the Boer administration, to gain a consensus. When the deputation petitioned the Queen of England to protect their country, they were reminded of Article 1, of the convention of 1890 which provided that "The independence of the Swazi, as recognized by the Convention of London of 1884, is affirmed, and no inroad on that independence shall be allowed, even with the consent of the Swazi Government, without consent of both Her Majesty's Government and the Government of the South African Republic." In that way, Britain claimed that she was bound by that article and could not, therefore, administer Swaziland. Protesting against the Boer Administration did not avail the Swazi much as the records reveal that Britain went ahead and endorsed the 1893 convention by the protocol of 1894 regardless of their protests and refusal to sign the necessary Organic Proclamation which was to give South Africa the administrative and legislative powers over Swaziland. They were put under political masters who neither defeated them in the battle nor were chosen by the Swazi. Thus, with a stroke of a pen Swazi independence was done away with the Boer administration began in February 1895.

Looking into the concession as a means by which Swaziland lost its land, economic independence, Weston calls them "a devastating economic weapon in the colonial arsenal". If one were to trace the history of the concessions he will note that it was during the reign of King Mswati II that the first white men appeared in Swaziland and the first concession was ceded to white men – in the case of the "Little Free State" and before King Mbandzeni, the successor, knew what was happening. He had already placed his mark on their papers, recognizing that grant just after his coronation.

The concession drama was one that came about as a result of a total misunderstanding between the granter and the grantee. To support this view some historian, J.S.M. Matsebula argues that "The private ownership of land was unknown amongst them (Swazis) and indeed throughout the Bantu world before the advent of the white men... The land was invested in the whole nation ... only the control of it was in the hands of their ruler....it was in the power of the ruler to vary his grants of land and even to cancel them

for a good course.”¹⁴⁵ From this quotation we gather that Mbandzeni saw the land concessions as land borrowed to the concessionaire and that he was still in a position to take it back should the need arise. Mbandzeni saw the "rents" per concession, as a sign of appreciation just like the Swazis would go to "kuyokwetfula eNkhosini." (giving gifts to the King) The whites, on the other hand, saw the rents as installments. The idea of a grant in perpetuity was something beyond Mbandzeni's comprehension. Even the question of the grants for certain periods e.g. 99 years was something beyond understanding. As the records reveal, the King could, under no circumstances grant a concession which implied the immediate or ultimate abandonment to the Europeans of a great part of his country for a period ranging up to a hundred years and sometimes renewable as the records show.

That the question of education was not known in Swaziland at that time is a factor worth noting. In the old records, anybody who could neither read nor write had his signature represented by his (X) mark (and not today's Right-hand thumbprint which will be unique to that person). It was, therefore, possible to put an X and claim that the King consented to the concession. Even the wording could be misinterpreted to their favour as the records show that the "beacons pointed out by *Izinduna* (Chiefs) did not agree with that in the document, a natural consequence that the king could neither read nor write. It was very easy to make him sign a document in which an entirely different piece of ground is (was) described from that which he granted" This is the reason why Halpern calls it "a story of bribery, robbery, deceit, and fraud."

The next chapter addresses the political economy dynamics of the territories claimed by Swaziland. Among other things, it presents at the economic activities taking place in the claimed areas including the generated revenue and the political atmosphere.

¹⁴⁵Matsebula, The History of Swaziland, 50.

CHAPTER SEVEN

THE POLITICAL ECONOMY OF SWAZILAND'S DESIRE TO INCORPORATE INGWAVUMA AND MPUMALANGA

7.1 Introduction

This chapter uses the interconnectedness of political and economic dynamics to investigate the factors which drive Swaziland to pursue the border adjustment issue with South Africa. This approach is a complete departure from the recent studies which concentrated on the political rightness or wrongness of Swaziland's claim, completely neglecting the economic dynamics which influenced its leadership to push for the adjustment of the border. The approach adopted in this study is a major contribution to the handling of border adjustment conflicts in Southern Africa because it uses the interplay between politics and economics to unveil the historical change over time.

The study employed a political economy approach or theoretical framework. According to Chalfin, the political economy approach is the study of the interplay between politics and economics in driving historical events and processes over time.¹⁴⁶ Political economy has come to be closely associated with the work of economists who adopted the key concepts developed by Marx, in particular, his focus on class processes or relationships, but who rejected the economic determination of orthodox versions of the Marxian theory. Thus, the political economy makes extensive and intensive use of class analysis in making sense of society and history but does so in the context of political, cultural, and environmental processes, as well as other economic processes.

Nevertheless, most of the writings in the political economy, including the work of Marx, have been concerned specifically with understanding the role of capitalism in shaping society and history. For purpose of this chapter, this approach is pushed beyond the narrow confines of a just capitalist to include issues of power and general politics. Marxist political economy starts from the relations between people and classes and tries to

¹⁴⁶B Chalfin, "Border Zone Trade and Economic Boundaries of state in North – East Ghana, in Africa, "The Journal of the International African Institute, Vol. 71, no.2, (2001): 202 – 224.

understand the economy not as a perfect clockwork mechanism but as a dynamic system full of contradictions and doomed to be replaced.

Political economy is not about the relationship between commodities, prices, supply, and demand: It is first and foremost about people and the social relationships between them. The chapter uses the political economy approach as a theoretical framework, because it combines both the political and economic aspects, to give a better understanding of the factors involved in the whole set of border adjustment between South Africa and Swaziland.

7.2 The economic connotations of the incorporation of Ingwavuma and parts of Mpumalanga (KaNgwane)

It is paramount that a study on the political economy of Swaziland was conducted even before looking at the impact that will be caused by the “incorporation of the territories taken from Swaziland.” That provides the research with the background information of the intended expectations and give a direction of economic benefits and constraints that will bring to Swaziland.

7.2.1 The Rural Economy in Swaziland

Farming in Swaziland is sharply dichotomous. It is divided between a subsistence sector, dominated by the cultivation of staple crops, and a commercial sector comprising foreign-controlled plantations and private farms.¹⁴⁷ This dichotomy is partly the product of the country’s colonial history. In the late eighteenth century, large areas of Swaziland were granted away, in the form of concessions, to white settlers. The limited access to the land resulting from this, combined with the pressures brought by taxation and natural disaster, served to stunt the growth of a Swazi peasant class.¹⁴⁸ By the 1930s the Swazi

¹⁴⁷ Rodney Davenport and Christopher Saunders, *South Africa, A Modern History* 5th Edition (Macmillan Press LTD, London, 2000), p.171 – 172.

¹⁴⁸ John Daniel, "The Political Economy of Colonial and Post- Colonial Swaziland ", *South African Labour Bulletin*, vol. 7, no 6, 2004, p. 104.

peasantry and the subsistence sector were in rapid decline – a decline which has never really been reversed.¹⁴⁹

About 56 percent of the land area of Swaziland is Swazi Nation Land. This land is held in trust by the King but occupied under communal tenure by the Swazi people. It accommodates 82 percent of the population (one-fifth of which is absent, primarily engaged in wage employment)¹⁵⁰. Productivity on Swazi National Land is extremely low. Production is dominated by the cultivation of staple crops, particularly maize. A 1978-79 survey, conducted by de Vletter, showed that about 96 percent of homesteads grew maize.¹⁵¹ Even though that predominant activity was under severe strain because the total area of the land under maize cultivation increased by 50 percent between 1971/72 and 1979/80, during the same period maize yields declined by 39 percent. The homestead production on Swazi Nation Land was even failing to meet the basic subsistence needs. Only six percent of the homesteads surveyed by de Vletter in 1978 – 79 were able to generate a viable existence from crops alone. Paulos Dlamini reiterated that the land was partitioned and this made the Swazis be restricted to the areas which were not arable (reserves). That made the Swazi farmers produce less maize than they used to produce.¹⁵²

Given the poor state of subsistence production, it was hardly surprising that cash crop production on Swazi Nation Land was minimal. About 58.4 percent of the homesteads surveyed in 1978-79 did not see any crops at all.¹⁵³ In the past two decades, there seems to have been a steady decline in cash crop production in the peasant sector. For instance, in 1960 there were 2,087 Swazi cotton-growers who in 1961 grew 1,377 tons of cotton, amounting to 26 percent of Swaziland's total crop (the remainder was grown by capitalist farmers). By 1970 cotton and tobacco accounted for less than 2 percent of the total cultivated area on Swazi Nation Land and in 1972 it was observed that only a small number of Swazi farmers were involved in regular cash crop production. Various reasons

¹⁴⁹ John Daniel, "The Political Economy of Colonial and Post-Colonial Swaziland", *South African Labour Bulletin*, vol. 7, no 6, 2004, p. 105.

¹⁵⁰ *Ibid*, p.105.

¹⁵¹ Fion de Vletter, "Swaziland", (unpublished paper, 2004).

¹⁵² Stanley Gama, Interview with Paulos Dlamini, (Kubuta, June 22, 2014).

¹⁵³ Fion de Vletter, "Swaziland", (unpublished paper, 2004).

have been put forward for that decline in production on Swazi Nation Land. Pressure on the land was the major factor. The alienation of large areas to concessionaires in the early colonial era was the initial cause of this pressure. In recent years it has been exacerbated by an increasing rate of population growth. In 1980 the Futures Group estimated that there were about 42,000 homesteads, varying in size from less than one hectare to over five hectares, scattered through Swazi Nation Land. The average size of a homestead was thus 2.75 hectares, and the average number of persons living on a homestead was about eight. The Futures Group estimated that there was only room for approximately 23,000 new homesteads, or about 190,000 more people, on Swazi Nation Land. In recent years, production has not kept pace with population growth. Given the present rate of population growth, the Swazi Government will have difficulty in achieving its goal of self-sufficiency in maize. Overstocking has been a further source of damage to the rural subsistence sector. "In 1980 the average annual rate of growth of Swaziland's cattle herd was estimated to be between 1.5 percent and 3.0 percent but that was not being matched by a corresponding increase in the amount of pasture land. The resultant overstocking was bringing about the degeneration of pastures, soil erosion on grazing lands, and malnutrition in animals. ¹⁵⁴

The Swazi government has tried to increase production on Swazi Nation Land through the Rural Development Areas Programme, which was initiated in 1970. The program covered about half the area of Swazi Nation Land and involved just under half of the total rural population. The programme main objectives include increased self-sufficiency in staple food, the development of cash cropping, and schemes to improve the health and productivity of the national herd. All those major objectives failed. Self – sufficiency in staple food was actually on the decrease, as food imports (largely maize products) increased by an average of 60 % between 2008 and 2002.¹⁵⁵ It has been shown that the production of cash crops and livestock on Swazi Nation Land is in an extremely unhealthy state. It was clear that neither the subsistence nor peasant sector of Swazi Nation Land was viable, the land was unable to sustain its population. The inhabitants of Swazi Nation

¹⁵⁴ M. Fransman, "The State and Development in Swaziland", (D.Phil., University of Sussex, 1979), p.80.

¹⁵⁵ John Daniel, "The Political Economy of Colonial and Post- Colonial Swaziland ", South African Labour Bulletin, vol. 7, no 6, 2004, p. 108.

Land thus depend for their survival on wages earned away from the homestead or on other sources of non – agricultural income. Recent surveys have shown that more than four-fifths of homesteads have a member engaged in wage employment. The earnings from commuter workers and wage remittances account for almost three- quarters of the cash income of these homesteads. That means that a substantial proportion of the rural population is absent from the homesteads. A survey conducted by de Vletter in 1981 estimated that about 25 percent of the rural homestead population was normally absent and that 80 percent of all rural homesteads have members earning off-farm income. Over eight percent of these absentees remain in Swaziland and urban South Africa for employment. About 13.7% of the surveyed homesteads were without adult males. While that was certainly a symptom of rural impoverishment, it may also have been the cause, as the high absenteeism of adult males would adversely reduce labour resources on the homesteads. ¹⁵⁶

All that evidence showed that the productive capacity of Swazi Nation Land was extremely limited. The rural population was unable to obtain its basic subsistence from that land and to produce a marketable surplus. As the population growth rate increased in Swaziland, the situation was likely to deteriorate even further. In these circumstances, the proposed incorporation of KaNgwane into Swaziland was potentially disastrous for both Swaziland and the people of KaNgwane. Although the incorporation would give Swaziland more land, it would also more than double the country's population. That would worsen the land/ population ratio, aggravating the pressure on the land and thereby worsening the state of rural impoverishment. Already in Swaziland sugar is the largest land user, the greatest exploiter of natural resources through its use of extensive irrigation, the largest single employer (as of 1979 it was estimated that 60,000 people were wholly or partly dependent upon sugar for a living), a major revenue earner for government outside normal company taxation (the industry pays an additional tax levy of 50 percent on ex-mill earnings above

¹⁵⁶Fion de Vletter, "Swaziland", (unpublished paper, 2004).

a basic price per metric ton that was fixed by the government), and the biggest single earner of foreign exchange.¹⁵⁷

While sugar is the economic mainstay, it also represented a structural weakness in Swaziland's economy. That heavy reliance on a single crop introduced a high degree of insecurity and vulnerability into the economy. First, the profitability of sugar depends very much on the fluctuations in the world price of the commodity; second, should the crop fail for any reason, it could have serious consequences. Both of these weaknesses manifesting themselves at present. There had been a substantial fall in the world price for sugar in recent years. The state of the sugar industry is likely to be seriously worsened by the present drought. In the past, the declining world price had been to some extent offset by rising production levels. The drought will almost certainly alter that pattern the vulnerability of an economy is heavily based on monoculture and is certainly manifesting itself at present Swaziland.

The capitalist sector of the rural was not just based on sugar, other important crops include citrus, pineapples, and cotton. In 1981 there was a substantial increase in pineapple acreage. On the other hand, the citrus and sugar industries, have been hit by a declining world price for the products. There has been a steady expansion in forestry in Swaziland in recent years. Commercial timber plantations cover about 102,000 hectares. In 1981 forestry (excluding processing) contributed 1.5 percent of the gross domestic product. Wood pulp and wood products made up 20 percent of the total value of exports in the same year.¹⁵⁸

7.3 The Industrial Sector: Manufacturing, Mining, and Tourism.

In the 1980s there had been considerable growth in Swaziland's manufacturing sector. Several factors were owing to that, the sanctions imposed on South African products, made the South African companies make Swaziland their springboard thus making

¹⁵⁷ John Daniel, "The Political Economy of Colonial and Post- Colonial Swaziland ", South African Labour Bulletin, vol. 7, no 6, 2004, p. 108 – 110.

¹⁵⁸Fion de Vletter, "Swaziland", (unpublished paper, 2004).

Swaziland appear like it was making great strides in that regard. A report from the Prime Minister's Office made it clear that the growth rate of the manufacturing sector in the period 1977 – 1982 is estimated to have been 7.4 percent per annum... This figure slightly exceeds the 7 percent target established for the 3rd Plan and is noticeably higher than the 4.9 percent growth for total GDP. As a result, the contribution of the manufacturing sector to GDP has risen from 20 to 23 percent in the same period. Agricultural and forest-related industries form the bulk of the manufacturing sector in terms of value-added tax (74 percent) and employment (69 percent). According to the 1980 Industrial Census, six establishments (two sugar mills, two sawmills, a pulp mill, and a fruit canning factory) dominated, accounting for 68 percent of the manufacturing value-added tax and 45 percent of the employment. The capital-intensive nature of these operations can be seen.

“159

The report further highlighted that the number of persons employed in manufacturing rose from 8,411 in 1977 to 13,880 in 1981 representing a rise from 17.1 percent to 24.2 percent of the total number of employees in the private sector. As much as the manufacturing sector grew, it continued to experience fundamental problems arising out of the structural weakness of the Swazi economy. One of the limitations upon the manufacturing sector was the small size of the domestic market, in terms of the size of the population and per capita income, which in turn, created a dependence on the foreign export market, particularly the South Africa market. In that respect, Swaziland's manufacturing sector was further disadvantaged by the high cost of transport to South Africa. Furthermore, Swaziland's manufacturers had to compete with their South African counterparts, with very few minor exceptions, measures had not been taken to protect the manufacturing industry in Swaziland from competition from South African producers, even though the provision for such protective measures was made in the 1969 Southern African Customs Union Agreement. The same observation was made by Fransman that these constraints “seriously limit the potential for industrialization” in peripheral countries such as Swaziland.¹⁶⁰

¹⁵⁹ Economic Review 1978 – 1982, (Prime Minister's Office, Swaziland, February 1983), p.19.

¹⁶⁰ M. Fransman, “The State and Development in Swaziland”, (D.Phil., University of Sussex, 1979), p.82.

The extremely limited capability of Swaziland's manufacturing sector reinforces the view that the incorporation of KaNgwane (Ingwavuma and parts Mpumalanga which belonged to Swaziland) could have detrimental consequences for both Kangwane and Swaziland. The disadvantageous position of Swaziland's manufacturing sector Vis-a-vis its South African counterpart sets limits on its future growth and therefore also would have restricted the creation of new job opportunities. Such opportunities are vitally necessary if Swaziland is to be expected to absorb the large Swazi population living in South Africa.

KaNgwane's prospects for industrial development would be much improved if it remained part of South Africa. KaNgwane has easy access to the vital South African markets than it does to Swaziland but more important is the view that KaNgwane can benefit from direct South African aid and the South African government's policy of industrialization. Such benefits are not available to Swaziland.

A marginal region such as KaNgwane does not naturally attract industrial entrepreneurs who tend to operate in the more established areas. The South African government, however, has been encouraging industrialists, utilizing concessions, to expand existing industries or start new ones either in areas such as KaNgwane or in the border areas close to KaNgwane. Four industrial areas were bordering on KaNgwane, there was much potential for further development. These four areas were: Hazy view, Malelane, Nelspruit (now known as Mbombela), and White River. By the middle of 1977 more than 18 million Rand had been invested in the border industries of KaNgwane.¹⁶¹ To accelerate economic development in KaNgwane, the KaNgwane Economic Development Corporation (KEDC) was established in April 1979. The main aim of the KEDC, which was subsidized by the South African government, was to promote the territory's economic development "by establishing, inaugurating, planning, financing, coordinating, promoting, carrying on and carrying out industrial, commercial, financial, mining and other business undertakings and projects in KaNgwane."¹⁶²

¹⁶¹ J. Benso, *Kangwane Economic Revenue* (Cape Town: Rowman & Littlefield Publishers, 1978), pp. 39 – 40.

¹⁶² M. Fransman, "The State and Development in Swaziland", (D.Phil., University of Sussex, 1979), pp.83 -88

The KEDC had already established and financed many enterprises in KaNgwane, it encouraged private enterprise to operate in KaNgwane in one of two ways. Under the agency system, the KEDC supplied the infrastructure and the necessary buildings which the entrepreneur rented. The entrepreneur was obliged to train the black staff in such a way that they would eventually be able to manage the business. Under that tripartite system, a company was established in which 50% of the shares were owned by a private entrepreneur and the other 50 % was owned jointly by the KEDC and the KaNgwane citizens. It was envisaged that these tripartite companies would eventually be fully owned and managed by blacks. The most successful tripartite companies were usually business undertakings such as the wholesalers, bakeries, poultry farming, construction companies, and furniture factories. The KEDC had also assisted the establishment of small businesses.¹⁶³

The extent of industrial development in KaNgwane remains essentially backward and underdeveloped. However, in economic terms, KaNgwane has much to gain, both in the short and long terms, from the remaining part of South Africa and much to lose by being incorporated into Swaziland. Incorporation would almost certainly cut KaNgwane off from the South African financial aid at a time when the input of the KEDC had been growing considerably. The budget of the KEDC rose from R 8 million in 1980 – 1981 to R21 million in 1981 – 82. At the end of March 1981, the KEDC was lending to 280 borrowers.¹⁶⁴ Unification with Swaziland would also deprive KaNgwane of many of the benefits derived from the South African government's industrial decentralization policy. It was thus in the interests of KaNgwane to cling on to these short-term benefits and to hold out for a stake in a future, more unified, more egalitarian South Africa. "The establishment of KEDC proved to be the right tonic as new industries emerged in the KaNgwane areas. People were able to be employed in great numbers. The economy was heading in the right direction with the coming of employment opportunities being availed to the local populace."¹⁶⁵

¹⁶³ M. Fransman, "The State and Development in Swaziland", 90.

¹⁶⁴ Ibid, 95.

¹⁶⁵ Stanley Gama, Interview with Benson Makhathini, Mbuzini, October 22, 2013).

7.4 Mining

The importance of the mining sector in Swaziland's economy had shown a decline over the years. As shown by these figures, in the year 1967/68 mining was responsible for 20 percent of Swaziland's gross domestic product; by 1981 that figure had dropped to 4 percent. Between 1977 and 1981 the mining sector's share of exports declined in value from 17 percent to 6 percent; and its share of paid employment fell from 5 percent to 0.3 percent.¹⁶⁶

That decline partly represented a proportionate reduction of the mining's contribution to the overall economy about other sectors. It also represented a decline in absolute terms, as the productive capacity of the mining sector had been reduced. The Anglo – American Ngwenya Iron Ore mine, which had opened in 1964, ceased production in 1978 and the last shipment of iron ore from the remaining stockpile was made in 1980. The surrounding large deposits of low-grade ores did not justify exploitation at prevailing prices. The Third National Development Plan envisaged the opening of a new coal mine, but that did not occur. Production from the one coal mine that operates had increased only slightly in the 1977 – 81 period. Swaziland has large reserves of both bituminous and coking coal, but the seams have many faults and are mostly too deep for opencast working. Production from Swaziland's main mine, the Havelock Asbestos Mine decreased over the same (1977 – 81) period and had to close operations.

Swaziland's other minerals include two diamond deposits: there was Kimberlite pipe of poor quality at Dvokolwako and alluvial industrial diamonds at Ehlane, though there are excavations as concessions had not yet been granted. Small deposits of tin were being worked upon, and there were substantial reserves of Kaolin, but mining ceased in 1976 because of prohibitive transport costs.¹⁶⁷ The present position and prospects of Swaziland's mining sector thus looked bleak.

¹⁶⁶ Glen T. Magagula, "Population Issues and Unemployment in the Rural Areas of Swaziland", (Unpublished paper, University College of Swaziland, 1982), p.10.

¹⁶⁷Fion de Vletter, "Labour Migration in Swaziland: Resend Trends and Implications", South African Labour Bulletin; vol.7, no .6, 1982, pp. 119 – 121.

On the other hand, mining in Mpumalanga produces valuable quantities to South Africa's industry including chrome, coal, gold, industrial iron ore, nickel, and PGM (Platinum Group Metals). Mining in Mpumalanga accounts for 83% of South Africa's coal production. Current mining in Mpumalanga projects includes 68% Coal, 19% Industrial, 14% Platinum Group Metals, 13% Gold, 5% Nickel, 3% Iron Ore, and 1% Chrome. ¹⁶⁸ Looking at the mineral deposits in Mpumalanga, Swaziland would benefit immensely but the problem will be in terms of remuneration, In South Africa, the wages are a bit higher as compared to Swaziland and the working conditions are better. "Makhosi Mahlalela remarked that mining was thriving in Mpumalanga and that was important because it was boosting the economy and people, in turn, were able to support their families". ¹⁶⁹

7.5 Tourism

Tourism is another branch of the Swazi economy that was in decline. The country's tourist trade was heavily dependent on an inflow of visitors from South Africa. Almost three – quarters of the tourists who visit Swaziland each year come from South Africa. Though various factors affecting the South African holidaymakers have damaged tourism in Swaziland, new outlets for South Africans with the expansion of hotels and casinos in South Africa, notably North West Province and the Gauteng Province. Places such as Sun City and the Wild Coast Holiday Inn are within close range and more accessible from South Africa's major centers than are Swaziland's pleasure resorts. Thus by 2000, the number of tourists had dropped to 91,394, with an occupancy of 21 percent. Since 2000, tourist numbers had continued to fall, as was the case with mining, the prospects for Swaziland's tourism industry looked gloomy as South Africa continued to increase its intake of the South African tourists.

¹⁶⁸ <https://www.projectsqa.co.za/mining-in-mpumalanga.htm>

¹⁶⁹ Stanley Gama, Interview with Makhosi Mahlalela (Barberton, October 22, 2014)

7.6 Labour and Employment

The viability of the proposed incorporation of KaNgwane into Swaziland depended very much on the capacity of the Swazi economy to absorb the large population increase that would result from the incorporation. That, in turn, hinged to a great extent on the employment opportunities that existed in Swaziland and the prospects for the future growth against the present employment opportunities that existed for the inhabitants of KaNgwane both within and outside the homeland. It would seem that every “Swazi” living within the borders of South Africa will be severely disadvantaged, in terms of employment opportunities, by the proposed incorporation.

Swaziland has one of the highest rates of population growth in the world, standing at 3.4 percent per annum in 2000. If the growth remained constant, the total population of Swaziland will be close to 2 million by 2020. That rapid population growth has several adverse effects; it exacerbates the pressure on the land. It increased the demand for food and therefore raised food prices, benefitting large-scale farmers but worsening the position of the working class. It will put pressure on the government's capacity to provide health and educational services for all. Over and above that, it will raise the level of unemployment, at present, there are insufficient job opportunities for Swaziland's adult population. The demand for formal sector employment is outstripping the supply of formal sector jobs. From 2007 to 2017 an average of 1000 new jobs have been created each year, but these numbers have soared by an annual average of 10,000 school leavers during the same period. Thus about 5,000 school leavers end up in the urban informal sector or rural employment or they join the ranks of the unemployed. That situation can only worsen given Swaziland's accelerating rate of population growth. In February 1982, the late King Sobhuza told the Swazi parliament that the unemployment problem was “bound to reach crisis proportions.”¹⁷⁰

During the Third Plan period, the target was to create 6,200 additional jobs in the industrial sector but that has not been achieved; the estimated increase in manufacturing alone

¹⁷⁰ Daniel, “Political Economy”, p.109.

was only 1,850 jobs. The mining and quarrying sector declined by about 500 between 1980 and 2000. Swaziland was becoming an increasing labour surplus country. As the 1978–82, Economic Review observed, "The stage of development has been reached where more labour-intensive production, in keeping with the country's endowment, should be the overriding objective of all development programs".¹⁷¹ That, however, did not seem to be happening. The converse may have been the case, given the development of some capital-intensive projects. De Vletter argued that "the adoption of perverse technologies "had contributed to Swaziland's "rapidly worsening unemployment".¹⁷² An example of that high capital intensity involved the third sugar mill, during the development of which E 46,000 was spent to generate one new job.

It has been estimated that there are more people in Swaziland in the 15 – 64 age-group who are unemployed than those who are employed. The estimate reckoned that in 1981, there were about 132,000 people in regular or irregular, seasonal employment; the unemployed, who included subsistence agricultural workers and other non-cash earning workers, numbered about 149,000, according to the same estimate.¹⁷³ Those figures could have been multiplied by ten in the present day and age in Swaziland as the rate of unemployment has significantly increased over the years.

Labour is one factor of production that is overabundant in Swaziland. To transfer the "Swazi" population of South Africa to Swaziland would only exacerbate the excessive labour surplus. Swaziland economy would be placed under even greater strain. In KaNgwane, on the other hand, employment prospects looked much brighter. In 1978, the BENSU Economic Review showed that between 1973 and 1975 the average annual increase in the supply of black labour in KaNgwane was 1,800, of that number, 1,440 (80%) could be provided with work inside KaNgwane itself, while 3,300 new entrants (183.3%) could be provided with work within commuting distance of KaNgwane. Thus there was the prospect of 4,740 new employment opportunities. This was 2940 more jobs than the number of new entrants.¹⁷⁴ Job opportunities for the people of KaNgwane

¹⁷¹ De Vletter, "Labour Migration", p.126

¹⁷² Ibid, 126 -130.

¹⁷³ Annual Report: Department of Labour, (Swaziland, 1982), p.12.

¹⁷⁴ Annual Statistical Bulletin, (Swaziland, 1980), pp.1 – 4.

and other “Swazis “living in South Africa would thus be drastically curtailed if KaNgwane were to be incorporated into Swaziland. Many of those opportunities depended on the openings for commuter and migrant labourers in the developed centers of production in South Africa. It is necessary to examine how the incorporation of KaNgwane would affect job opportunities.

7.6.1 Migrant labourers to South Africa

In the past, the flow of migrant labourers to South Africa, particularly to the mines, had served as a safety-valve for a country such as Swaziland which had a labour surplus. However, in recent years that outlet has been increasingly closed off as a result of three main factors: the South African legislation, the changing conditions in the South African labour market, and the policy of the Chamber of Mines.¹⁷⁵

The table outlines the trends that took place after the introduction of the legislation.

Table 1. **Annual Statistical Bulletin (Swaziland, 1980)**

Years	Figures
1911	21,662
1921	29,177
1936	31092
1946	33738
1951	42,914
1970	29,167
1980	31,981
1985	30,722

¹⁷⁵www.labour.gov.za/DOL/downloads/.../labour.../labourmigration2007part1,

1990	17,757
1995	15,304
2000	9,360
2005	6993

176

By the 1960s there was practically little or no difference between the position of South African blacks and those from Botswana, Lesotho, and Swaziland. All Africans from these three countries were subject to the same laws controlling the movement of blacks, as Africans in South Africa. It was in the early 1960s legislative restrictions were imposed on migrant labourers from Botswana, Lesotho, and Swaziland. In 1963 the Bantu Laws Amendment Act prohibited the Africans from Botswana, Lesotho, and Swaziland from entering South Africa except for work in specified industries, essentially mining and agriculture. Makhosi Dlamini highlighted that.... “their parents were migrant workers, they would from time travel to South African mines to work there.” He emphasized that the household was left in the custody of the women. The migrant workers would from time send money to sustain their families. That source of income would be used for food and payment of school fees.”¹⁷⁷

The 1963 Aliens Control Act made it an offense for citizens of Botswana, Lesotho, and Swaziland to enter South Africa unless they possessed a travel document issued by their country of origin. That meant that they could no longer obtain South African travel documents. Thus from 1963, South African employers entering service contracts with Africans from Botswana, Lesotho, and Swaziland were severely limited. The effect of the legislation was to reduce considerably the level of migration. However, from 1971 to 1976 there was again a considerable increase in the migration of the workers from Swaziland to the South African Mines. In 1971 about 6,653 Swazi miners were recruited by the Chamber of Mines for the South African gold and platinum mines; in 1976 that figure rose

¹⁷⁶ Annual Statistical Bulletin, (Swaziland, 1980), pp. 5.

¹⁷⁷ Stanley Gama, Interview with Makhosi Mata Dlamini (Luve, April 27, 2014)

to 20, 634 Swazi recruits.¹⁷⁸ In 1977, there was a sharp decline related to the changing conditions in the South African labour market.

7.6.2 The changing conditions in the South African labour market.

At present foreign black workers are restricted to job opportunities in South Africa that are available through the recruitment offices or agents in their countries, primarily for agriculture and mining. Work in any other sector is legally possible only if attestation is received indicating that no South African can be found to undertake the job due to limited opportunities either to do the work which is avoided by South African blacks or to areas where there were insufficient numbers of adequately trained South Africans for a particular job.¹⁷⁹ South African blacks are thus given first preference for employment in South Africa, which limited opportunities for foreign Africans to be employed in the South African labour market. The rising level of unemployment among Africans in South Africa thus considerably restricted the employment opportunities for foreign Africans. These restrictions affected the outflow of the migrants from Swaziland to the South African mines. In 1976, the recruitment of the miners from Swaziland for the South African gold and platinum mines peaked at a figure of 20,634. By 1978, after the restrictions had been imposed, that figure was reduced to 12,153 and by 1980 to 9,367 figure which is less than 50 percent of the 1976 level.¹⁸⁰

Not all the labourers migrating from Swaziland to South Africa went to the mines. A number of them moved into other areas of employment; but it was difficult to determine an exact figure for the people in that category, as many of them were illegal migrants. However, it was clear that the South African job opportunities for Swaziland's migrant workers were increasingly closed off. At the best of times, those migrants were legally disadvantaged vis-à-vis the South African blacks. In recent years they had become even further disadvantaged as a result of an oversupply of labour in South Africa and the changing policy of the Chamber of mines.

¹⁷⁸ De Vletter, "Labour Migration in Swaziland", p.137.

¹⁷⁹ Ibid,137.

¹⁸⁰ Ibid,137.

It was clear that the incorporation of KaNgwane into Swaziland would seriously curtail commuter or migrant labour opportunities from the people of KaNgwane and other "Swazi migrant labourers were vital sources of employment of those people. In 1978. The Benso Review estimated that in 1980 the Swazi labour force outside KaNgwane (excluding migrant labourers from Swaziland itself) would amount to 206, 100, as against the 66,700 workings in KaNgwane.¹⁸¹ Thus the labourers who work outside KaNgwane work inside the territory.

Commuter labour is especially important to KaNgwane and has grown dramatically over the years. In 1977, 28,240 commuters were traveling between KaNgwane and their places of work in the neighboring white area of South Africa. The majority (1,020) of them worked in Nelspruit (12,450), White River (3260), Komatipoort (1,360), and Malelane (1,020). More than 9,300 commuters also worked in the adjoining rural areas, mainly on farms, especially near White River (4000), Malelane (2,010), Nelspruit (1,570), and Komatipoort (1,500). The earnings of those commuters were a crucial source of income to KaNgwane. In 1980, commuter earnings totaled R 16.7 million and represented 47.2% of KaNgwane's Gross National income for that year.¹⁸² The Nsikazi region of KaNgwane was especially well located near the employment of the areas of the Eastern Transvaal. Travelling provides an economic base for Kanyamazane and Kabokweni and their surrounding population concentrations. That has led to a certain extent, to the development of an informal sector and a trade and service sector, thereby increasing the multiplier effect and stimulating economic development.

The incorporation of KaNgwane into Swaziland would seriously disadvantage KaNgwane's migrant and commuter workers in the South African labour market. The existence of border posts would impede daily commuting if preventing it altogether. The loss of South African nationality would drastically curtail job opportunities in South Africa for the present inhabitants of KaNgwane and other South African Swazi. These people would probably find themselves in much the same position as the Transkeian work-seekers when Transkei was made independent in 1976. Before then, the Transkeians became independent citizens of that territory and were entitled to seek work in South

¹⁸¹Benso, KaNgwane, p.24.

¹⁸²Ibid, 43 -44.

African centers of employment in the same manner as any other South African black from a rural area. Since their independence, the position has changed. They are no longer employed in South Africa whereas, before their independence, they were allowed to seek work anywhere in the South African cities. The Transkeians were to be recruited by an authorized recruiting agent for them to find work in South Africa.

Work – seekers, migrants, and commuters who are currently classified as South African "Swazi" would thus find themselves in the same disadvantaged position as Transkeians and other "foreigners", if KaNgwane were to be incorporated into Swaziland. Given the heavy dependence of KaNgwane on the earnings of its migrants and commuters, any restrictions on the rights of those workers to seek employment in the South African centers would have been catastrophic for the territory.

7.6.3 Wages and working conditions between Swaziland and KaNgwane

The surveys conducted in 1981 among the workers migrating from Swaziland to South Africa showed that most workers seemed to prefer to work in the South African mines because of better wages and better working conditions. Various reasons accounted for the generally poor working conditions and the low level of the wages that exist in Swaziland. First, the domestic labour surplus places the workers in a weak bargaining position. It was significant that during the mid-1970s when there labour shortage in Swaziland, the heightened competition for labour brought wage hikes and improvements in worker housing, however, the 1977 mine recruitment restrictions and the subsequent oversupply of labour had caused a regression. Secondly, the repression of trade union activities in Swaziland deprived workers of the bargaining machinery. Thirdly, serious staff shortages in the Department of Labour prevented the government from exercising satisfactory vigilance over the practice of the employers.¹⁸³

The earnings of unskilled workers in Swaziland varied from sector to sector. Some of the lowest wages were paid in the agricultural sector, which was the largest employer of labour. In 1981 the average monthly wage for an unskilled male agricultural worker was R 86 in the private sector and R 71 in the public sector. On the other hand, mining, which

¹⁸³ Daniel, "Political Economy", p.108.

employed a decreasing number of workers, paid an average of R 181 per month to its unskilled male workers. According to the latest Wages Regulation Orders made under the Regulation wages and conditions of Employment ordinance, 1961

- cutting canes collectively up to and not exceeding 5 lines and windrowing the cut canes on one line for mechanical loading the value of R 77.71
- cutting canes up to and not exceeding 3 lines and stacking the cut canes in stacks of 400kgs or thereabout for mechanical loading to the value of R 77.71

184

The figures show a slight increase from the ones presented in the '80s. Although these match with the same industries in South Africa, the wages are higher. That explains why most Swazis migrate to South Africa because of the higher wages and better the working conditions are better.

In recent years, several infrastructural developments have taken place in Swaziland. The road network is relatively developed; 65 % of the land area is within the eight kilometers of a proclaimed road. New rail links with the South African railway system had been constructed, and a link to Maputo was upgraded. Other developments included the expansion of Matsapha International Airport and the construction of King Mswati III International Airport. There were other projects like the construction of dams: Maguga and Lubovane dams to name a few. These dams were for agricultural purposes and also for the hydroelectric generation to reduce Swaziland's dependence on South Africa for power.

For KaNgwane, the level of government expenditure and the extent of infrastructural development was heavily dependent on the territory's close links with the South African government. KaNgwane itself could not provide the capital necessary for development; transfer payments and development aid from the South African government were the

¹⁸⁴ The Sugar Industry (Agricultural Workers Remuneration Order), 2010. The Ministry of Labour (Swaziland)

major sources of the country's income. Since the establishment of the KaNgwane Legislative Assembly in 1977, the KaNgwane government has been financed from two main sources: first, from the KaNgwane government's sources and secondly, from a South African Treasury grant. Thus the KaNgwane government derived considerable financial support from its ties with the South African government. If KaNgwane were to be returned to Swaziland, that financial support would have to be cut out. Swaziland is recognized by the rest of the world and therefore does receive outside aid. Given that situation, the South African government might well argue that it no longer has any financial obligations to KaNgwane after its incorporation into Swaziland.

The loss of direct South African aid may have serious social and economic consequences for the inhabitants of KaNgwane. It is difficult to draw exact comparisons between the present levels of social and welfare services in KaNgwane and Swaziland. Though KaNgwane does seem to compare favourable in that area. In the health sphere, KaNgwane (Mpumalanga to be precise) in its 2016/2017 Annual Report highlighted that it had 287 primary health care facilities that could provide services to more than 7,602,668 adults and 1,846,366 children. In addition to the 287 Primary Health Care (PHC) facilities and 23 district hospitals which provide district health services, the Department also renders quality curative services through 3 Regional, 5 TB Specialized, and 2 tertiary hospitals to outpatients and inpatients across 33 hospitals. Over and above, this Department renders health services through a dedicated team of 10178 health professionals (1074 medical practitioners, 79 medical specialists and 5395 professional nurses, 1796 enrolled nurses, 1403 enrolled nursing assistants, 300 pharmacists, 131 dental specialists, and practitioners). The province has also awarded bursaries to 109 medical students in the Cuban programme and 551 nursing students (310 in 2015/16 and 90 in 2016/17 on the Mpumalanga/ KwaZulu – Natal collaboration and 151 in 2016/17 Mpumalanga College of Nursing).¹⁸⁵ On the other hand, Swaziland has also tried its utmost best to do some improvements in the health division: Tender award for the

¹⁸⁵ <http://www.mpuhealth.gov.za/AnnualReport/Dept%20of%20Health%20Annual%20Report%202017.pdf>

construction of the MGH Referral and Emergency Complex (MGH-REC) and works have already commenced.

- i) The new temporal OPD in Mbabane is fully operational.
- ii) Renovation of the Mbabane Government Hospital Maternity Unit was completed in August 2016 and fully operational.
- iii) The extension of the Mbabane Government Hospital Renal Unit (Phase1) has been completed and is fully functional.
- iv) Construction of Mkhuzweni maternity and theatre is complete
- v) Completed the construction of three clinics; namely, Lundzi, Maphalaleni, and Ezindwendweni.
- vi) The Ministry successfully launched and conducted the deworming exercise
- vii) Five new clinics started operating i.e. Nsalitje, Nhlambeni, Bhudla, Ndzingeni, and Mkhitsini.¹⁸⁶

Although Swaziland has made great strides in providing quality health to all the Swazis it still does not match the services provided by the areas supposedly to be incorporated into Swaziland. The health facilities in Swaziland are miles away from each other; this makes it difficult to access by the general populace whereas in KaNgwane, Mpumalanga to be precise, the distance is quite reasonable making it easy to access the health services. If the Swazis in South Africa would be required to become Swaziland citizens, the health sector would be overstretched as presently it cannot meet the demands of the over a million population. The high technology service provided in South Africa would difficult for Swaziland to meet and the outcry from the "Swazis" in South Africa would be an enormous number. There would be unrest if Swaziland would fail to provide the services that the new citizens are used to.

It thus seemed clear that in terms of welfare services and infrastructural development, KaNgwane has much to lose from incorporation into Swaziland. Swaziland will lack the capacity and resources to provide for KaNgwane in a measure comparable to South Africa's present commitment. The depressing economic outlook carries enormous

¹⁸⁶ http://www.gov.sz/index.php?option=com_content&view=article&id=267&Itemid=403

implications for the proposed incorporation of KaNgwane into Swaziland, which lacks the resources, the infrastructure, the industrial potential, or job opportunities to absorb the large population of South Africa “Swazi”. Swaziland has insufficient job opportunities for its existing as well as potentially enlarged population. Although Swaziland would gain more land from the incorporation, that would still not enable her to cope with the larger population. That would be especially so if Swaziland were to be expected, under the terms of the incorporation, to cater for the large number of South African “ Swazi” who do not live within the borders of Kangwane. Incorporation would more than likely lead to the collapse of the Swazi economy, with obviously dire consequences for the present people of Swaziland and those incorporated into the country. In the past, the flow of migrant labour to South Africa has served as a safety valve to alleviate the unemployment problem in Swaziland. Though recent restrictions have closed off that outlet, the “Swazi” living in KaNgwane or other parts of South Africa still have easier access to job opportunities in the more developed South African economy. Incorporation would seriously curtail those opportunities. It is clear that in economic terms KaNgwane has much to lose from incorporation into Swaziland. At present it is linked to the developed South African economy; incorporation would seriously undermine those links and push KaNgwane even further towards the underdeveloped periphery of Southern Africa. KaNgwane has too much to lose and very little to gain from incorporation.

7.7 Political ideology of Swaziland compared with Ingwavuma and parts of Mpumalanga (KaNgwane)

7.7.1 General Background.

The research study discusses the political system of both countries because the incorporation of KaNgwane would have an impact on the population of the two countries if it were to take place. Swaziland and KaNgwane do not share the same political ideology, thus it is going to create animosity amongst the people. Vilakazi had drawn attention to the dual character of the Swazi socio-political system, he says "It is a confusing mixture of traditionalism and modernity in unequal parts, and not in a syncretistic fashion where the old and the new are welded together to form a new institution that derives from and

value from the two antecedent structures. The situation in Swaziland is a coexistence of the old and the new and their constant interaction."¹⁸⁷

Traditional authority patterns have survived both the colonial era and the fifty years of independence, albeit in a modified form. The Swazi royal family and aristocracy have succeeded in retaining a high degree of authority, largely by expanding and modernizing their power base. In pre-colonial times, the royal power was underpinned by a strong constitutional, ideological, and material base. In theory, all powers – legislative, executive, administrative, and religious were centered on the King and Queen Mother. The quality and mystique of kingship earned elaborate deference from the Swazi people. The well-being of the nation is associated with the King's strength and virility. As Vilakati highlighted that, "the King is the Supreme Being and all the people owe honour to him. He is the symbol of the nation and this gives him his mystical powers of authority."¹⁸⁸

British colonial administration in the twentieth century inevitably changed the balance of power in Swaziland. The dualism of the present socio-political system in Swaziland could be traced back to the colonial era, which introduced a new form of legitimacy, a legal order that transcended "traditional" royal authority. The King's powers came to be limited by law; and the people of Swaziland came to owe primary obedience to the law, not to the individual who represented it. Personal loyalty to the royal authorities was thus undermined by the colonial structure. It was during the colonial era that people, albeit a small minority, began to question the right of the King and the aristocracy to exercise absolute power.¹⁸⁹

7.7.2 Politics since Independence

Swaziland became formally independent on September 6, 1968, under a constitution based on the Westminster model. The constitution recognized the King as a constitutional head of state. It created two houses of parliament, the members of which were to be

¹⁸⁷ Absalom Vilakazi, "Swaziland: From Tradition to Modernity", in Gwendolen Carter and Patrick O'Meara (eds), *Southern Africa: The Continuing Crisis*, (Bloomington, 1979), p.284.

¹⁸⁸ *Ibid.*, p.270.

¹⁸⁹ Vilakazi, "Swaziland", p.271.

elected under a universal franchise. The civil service was introduced, to be appointed by a civil service commission according to well-established bureaucratic standards.

The Constitution represented a departure from the "traditional socio-political structure, and so contributed towards the dual character of the modern system. Firstly, the constitution institutionalized a two-party system and therefore legalized opposition to the government. Secondly, the universal franchise established the right of the commoners to have a voice in government. Thirdly, an appointment to office came to depend, in theory at least, on merit rather than appointment by paying loyalty to a certain sect. According to Vilakazi, "In Sobhuza's eyes the Westminster-style constitution introduced into Swaziland an illegitimate contest for power that rightfully belonged to the King and the aristocracy."¹⁹⁰ Thus Swaziland's independence constitution survived for less than five years. A crisis arose after the 1972 general election. Although the King's Imbokodvo Party won an overwhelming majority in that election. The opposition was able to return only three members to parliament.

It was in 1973 when the King suspended the constitution while at the same time, he appointed a Royal Constitutional Commission. Although that commission was supposed to have reported within a few months, it was not until 1978 that a new constitution was instituted. According to Vilakazi, the new constitution accelerated the anti-democratic trend in Swaziland. Although the institution of parliament survived, the election of its members would fall very much under royal control. Vilakazi highlighted that the King would utilize traditional institutions, notably the *Tinkhundla*, to achieve that purpose. The Tinkhundla is a rural community council which falls under the control of the King. Under the 1978 constitution, parliamentary candidates were to be nominated by the people at the Tinkhundla; the names so selected would then be sent to the king for approval.¹⁹¹

In February 2006, Swaziland came up with another constitution from the Westminster model. The new constitution contained many progressive ideas but it also retained many of the features that had drawn international attention to the excesses of the absolute and

¹⁹⁰Ibid, p.274.

¹⁹¹Vilakazi, "Swaziland", p.287.

authoritarian powers of the Swazi King. Despite its veneer of constitutionalism and constitutional legitimacy, the new constitution did little to protect the Swazis against the excesses of the authoritarian tendencies and practices of their King and his officials. The Constitution failed to reconcile the monarchy with modern constitutionalism because it neither provided the barest minimum conditions for a functioning constitutional monarchy nor for a democratic order.¹⁹²

On the other hand, the South African constitution spells it out that:

- i) Everyone is equal before the law and has a right to equal protection and the benefit of the law. Prohibited grounds of discrimination include race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.
- ii) Freedom of assembly and the right to protest.
- iii) Freedom of association
- iv) The right to education, including a universal right to basic education.
- v) The right to vote and the universal adult suffrage; the right to stand for public office; the right to free and fair and regular elections; and the right to form, join and campaign for a political party.
- vi) Freedom of speech and expression, including freedom of the press and academic freedom. Etc.¹⁹³

The present political environment in Swaziland is a mere symptom of more deep-rooted contradictions within the country's political economy. The autocratic regime of King Mswati, based on traditional authority patterns, became increasingly out of keeping with an economic system that was shifting more towards capitalist forms of production. While the size of Swaziland's middle- class elite is growing, there are large numbers of people from this stratum of society who are not accommodated within the country's political system. Instead of providing outlets for political expression for these people, the royalist

¹⁹² Charles Fombad, "The Swaziland Constitution of 2005," South African Journal on Human Rights, vol 23, issue 1(2007): 93 -115.

¹⁹³ [https:// en.wikipedia.org/wiki/Constitution_ of _ South Africa.](https://en.wikipedia.org/wiki/Constitution_of_South_Africa)

regime stepped up its repression of opposition and dissent. Tensions and divisions have thus been left to simmer beneath the surface.

The incorporation of KaNgwane into Swaziland would more than likely exacerbate political tension and instability. It would introduce into the country a large new population, most of whom have either tenuous or non – existent links with Swaziland’s political system. Given that the majority of KaNgwane’s people oppose incorporation, it seems highly likely that political divisions and tensions would be severely aggravated should incorporation be forced through. KaNgwane has experience of a different political system, and its people would not adjust easily to the more authoritarian and traditionalist structure that exists in Swaziland. Moreover, it is difficult to see how KaNgwane’s ruling group could be merged into the Swaziland government, especially as the former were largely opposed to incorporation.

Thus in political terms, Swaziland would gain more land and natural resources but KaNgwane has very little to gain from incorporation. In the short term, incorporation would bring KaNgwane into a political system that is inherently unstable, authoritarian, repressive, and intolerant of opposition. The Swazi system is believed to be notorious for nepotism and corruption.¹⁹⁴ It is the system believed to be notorious for nepotism and corruption, in which power and privilege tend to reside with those who have the right connections, rather than with those who merit it. In the long term, incorporation would benefit Swaziland but also bring in more challenges to the political economy of the country, as the people of KaNgwane (Ingwavuma and parts of Mpumalanga) have the prospect of a better life in South Africa than they would in Swaziland.

7.8 Conclusion

The chapter has illustrated the political economy between Swaziland and the territory which is perceived to belong to Swaziland. The research has unearthed the industrial, tourism, and the political atmosphere between the two areas. It has further highlighted the benefits that Swaziland would gain economically and politically if those areas were to

¹⁹⁴ [https:// en.wikipedia.org/wiki/Constitution_ of _ South Africa](https://en.wikipedia.org/wiki/Constitution_of_South_Africa).

be returned to Swaziland. Having said that, it also pointed out the challenges that Swaziland would face from a massive population to come to Swaziland. It is going to be a mammoth task to provide social services to such a large number. The chapter has displayed the advantages and disadvantages that the incorporation would bring to Swaziland. We must discuss in depth the validity of the claim by Swaziland and that will be dealt with in the next chapter.

CHAPTER EIGHT

SWAZILAND'S ARGUMENTS FOR THE INCORPORATION OF INGWAVUMA AND PARTS OF MPUMALANGA

8. 1: Introduction

The chapter discusses the arguments given by Swaziland, on why Ingwavuma and parts of Mpumalanga (KaNgwane) should be incorporated into it. The previous chapters have shown how the Swazi nation came into existence historically and where they settled as a nation. The present chapter uses the historical evidence and primary sources to give an outline of the urgings brought forward by Swaziland as the motives for a merger with Ingwavuma and certain parts of Mpumalanga. It highlights how the Swazis settled in the disputed areas in the early 18th Century. That provides some leverage on whether the arguments by Swaziland are reasonable or not.

8.2: An overview of the origin and the rise of the Swazi kingdom (C 1750 – 1868 CE)

The Nguni group, that migrated southwards along the eastern littoral from East Africa, settled on the shores of Maputo Bay in the late 1400s under the leadership of Dlamini from whom the Dlamini clan took their name in the late 17th century the Dlamini moved inland, settling on the banks of the Pongola River. In keeping with the old custom which dated back to time immemorial, Dlamini III built two national headquarters: one used for ceremonial purposes and the other for administrative purposes. That tradition may explain the position of the Ingwenyama and that of the Queen mother who had almost identical status. Dlamini's ceremonial center was built where the present Ngwavuma magistrate's offices are today and it was known as Mavaneni.¹⁹⁵

The administrative center was built on the eastern side of the Lubombo Mountains, very close to the Pongola River and it was known as Zibayaneni. It was at Zibayaneni that

¹⁹⁵Matsebula, A History of Swaziland, p.10.

Dlamini III was succeeded by his son who became Ngwane III. While they were at the Ngwavuma area the Swazis developed their annual ceremony known as kuluma. This ceremonial eating of the first fruit (commonly known today as the nchwala) is still celebrated today and – each celebration takes place at the ceremonial center of each king. It is significant that even today, some of the ingredients used, particularly herbs needed for the nchwala ceremony, have to be collected from the Ngwavuma area. Whenever the Dlamini group left an area, some tribes were made to remain behind to guard the graves of kings who have been buried there as well as to look after the area itself on behalf of the royalty. For example, the Swazi tribes Nyawo, Mngomezulu, and the Matsenjwa are found in the Ngwavuma area today. Later the Swazi kings left the Ngwavuma area and moved upwards not far from the Pongola River. That was the last group to leave that area and by that time the leader was Ngwane III whose mother was the daughter of Langa (Langa). Ngwane III crossed the Pongola River and built his administrative center in the Magudu hills. While he was temporarily there Ngwane was advised by Langa to cross the Pongola again to the northern part where the Nkambule people of Sotho extraction lived. Langa called these people “intonga” (fighting stick for his grandson, Ngwane). Ngwane accepted the advice and later on recrossed the Pongola River. Here he incorporated the Nkambule clan.

In that area where Ngwane III settled there was a peculiarly shaped boulder which was to this day known as litjelangwane (stone of Ngwane). On top of the boulder, there was a comfortable depression in the form of a basin which holds rainwater in which Ngwane used to bathe. It was difficult to climb that rock, but Ngwane used to climb it easily, and he often sat on the top of it alone. Ngwane III began to conquer the tribes that he found occupying the area. It was he who conceived of the policy of absorbing into his tribe those people that he conquered. Besides the Nkambule, Ngwane III absorbed the Sihlongonyane, the Nkonyane, and other clans. Along the upper Mzinsangu stream near a small hill covered with trees, Ngwane built his ceremonial center and named it Zombodze. There he performed his nchwala or kuluma ceremony. The center was not far from where the present town of Nhlangu stands. Ngwane III also built Hhohho as his administrative center (lilawu).

The background has been given to trace the exact boundary of the early Swazi nation, which is the basis of the arguments that Swaziland bases its persuasion on. The disputed territories between Swaziland and South Africa are historically said to have belonged to Swaziland.

8.3 Swaziland's arguments for the incorporation of Ingwavuma and parts of Mpumalanga.

In 1888, A. Meikle, one of the Swaziland concessionaires, set the ball rolling on the question of the boundary as the Swazi territory extended to Pongola. He wrote to Col. Martin asking for the surveying of the boundary between Swaziland and Zululand. Presumably, he was interested in obtaining concessions there. That communication reached the Governor of Natal who then wrote to the High Commissioner on the 29th of July, 1888, and said that he was referring the matter "to the Swazi King to express his views as to his relations with Chief Sambane and Umbegisa..." The High Commissioner told the British Government that he had received that communication and suggested that Mbandzeni should be consulted on the status of those chiefs relative to himself. The Governor of Natal told them that both those chiefs were Swazi subjects and they both acknowledged him.¹⁹⁶ The communication between Meikle and the High Commissioner, according to the Swazis clearly articulated that the territory along the Pongola belonged to the Swazis.

The South African Republic was interested in establishing a protectorate over Swaziland, especially over the chiefdoms of Chief Sambana and Chief Mbikiza to gain free access to the sea. In 1889 the Governor of Natal informed the British Government that those chiefs owed allegiance to the Swazi Kings and suggested an investigation to ascertain whether they were the subjects of the Swazis or Zulus. Consequently, Saunders, the magistrate, was sent from Eshowe for that purpose. In his report, Saunders favoured annexation of those territories to Zululand and recommend that de Winston, who was investigating the affairs of Swaziland, should persuade the Swazis to renounce their claim to the Nyawo and Mngomezulu territories. At the same time, he doubted whether their

¹⁹⁶ The Blue Book C – 6200 of August 1890, p 102.

relations to Zululand had been closer or more intimate than had been their connection with Swaziland. He also emphasized that there was no proof that Sambane and Mbikiza were vassals of the Zulus. "They appear to be Swazis by origin." He wrote.¹⁹⁷ Saunders further said that if these were to be annexed to Zululand, agreement with the Swazi King would have to be obtained. The Swazis did not renounce their claim to these areas.

That was a sincere and true assessment of the situation according to Swaziland, which indicated that those areas were part of the Swazi territory. In 1895 the governments of Britain and the Republic agreed between themselves to hand the administration of Swaziland over to the Transvaal. Soon after that arrangement had been effected, Britain unilaterally proclaimed Sambane and Mbikiza areas to be part of Zululand and were to be administered by Natal. The British decided to incorporate these areas to make sure that the Boers did not have access to the sea. In the whole debacle, Swazis never profited in the South even as Sir Garnet Wolseley had intervened but the Swazi territory was further chopped off. This time the situation was worse than it had been when Mhlaba Motsa told the Swazi Nation at the installation of Ngwane. Thus the natural boundary of Swaziland arbitrarily assumed the artificial from where we find it today. That was, however, a general pattern in Africa. The colonizing powers did not take into consideration the national and natural ties and allegiances of the local natives when they created political divisions. Thus the boundaries that they created were so artificial that the independent states today have great boundary problems to solve.

To substantiate the claim that Ingwavuma belonged to Swaziland, King Mbandzeni wrote a letter to Sir Charles Mitchell, the then Governor of Natal on 12 September 1889 through his Resident Agent, Allister Miller. He stated that four *indunas* of the Swazi Chief Umbigisa named respectively: Umehlane, Tisinkunzi, Umkufuna, and Ubele, stated to the King that they came from their chief whose district lies to the north and the south of the Ingwavuma River, on the Lebombo Mountains. They reported that a white man came and stated that he was a brother to Mr. Ferreira, he told them that they had to pay allegiance to the Natal authorities and would return with other white men to force them to heed the command.

¹⁹⁷ The Blue Book C – 6200 of August 1890, p 100.

The Chief Representatives had gone to the King to ask for protection and the King responded swiftly by writing a letter to ask the British to avoid bloodshed and strife.¹⁹⁸ The Swazis believed that the King would not have bothered to go to the extent of writing that letter if those areas were not under his jurisdiction and the fact that the Indunas came to report to the King, that they knew they were his subjects and they were hoping that he would protect them.

According to the Swazis, the issue of boundaries and land ownership was foreign not only to the Swazis but also to Africa as a whole. The concept of land ownership and boundaries only came with the whites to the African continent. Africans marked their territories with rivers and mountains as opposed to mounting beacons as the whites did. The Swazis argued that their country called KaNgwane by then was bounded on the south by the Pongola River, on the west and north by Memitsi (Limpopo River), and the east by the Indian Ocean.¹⁹⁹ They argued that according to the Swazi culture, a King would use several chiefs and *indunas* to be in charge of the remote areas, to safeguard the interest of the Swazi nation, for example, Mavela Shabalala was the border Chief in the south and in the southwest, Mhali, after whom Magaliesberg was named, was the border chief in the west and northwest.

The Swazis also clarified in many publications that, when they talk about a Swazi King, he had many chiefs under him and there were headmen under the chiefs; there was a ceremonial kraal and an administrative kraal that moved from area to area, from region to region. They argued that it was therefore not correct to say that the Swazi Nation moved from place to place. There were no courts of law to try high treason cases and there were no prison department services to take care of the prisoners before the white men came to KaNgwane. It was the custom tradition practice that when reports reached the King; that a chief was rebelling against the authority of the King, the King used to prepare and sent out a disciplinary force to deal with the rebelling chief militarily. The Swazi people cited an example that “when Sobhuza I learned that Chief Thulwane was rebelling against him, Sobhuza I despatched a disciplinary force to the north from Shiselweni under his

¹⁹⁸See appendices C for the letter.

¹⁹⁹Republic of South Africa, File SS 26 Regional Archives, Pretoria.

command. It was this impi that drove Thulwane out of all his impregnable caves and forced him to flee across the Limpopo leaving many people dead, including women and children.”²⁰⁰ After disciplining Chief Thulwane, the King built his kraal at Ndubase (Steelpoort) and lived there until he was fetched by one of his brothers.

As earlier highlighted, the issue of boundaries and land ownership in the African context was abstract. Only the whites were accustomed to it. This is why it brought confusion to the Africans and in the process, a lot of lands were lost. When Andries Potgieter and his group arrived in the area vacated by Thulwane, they liked it. It was then under the jurisdiction of Chief Sikwata, the son of Chief Thulwane. Potgieter was duly advised to go down to King Mswati at Hhohho, where he was to make his request of settling in the area in question. Having considered Potgieter’s request to settle permanently in the country, King Mswati II agreed that the Dutch emigrants should settle permanently in the area described as follows: From the point where the Limpopo River enters the Indian Ocean upwards along the Limpopo River to its confluence with the Oliphants (Lubhalule) River, along the Oliphants River to the source of the Elands Spruit Pretoria thence straight to the Crocodile (Umngwenya) River and along the Crocodile River to its confluence junction with Komati (I Nkomazi) River, thence straight to the Indian Ocean.²⁰¹ The King representing the interest of Swazis, sent tindvuna to show the Dutch settlers those boundaries from point to point, following the kukhonta agreement. To signify their gratitude materially, the Dutch settlers paid 100 heads of cattle as tribute (setfulu). The Dutch occupied that area happily. The custom of kukhonta and the payment of setfulu with beasts still occurs even in present Swaziland. The Swazis argued that the Dutch were by no way buying the land but were signifying their gratitude to the King as a normal fellow Swazi would have done but that does not give those people a title deed (ownership) of the land. The land still belonged to the King who holds it in the trust of the Swazi nation.

The King and Council realized the value of the presence of these brave men, amongst Baka Ngwane. By that time the baka Ngwane had come to be known as Amaswazi by the Dutch settlers. After several years and after they had built Ohrigstad and Lydenburg

²⁰⁰J.S.M Matsebula, *The History*, 260.

²⁰¹South African Republic, File State Secretary Series 78, Regional Archives, Pretoria.

(eMashishini) the Dutch settlers asked the King for more land because they had increased in number and their livestock had also increased. The King in Council granted their request and commanded that the Tindvuna should go out to show the Dutch settlers the areas described as follows: from the Komati Poort to along Lubombo to Ngwavuma River to Pongola (Luphongolo) River thence mid-Pongola River its confluence with Usutu River and the mid the Pongola – Usutu river now called (Maputo River) to the point where it empties itself the East coast of Africa. The Dutch once more were very happy when they received the report from those who had been out to inspect the borders of those areas. As expected they expressed their gratitude to the King by paying tribute (setfulu) with 70 head of cattle.²⁰²

The third agreement was somehow different from the first two. This time, it was King Mswati II who asked the white people to settle in the south of Swaziland. There was an explicit condition in that agreement, i.e those white people should be people who would be able to form an effective barrier against Zulu raids. The description of that area was: from Steelpoort (Ndubazi) to a point near the headwaters of rivers Komati and Vaal, where Breyten now stands, thenceforth to Majuba Hill in the Drakensberg. The Dutch settlers were very happy when they received that news. However, they had not asked for that vast area, so did not pay any tribute (setfulu) to the King.²⁰³

Another group of Dutch settlers under the leadership of Coenraad Johannes Vermaak requested King Mswati II for land to settle permanently. The following described the area which the King in Council granted to Vermaak to settle on: from the Speckboom (Muzinsangu) River to its confluence with Pongola River, thence along the Pongolo River to Pongolo Poort with the Lubombo Mountains. From there along the Lubombo Mountains to Usutu River thence along the Usutu River to Sitfobela range and along with the Sitfobela range to Speckboom River. Vermaak gave a tribute of 30 herds of cattle. According to the records, that agreement took place in September 1860.²⁰⁴

²⁰²Gillis, *The Kingdom*, 72.

²⁰³Matsebula, *A History*, 278.

²⁰⁴South African Republic, *State Secretary Series SS 30*. Regional Archives, Pretoria.

In the opinion of the Swazis, the territories that were given to the Dutch settlers still belonged to Swaziland because they had requested them from King Sobhuza and King Mswati II. They argued that if those territories belonged to other nations, they would have not bothered to request them from the Swazi Kings. As earlier explained, the issue of boundaries and land ownership through title Deeds was nonfigurative to the Swazis,. According to them, it was imperative that they could sign anything they did not understand. The Dutch settlers took advantage of the illiterate Swazis and made them sign documents that they did not understand. Over and above that the Swazis saw the cattle that were given to the Swazi Kings as a tribute to the King as it was normally done by his subjects when they were given a piece of land. They did not see that as payment for the land that they had been allocated, this is why the Swazis have a firm belief that their territories were taken away from them under dubious means.

After the death of King Mswati III, the Dutch settlers began to claim all the areas that they had been permitted to live permanently as their properties. They argued that they had purchased the land with cattle from King Mswati II and all the Swazis who lived on those areas were declared by the Dutch as squatters. The Dutch produced papers that proved that they had bought those lands and the documents were the Deed of sale. In one of the areas stood the Mbhuleni Royal Residence. The Queen Mother who was also the Queen Regent with the elders of the nation entered into negotiations with the Dutch who were by that time the Lydenburg Republic for the purchase of the Mbhuleni area. The result of that negotiation was an agreement whereby the Swazi nation could buy the area back with ten elephant tusks. The Headmen were sent to deliver to the Lydenburg Government. The agreement was not written down. Even if it was put into writing, it could not help the Swazis because they were not able to what had been written.²⁰⁵

As it was pointed out earlier, King Mswati had allowed the Dutch Lynden community to settle in the area extending from Ndubasi / Steelpoort River to Majuba Hill in the Drakensberg and along the Pongola River to the watershed in the Lubombo Mountains. The main reason according to the Swazi Kings for settling the whites was to form an

²⁰⁵Matsebula collections

effective barrier against the Zulu raids. It later transpired that the Lydenburg republic divided that area into farms that were sold to individual white people. Some of them were sold to a Scottish Company called the Glasgow & Company, under the management of Mr. Mc Corkondale. The Deed of Agreement between the Dutch Republic and Glasgow & S.A Company was signed on the 5th of October, 1864. The farms in those areas were named New Scotland.²⁰⁶

Twenty – six and a half farms in New Scotland were sold to 10 settlers and 80 farms were sold to the Glasgow & S.A Company, the company named that area Londinia. The terms and conditions stipulated by the King when he asked the Lydenburg Republic to settle on the whole area were not honoured because the Zulu raids continued to take place.

In 1866, 20 years since King Mswati II permitted the Dutch emigrants to settle permanently in his country, the Lydenburg Republic or the South African Republic appointed a boundary commission to demarcate and define the boundary line along with the areas that they had been permitted to settle on permanently. They asked the Queen Regent and Council to provide men to help show the exact points. It was the understanding of the elders of the Swazi Nation that the exercise was to point out the boundaries of the areas agreed upon in 1846, 1855, and 1860. According to the Swazis, the Dutch emigrants were the subjects of the Swazi King. Their opinion was that they would be treated the same as the Swazis but the Dutch emigrants had their motive of claiming the land to the South African Republic. As expected, Magwazidili Dladla, Madolo Dlamini, and Hlafuna were the envoys from the Swazi nation who were sent to point out the areas on which the late King permitted the Dutch settlers to settle. The Swazi representatives started late from the Swazi headquarters and found that the Commission was already at Mpuluzi. The records reveal that four beacons had already been erected when the Swazi delegates joined the commission. The Swazi delegates reported that the beacons had not been erected where the Swazi King had shown the Dutch in 1860 and that the Swazi side had been encroached upon by the Commission. That revelation was strongly backed up by a letter written by the Chairman of the Boundary Commission. He

²⁰⁶Noel George Garson, "The Swaziland Question and a Road to the Sea" (Master's thesis, university of Witwatersrand, 1955), 17 – 20.

said, "From the letter addressed by the Chairman of the Boundary Commission, Mr. C. Potgieter, dated 24th August 1866, to the President of the South African Republic, His Excellency, M.W Pretorius, revealing utter surprise and dismay that the Commission erected some beacons deep into the Swazi side so that a very large area which originally was not permitted for occupation by the Dutch settlers, was now added to the areas on which the Dutch settlers were to settle."²⁰⁷

According to Swazis, the above-mentioned agreements were given to the Dutch settlers in the Kukhonta agreements. They argued that there was no sane person who could doubt the accuracy of the statement that King Mswati II sold, ceded a piece of land to the Dutch settlers. The agreements he made with them were the Kukhonta agreements. They believed that King Mswati II with his Council did not know that land was a commodity that could be sold, ceded, leased or that land was bankable. They further argued that King Mswati II with his Councillors could not read and write, and did not have any person on his behalf who could read, understand and finally translate the so-called Deed of Sale documents. Furthermore, the lands in question were not the King's personal properties, as they were made to believe, they were, in that "Deed of Sale" documents. The Swazi law, custom, and usage, which obtain even to the present days do not legally belong to a chief or a King as his personal property but the land was held by the King in trust for all the members of the Swazi nation. That was the legal and constitutional position in the Kingdom of Swaziland as regards the ownership of land.

General Sir Garnet Wolseley on the question of alienation and cession of the land by a king to foreigners, stated in a despatch dated 21st of February, 1880 to the Secretary of State for Colonies, Sir Michael Hicks Beach. "In this minute it is stated that the land for the mission stations was given by the kings of Zululand, and particularly that "The site of the mission station known at St. Paul's was given by Prince Cetywayo." That the land in the Zulu country belongs to its people, and that no chief or king has the power or the right or authority as king to alienate or cede any part of the Zulu territory to any foreign state or private individuals."²⁰⁸ The Swazis believed that the above-quoted statement applied

²⁰⁷ S.A.R. File No. State Secretary Series 83, Regional Archives, Pretoria.

²⁰⁸ British Government File C.O 879/17P.R.O. London

equally well in the case of Swaziland. They argued that the Swazis and the Zulus were all Nguni Speaking and they shared many things in common.

Their opinion was that the so-called “Deed of Sale” cannot even be enforced in the court of law because it does not fulfill all the requirements in the contract of sale of immovable property under the Roman-Dutch Law. Furthermore, they argued that it took them over 20 years to demarcate and delineate the boundaries of the supposedly land that they had “purchased”. “The alleged grant by Chief Umswazi in 1846..... was a document as vague and obscure as to present considerable difficulties in its interpretation.”²⁰⁹ It was reasonably justifiable to conclude that the land that the Dutch Settlers maintained was sold and ceded to them by the Swazis was not sold to them. They obtained the right to settle on it permanently. On another note, the Swazi also disputed the authenticity of the deed of sale because it was written that it was signed on the 2nd of July 1866 by Magwazidile. It read “and I further engage that the Deed of sale of the above cession shall also be signed and actioned by the said administrators of the said Kingdom and that my actions shall thereby be declared valid.”²¹⁰ The Swaziland government has up to now been unable to find the signatures of the elders of the Swazi Nation such as Queen Regent Thandile, great Chiefs, Sandlana, Ndwandwe, Maloyi and many influential Chiefs, on the referred Deed of Sale following the above-quoted sentence in it. It was argued that, if the Swazi Administrators did not sign, it meant that the whole contract became null and void. The Swaziland Government requested the Government of the Republic of South Africa to produce that Deed of Sale with the signatures of the said administrators of the Kingdom of Swaziland, to make the Deed of Sale valid.

Swaziland also emphasized these principles of the provenance of the international boundaries relative to the claims made by the Government of Swaziland and the Kwa – Zulu Government over the Ingwavuma District of the Republic of South Africa. Swaziland argued that there was no King in any given country particularly in Africa who had ever built his Principal Royal Residence / Administrative Head Quarters / Sigodlo in an area that was not within the boundaries of a country of which he was the King. The sigodlo is

²⁰⁹ S.A.R. File No. State Secretary Series, Regional Archives Pretoria.

²¹⁰ S.A.R. File No. State Secretary Series Regional Archives Pretoria.

always built in his own country. King Dlamini III, having moved his Administrative Head Quarters from the site now occupied by the city of Maputo in 1750, built his sigodlo on top of the Lubombo Range where the present Ingwavuma Magistrate Offices are situated, and named it Emavaneni. His lilawu was built on the east of the Lubombo Range close to the Pongola River and called it Ezibayaneni. King Dlamini died and was buried at Emavaneni. ²¹¹ I was that King Ngwane III after whom the country was known as KaNgwane, and the people bakaNgwane, and it was that King Ngwane III after whom the Swazi Homeland in the Republic of South Africa was named KaNgwane.

Swaziland argued that there was never a Law in any given country which allowed the King to grant land rights/concessions to individuals or groups of individuals on areas that were situated in foreign countries. A King (or government) may grant concessions on areas that fall within the boundaries of a country of which he was the King. In 1846 and again in 1855 King Mswati II permitted the Dutch immigrants to settle on areas which extended as far as the mouth of the Limpopo River, the Indian Ocean, and the mouth of the Maputo River to the Pongola River and the Lubombo Mountains. King Mswati II in 1860 permitted the Dutch settlers to settle on a large portion of the Swazi country, extending from Steelport River near Middleburg to Majuba Hill and the source of and along the north bank of the Pongola River up to the confluence with the Speckboom River. Even King Mbandzeni gave mining and trading rights to Mr. Stuart Townsend Erskine and Co on the Swazi area as described below: "From the Usutu Port in the Lubombo Mountains down to the Ingwavuma River to its Port with the Lubombo Mountains."²¹² Swaziland argues that it was impossible to give out concessions, mineral, and trading rights to white settlers if that territory belonged to other nations. That they believed those areas belonged to Swaziland. Thus the King had jurisdiction over it.

On another note, Swaziland vehemently believed that Ingwavuma belonged to Swaziland, not to Zululand. They argued that in 1887, the Zulu Nation and all its satellites declared war on British Natal. The Zulus were defeated, as a result of that conquest, Zululand and its satellites were annexed by the British. The Trans- Pongola territories (Ingwavuma) did

²¹¹ Thomas Magagula, *In the tracks of the Swazi past* (Matsapha, Stock's Desktop, 1997), 58.

²¹² J.S Matsebula.,et al., *The History*, 92.

not take part in that war because they were never part of Zululand. Consequently, they were not affected by that annexation by conquest.²¹³ On the 23rd of December, 1895, seven years after the annexation of Zululand by conquest the British annexed into British Natal the Trans – Pongola Territories; which annexation aroused great constitutional treaty obligation and infringements. The South African Republic, which exercised protection over Swaziland, under the 1881 convention, protested vehemently. That protest culminated in Mr. Chamberlain deciding that the dispute be referred to arbitration on 15th August 1896. Unfortunately, the Anglo – Boer war intervened leaving the matter unsettled up to the present moment. Furthermore, the Swazis claim that , when the Union of South Africa was formed in 1910, the Trans- Pongola Territories (Ingwavuma) were administered as the Trust Territory until 22nd October 1976, when the Republic of South Africa in pursuit of its policy of Apartheid and appeasement of Gatsha Buthelezi; transferred those territories to the KwaZulu Bantustan. When all that happened, Swaziland, which had entered into direct negotiations with South Africa in 1969 on those territories, protested vehemently. Due to the forced cession, a massive exodus of people and their Chiefs from the Ingwavuma area to the Lavumisa area (on the Swaziland side) took place; thus creating a refugee situation of more than 20,000 people. “On the 4th December 1888 – and in response to a query by the Secretary of Native Affairs of Natal, - Sir Theophilus Shepstone wrote back, on Royal command of King Mbandzeni that both Mbikiza and Sambane, who were chiefs in the Ngwavuma area, were loyal subjects of the Swazi King.²¹⁴

Swaziland further argued that an agreement relative to an international boundary cannot be entered into by one party, but was made jointly by all the parties mutually-interested therewith. Swaziland makes an example of the two Boundary Commissions of 1866 to demarcate the boundary between the Lydenburg Republic and the Swazi country, and the 1875 Boundary Commission, were all appointed by the South African Republic excluding the input from Swaziland, as a stakeholder. That agreement according to

²¹³ Thomas Magagula, In the tracks of the Swazi past (Matsapha, Stock’s Desktop, 1997), 45.

²¹⁴ “Blue Books House of Lords, No C62000, p.104.

Swaziland makes the exercise to be null and void. They believed that most of the Swazi land was cut off from the initial area owned by the Swazis.

An aversion to the international borders drawn by the colonial powers, if not their complete rejection, had been a consistent theme of anticolonial nationalism in Africa. The borders were blamed for the disappearance of a unity which supposedly existed in Africa in pre-colonial times, they are regarded as arbitrarily imposed. They are artificial barriers separating people of the same stock and they are said to have Balkanized Africa. The borders are considered to be some of the humiliating legacies of colonialism which, according to that view, independent Africa had to abolish.²¹⁵ Swaziland believed that it was not exempted from the injustice of arbitrary boundaries because the majority of the Swazis were cut out from their nucleus by the white settlers. They argued that the population of the Swazis that remained in Swaziland was not even half of the population of the Swazis that were in South Africa. That portrays the imbalance caused by colonial boundaries. Swaziland also vehemently argue that the document that was signed at Addis Ababa in 1964, entailed that none of the colonial boundaries, should be altered to avoid disputes. The Swazi argue that, when that agreement was signed, the Kingdom was not yet independent, so they were not part of the agreement. It does not hold Swaziland accountable because it was not a signatory. The dispute between Botswana and Namibia over the Okavango also gave the Swazis hope that, their border dispute with Swaziland can also be solved, as was the case of the two nations at the International Court.

The proposed land deal became public with the proclamation in the South African Government Gazette of 18 June 1982 of the abolition of the KaNgwane 'homeland' Legislative Assembly and the excision of Ngwavuma from the KwaZulu homeland.²¹⁶ The governments of South Africa and Swaziland were apparently on the brink of clinching a deal to transfer large tracts of the South African territory to Swaziland. In return, Swaziland was expected to accept the Swazi citizens of South Africa. The deal was the realization

²¹⁵ Saadia Touval, "The Organization of African unity and African borders," *The International*, Vol.21, No.1 (1967), pp.102 – 110.

²¹⁶ D.C Funnell, 'the Abortive Swazi Land Deal,' *African Affairs*, vol.90, Issue 358 (1982): 51 – 54.

of a Swazi irredentist dream which had existed with more or less clarity since the British and the Boers had, in the late nineteenth century, drawn a political boundary which cut across the Swazi nation putting many people who traditionally owed allegiance to the King of Swaziland physically outside his kingdom. The irredentist dream was to have been achieved without the consent of the people involved. It would have fulfilled a long-held ambition for the then King of Swaziland, the octogenarian Sobhuza II, and was backed by some groups within Swaziland who were then competing for the position in anticipation of the internal power struggle which was to follow Sobhuza's death. The Swazi people argue that South Africa was not in any way giving land that belonged to South Africa but it was land that belonged to Swaziland from the onset. It was a confirmation that Swaziland, had always been protesting about the land that was taken by South Africa. The South African government had realized that the Swazis were loyal to their King, even if they were on the South African side. They consider themselves one with the Swazis who were in Swaziland.

Figure 4: for the Abortive Land deal in 1982



Swaziland and surrounding area

8.4 Conclusion.

The chapter has presented the arguments that Swaziland has advanced regarding the border adjustment conflict between herself and the South African Republic. Swaziland mainly argues its points basing itself on historical accounts and the fact that boundaries were not what Africans were used to, but were forced on them by the white settlers. They argued that Swazis were not educated but were forced to sign certain documents that they did not understand. Lastly, the abortive land deal confirmed that the Ingwavuma and KaNgwane did belong to Swaziland, thus the South African government wanted to hand it back to the rightful owners in 1982. The last chapter provides a conclusion for the whole research study. It summarizes what has been discussed in the study so far.

CHAPTER NINE

THE VALIDITY OF SWAZILAND'S CLAIM TO THE TERRITORIES OF INGWAVUMA AND PARTS OF MPUMALANGA.

9.1 Introduction.

The claim by Swaziland on the territories of Ingwavuma and KaNgwane has, as earlier stated, culminated in a proposal by the Republic of South Africa to cede these territories to Swaziland. Due to unforeseen constitutional difficulties on the part of South Africa, the proposed cession of the territories of Ingwavuma and KaNgwane was suspended.²¹⁷ However, on the part of Swaziland, there is still the intention to pursue the proposed cession or transfer of the land. It has recently been reported in the media that the Swazi government was using all within its means to press on with the proposed cession of the said territories. In the light of Swaziland's intention with the proposed cession, the validity of Swaziland's claim to the territories of Ingwavuma and KaNgwane must be examined in the light of the various rules of public international law. Therefore this chapter is intended to determine whether Swaziland can push through with her claim on the said territories in the light of the arguments raised by her in the negotiation process with South Africa. However, the arguments raised by Swaziland are not based on international law principles but are based on historical evidence wherever it is deemed necessary.

²¹⁷ The decision to suspend the proposed cession of the territories of Ingwavuma and KaNgwane was adopted by the Republic of South Africa, after, after the Appellate Division, South Africa's highest court, in the Government of the Republic of South Africa's highest court, in the Government of KwaZulu 1983 (1) S.A., p. 164, confirmed the decision of the Court a quo that the proclamations excluding the territories aforementioned from the Bantustans of KwaZulu and KaNgwane should be returned because there had been insufficient consultation as required by the National states constitution as required by the National states constitution Act of 1971.

9.2 Replications of the border issue between Swaziland and South Africa

In chapter 5 it was explained that the Dutch emigrants came into Mswati's undisputed domain and that Mswati welcomed and settled them peacefully and strategically. Later on (in 1860), the Dutch asked the Swazis to show them the borderline (umnyele) within which they would settle their people. According to Matsebula, the request by the Boers was per Swazi practice and the Swazis roughly indicated the borderline.²¹⁸ Thus the Boers beacons off the line. It was a mutual understanding between the Boers and the Swazis about the settlement of the Boers, such that no convention was ever signed. As it was highlighted earlier, the Swazis were not present when the line was actually beacons off and consequently, the line was put inside Swaziland in some places, such as the line between Mahamba and Silofwane hills and from the mid – Komati down to its junction with the Crocodile River. However, the Swazis were less bothered about the demarcation as they regarded the border of 1866 as domestic.

In 1880 the British, who had become masters of the Transvaal, demarcated a boundary between the Transvaal and Swaziland for which they used the 1866 borderline. However, realizing that the English wanted to internationalize the boundary, the Swazis wanted the lands which the 1866 line had left out outside to be included within Swaziland. These lands were the Pongola corridor, the Mahamba area; as well as the Mbhuleni and Hhohho valleys. Although the British authorities in Pretoria and their technicians seemed in words to sympathize with the Swazis, in practice they were utterly unsympathetic and prejudiced.²¹⁹ They overlooked all the Swazi claims and all genuine Swazi demands were betrayed and ignored. Mbandzeni was persuaded to declare his acceptance of the boundary that had created the anomaly of a divided nation. Many Swazis were cut off from the heart of Swaziland. Mbandzeni accepted this under protest.²²⁰

Matsebula alleged that Alleyne incorrectly stated: "The King (Mbandzeni) appeared to be pleased with the settlement, and stated that he was grateful to the British government for

²¹⁸ J.S.M Matsebula, A History of Swaziland 3rd Edition (Cape Town: Longman, 1988), 278.

²¹⁹ Matsebula, A History, 278.

²²⁰ H. Gillis, The kingdom of Swaziland: Studies in Political History (London, Greenwood Press, 1999), 25.

placing the Horo district within his country.”²²¹ The Horo (Hhohho) valley was bounded on the north by the Crocodile River. Mbandzeni neither understood the Alleyne Commission nor did the commission understand Mbandzeni when the declaration of acceptance of the 1880 borderline was signed at Nkanini on 29 March 1881. The British and Boer representatives met in Pretoria, without the Swazis, and arbitrarily accepted the 1880 boundary and signed the document which they called the Convention of Pretoria. It was pertinent to quote the South African Republic when it protested against Britain’s unilateral action to annex the Ngwavuma area in 1885: An agreement relative to an international boundary cannot be entered into by one party but is made jointly by all parties mutually-interested therewith.²²²

Despite all those conventions, the boundary was in shambles and a mess. As soon as the boundary had been finalized, it became clear that Mbandzeni had been misled, he had been given the impression that the boundary line was as indicated by his men at Busuku hill, from Busuku Hills (beacon V) to the Dlomodlomo Hills, then north to the Crocodile River and down the river to its junction with Komati River. Hence in 1883 he innocently granted a concession to Kestall and Wyld on the side that had become Transvaal. When it was explained that the greater part of Hhohho was in the Transvaal, Mbandzeni demanded that Rudolph, who had interpreted at the Nkhanini royal residence on the 29th of March 1881, be brought to him for an explanation. He was prepared to pay for the traveling expenses. Rudolph completely disappeared from the scene and was never seen again. ²²³

The fact that shows that the northern boundary was badly defined as clearly shown by the South African Republic government sending four commissions in four consecutive years, namely:

- I) 1884 Surveyor – General Moodie
- II) 1885 von Wielligh and Joubert
- III) Von Wielligh and Joubert

²²¹Matsebula, A History, 278.

²²² State Secretary, Pretoria 27 December, 1895.

²²³Matsebula, A History, 279.

IV) 1887 von Wielligh ²²⁴

To resurvey it, one of these commissions reported to the government of the South African Republic as follows:

“It appears to your Commission that there is a misunderstanding among the Swazis about the borderline between Kamhluana and the Mananga point. The Commission is under the impression that the Swazis consider the first borderline, suggested by Major Alleyne as the rightful one, not the second borderline accepted by the Convention, to wit from Kamhluana to Mananga point.”²²⁵The other commission reported: The King and his council thought that the line should go from Kamhluana, with the same mountain ridge to the Crocodile River, and from there to Mananga.²²⁶

To further cement the issue of boundaries, in 1866 Mbandzeni complained to the British in Natal that the original boundaries of his country had been the Pongola and Crocodile Rivers, which could not be shifted like an artificial boundary.²²⁷ A British agent in Pretoria, Ralph Williams was informed by one Frank Adcock that the definition of the boundary was ‘very vague and uncertain.’ It was not only the above-mentioned officers, who made such assertions. When the boundary commissions report was received, even the Colonial Office in London, observed that: “the report does not make any recommendation for the extension of Swaziland territory to the Pongola River. There appears to have been some confusion between the northern boundary of Zululand and the southern boundary of Swaziland- at the time, with the former having been fixed at the Pongola River in 1879 and the latter on the line followed by the Commission in 1866.”²²⁸

In 1890 a handful of the Boers who had been squatting on Swazi land, and who was ordered to leave that place, asked the South African Republic (S.R.A) government to incorporate the land on which they squatted. The S.A.R negotiated with the British

²²⁴ H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 33.

²²⁵ Matsebula, *A History*, 279.

²²⁶ *Ibid*, 279.

²²⁷ *Ibid*, 282.

²²⁸ CO 879/48, p.39, No.216

government and the two government's cold-bloodedly agreed to incorporate the land on which they squatted. The S.A.R negotiated with the British government and the two governments cold-bloodedly agreed to incorporate into the Transvaal about 15 000 morgens of Swazi land with the notorious label " Little Free State", at the source of the Ndlotane stream near Piet Retief. They declared: "Her Majesty's Government consent to an alteration of the boundary of the South African Republic on the east, (so) as to include the territory known as the Little Free State within the territory of the South African Republic."²²⁹

That annexation was confirmed by the Swaziland Convention in 1890 which was also signed by the same two white powers without Swaziland's knowledge. Later the British High Commissioner' suggested appointing a commission consisting of the British, Transvaal, and Swaziland governments to delineate the boundary of the "Little Free State." That has not been done even to this day. In 1892, the High Commissioner asked Offy Shepstone to state clearly what was claimed by the Swazi nation as the boundary of the "Little Free State", and also whether the Swazi nation accepted the boundaries of the area included in the original grant to Maritz and Ferreira in 1876. Shepstone regretted his ability to do so, as he had not himself seen the document of 1876, and the incorporation of that piece of land into the S.A.R was done without Swaziland's knowledge.²³⁰

In 1895, the British cut off part of Swaziland (the Ngwavuma area) and annexed it to Natal, knowing very well that the land was part of Swaziland and was occupied by the Swazi people. The S.A.R on behalf of Swaziland protested strongly and Britain suggested arbitration. Joseph Chamberlain, the then British Prime Minister, suggested to the High Commissioner an early appointment of a joint boundary commission should the S.A.R accept that idea and should the joint commission differ, the boundary matter might be referred to arbitration. The High Commissioner suggested two names – one to represent the S.A.R and the other to represent Britain. In January 1898, the Governor of Natal wrote to the High Commissioner and said that

²²⁹Matsebula, A History, 281.

²³⁰ Gillis, The Kingdom, 29.

he foresaw that the British were in for a good deal of trouble about the area in question. "I think we ought to avoid going to arbitration if it can be avoided. I never understood why Mr. Chamberlain ever suggested it."²³¹ In the Anglo Boer war of 1899, the border question was left unresolved. The boundary between Swaziland and the Trans – Pongola (Ingwavuma) country was fixed because the S.A.R was not prepared to be a party to an unfriendly act.

Britain parceled out Swazi lands easily because it was convinced that Swaziland would ultimately be incorporated into Transvaal. On the 4th of July 1905, a Swazi delegation went to Pretoria where it met the governor of the Transvaal, Alfred Milner, and told him "one of our complaints is we would like to have the beacons put right. At Makomba (Makhonjwa) the beacons are not in their original place."²³² In response to the plea made by the Swazis, in 1908 the British surveyed the boundary between Swaziland and the Ngwavuma area, from Nyawo Hill (beacon XVI) to the Lusutfu River along Lubombo. Again the Swazis were not made aware of the exercise (survey).

In 1910, the Union of South Africa came into being, the Swazis had to constantly remind the British to ask the Union for border adjustment. The Union was not responsive to the Swazi quest for border adjustment. In 1916, whereby the Union of South Africa appointed the Beaumont commission which recommended that certain areas should be set aside for the Swazi in the Eastern Transvaal. However, the recommendations were not implemented. In 1932, the Swazi chiefs of the Eastern Transvaal petitioned the Union parliament and asked for certain areas in the Transvaal to be set aside to settle the Swazis. The Nkomazi and Nsikazi areas were set aside for occupation by the Swazis.

From the creation of the Union of South Africa in 1910 until 1961, all the governments of South Africa cherished the concept that Swaziland might one day be transferred into the Union. Hence they constantly raised the question of transfer. In 1961 the position changed, the Prime Minister, DR. H.F Verwoerd told parliament that the

²³¹Matsebula, A History, 281.

²³²Ibid, 281.

concept no longer existed. Addressing the Transvaal Congress of the National Party in Pretoria on 12 November 1958, he said: But as guardian, we can do for them what Britain cannot do (for example we can) combine the Swazis of the Union and the Swazis of Swaziland into one community as it was by nature.²³³

That was a hint that the South African leadership was committed to a mutually beneficial coexistence with its neighbours and to be practical. Nevertheless, British influence remained. "Again in a speech on the 3rd of September 1963, Dr. Verwoerd confirmed that he foresaw the consolidation of the land with the protectorates if the right attitudes for consolidation could be created."²³⁴

In the late 1950s, South Africa had devised a scheme to form ethnic black communities. To advise on that, a commission was appointed under the chairmanship of Professor Tomlinson. That commission acknowledged the fact that the Swazi people were strong royalists; their King was their spiritual center, a symbol of their oneness and a sign of belonging together, whether they lived within Swaziland or in South Africa. The Thomlinson commission recommended that Swaziland should be regarded as a nucleus or heartland of the South African Swazi communities, and since they were adjacent they should be joined together. Tomlinson wrote to the Resident Commissioner of Swaziland, "There is a considerable community of Swazis under my charge in the Nelspruit District. Among them are several persons who claim to be chiefs. I have been endeavoring to get these individuals to state who is their senior chief whom I may hold responsible for the whole area. Each claims the honor and I cannot obtain unanimity on the point. Would you be so good as to ask the Paramount Chief of Swaziland to indicate who is the senior chief of the Swazis in the Nelspruit District, and also any other persons who are entitled to claim chieftainship?"²³⁵

The Resident Commissioner passed the request on to Sobhuza II who sent a representative to the native commissioner to explain to him that all those people were

²³³J.S.M Matsebula et al., *The History of Emaswati in South Africa* (Barberton: Mbokodo publishers, 2016), 129.

²³⁴Matsebula, *A History*, 283.

²³⁵ Gillis, *The Kingdom*, 45.

chiefs responsible to Sobhuza. The native commissioner returned a word of thanks for the explanation. Thus in 1977, South Africa established a homeland for the South African Swazis in the Eastern Transvaal. By then 21 Swazi chiefs maintained close contact with Swaziland and took part in traditional and other national activities in Swaziland. The British constitutional influence in South Africa ended with the creation of the Republic of South Africa in 1961. Thereupon without delay, the Republic asked Britain, as the power controlling the affairs of Swaziland, to request the Swazis to join her in redrawing the Transvaal- Swaziland boundary and South Africa went as far as suggesting her team of commissioners. All that proved a genuine willingness on the part of their leadership to have a mutually acceptable boundary. Replying to South Africa's suggestion, the British said: "The Swaziland Government (colonial) is aware that there are some uncertainties concerning the exact position of the beacons and boundary lines on the common border between Swaziland and South Africa."²³⁶ The above statement shows that Britain's admission that there was no mutual agreement on the boundary between Swaziland and South Africa.

9.3 Negotiations between the Republic of South Africa and Swaziland.

In 1966 Britain approached King Sobhuza who decried to hold the matter of the boundary in abeyance until Swaziland regained independence. In 1969 South Africa reminded Swaziland about her request for border talks, as Swaziland had then been reborn. The negotiations to restore the boundaries of the 19th-century kingdom over which Swazi Kings of old ruled began. According to Matsebula, " before the actual discussion started, Swaziland asked South Africa to draw up a document indicating the extent of Swaziland at the time the Boers arrived in what is now Transvaal. South Africa willingly did so after consulting old the documents in Dutch, English, and Portuguese."²³⁷

Within South Africa, it was felt that the King's wish to negotiate a border adjustment, and the broad efforts to meet the ideal of the united Swazi nation, must be viewed with

²³⁶ Gillis, *The Kingdom*, 60.

²³⁷Matsebula, *A History*, 284.

sympathy and that it was their duty to find a realistic solution, particularly in the light of South Africa's policy to grant freedom to the nations. In a public speech, the Minister for Bantu Administration, M.C Botha affirmed the facts as stated in the Tomlison report, which stated that, Swazis also live in the Piet Retief area and at Ingwavuma near Makatini Flats. That assertion by the Minister for Bantu Administration clearly shows that those areas (Piet Retief and Ingwavuma) belonged to Swaziland. However, while the negotiations were proceeding, South Africa handed the Ingwavuma area to the KwaZulu homeland without advising Swaziland, although Swaziland was against the decision, South Africa went through the process of handing Ingwavuma over. As a result of handing that community over to KwaZulu, confusion, controversy, and unrest in that area ensued. Consequently, over 10 000 Ingwavuma residents left their homes in the area and fled for their lives to Swaziland. The residents of Ingwavuma sought refuge in Swaziland because it was a haven for them as they were Swazis. Only the borders set by the Boers separated them from their ethnic group.

On 1st July 1977, South Africa accorded a homeland status to a Swazi community mainly living in the Hhohho valley, which was included in the border negotiations. The homeland was named "KaNgwane." Historically the name KaNgwane refers to Swaziland; hence that was an extension of Swaziland. In 1918, Honey, who was the third Resident Commissioner for Swaziland had correctly stated: "The Swazis, however, generally refer to themselves as the emaNgwane, the people of Ngwane and to the country as KaNgwane, the land of Ngwane".²³⁸It was no doubt that these said areas belonged to Swaziland before the arrival of the Boers, who decided to put up borderlines which were to the Swazis meant to mark their boundary against other advancing whites.

Swaziland did not ask for the incorporation of any South African homeland as there were none then but specifically wanted to negotiate the border adjustment which had been a hanging – fire for 100 years. On the 15th of February 1980, about 500 chiefs

²³⁸Matsebula, A History, 284.

with their induna, on behalf of the Swazis all over South Africa converged on the Lozitha Royal Palace where they appealed to King Sobhuza II to request the South African government for the union of the South African Swazis with the Kingdom of Swaziland. On 8th March 1980, the Executive Councilor of KaNgwane homeland, Enos J. Mabuza, declared at Barberton that “unlike Bophuthatswana and others, the Swazis will not allow (themselves) to be divided from their main stock Swaziland.”²³⁹ The statement supported King Sobhuza’s appeal for the return of Swazi land as it was his dream to see all the Swazis living in one country, just as it was the situation in the early eightieth century before the arrival of the Boers. On 7th November 1981, the same delegation of chiefs went to Lozitha, and the King informed them that he had received a positive response from the South African government to the effect that the reply to their petition was on the way. They all applauded the news with joy.

9.4 Swaziland’s Proposed Land Deal with South Africa – The case of Ingwavuma and KaNgwane (1982)

In mid – 1982, it was announced that the Republic of South Africa was willing to transfer two of its land areas totaling approximately 10 000sq. Km to the Kingdom of Swaziland. Together, these two areas would increase Swaziland’s size by more than 60 percent and give the hitherto land-locked state access to the sea with the potential port at Kosi Bay, just below Mozambique. The principal benefits for both countries were only too obvious: For Swaziland, It meant the realization of a long-standing dream of the late King Sobhuza II to incorporate all the lands of the traditionally Swazi realm, besides ending Swaziland status as a landlocked state. For South Africa, it would have been a major success of her apartheid policy (or territorial separation) by excommunicating two of its African tribal areas with a population of together 850 000 people, which would give South Africa a tacit quasi-recognition of her homeland policy, besides the advantage of creating a buffer zone between white-ruled South Africa and the Marxist – oriented Mozambique for security reasons. However, such land transactions were carried out at the expense of the local

²³⁹ Brian King. “Placing KaNgwane in the New South Africa.” American Geographical Society 96, no.1 (2006): pp 79- 96.

population in the respective areas of Ingwavuma and KaNgwane. Swaziland had called the land deal “the most significant political occurrence of the twentieth century” The land transfer if it had gone through, would have constituted a geopolitical unique case unprecedented in world history. For the first time, two countries were willing to transfer two substantial areas of land on an entirely voluntary and equitable basis for mutual benefit. A remote parallel, however, could be seen in the quasi-forced expulsion of the State of Singapore from the Federation of Malaysia in September 1965 on political and racial grounds: yet with the important difference that Singapore opted for complete independence which was subsequently recognized by the world community.

However, examining the geographical and socio-economic position of the two land areas involved: KaNgwane (or Swazi) Tribal Homeland was South Africa’s second – smallest non- independent homeland with an area of 2090sq.km located in the eastern part of the Mpumalanga Province. It formed a crescent-shaped sliver of land on Swaziland’s northern border, originally consisting of two separate areas which now had been consolidated into one single part. The predominant agricultural use of the territory can be described as “mixed farming” between agriculture and stock-farming, but large areas were still utilized for subsistence farming. KaNgwane cuts across Swaziland’s northern border through citrus and sugar-cane country to the Mozambique border. It was probably one of South Africa’s worst rural slums with a complete absence of mineral resources and industrial development.

KaNgwane had a de-facto population of 150, 000 people, with 70 % being Swazis, the rest belonging to Zulu, Shangaan, and North – Sotho tribes. The formation of quasi-political parties was still in the infant stage of development. The four main political groupings can be distinguished by their attitude towards King Sobhuza II. The majority of the Swazis of KaNgwane, although they respect King Sobhuza as a cultural figurehead of the Swazis, had voiced opposition to being incorporated into Swaziland. After the death of King Sobhuza II on August 21, 1982, at the high age of 83, many Swazis of Kangwane were less inclined to recognize the suzerainty of a new Swazi monarch. Enos Mabuza, Chief Minister of KaNgwane Homeland, flatly rejects the dubious benefits of Swazi

citizenship in exchange for the more valuable South African citizenship.²⁴⁰ He argued that they had no wish to be part of the medieval monarchy that rules by decree.

The political parties and the labour unions in Swaziland were banned after the country's Parliament was abolished in 1973. The large majority of the people of KaNgwane were certainly united in rejecting the land transfer. Thousands of members of the tribal Inyandze movement pledged to resist the cession of KaNgwane to Swaziland at a meeting in KaNgwane's capital of Kanyamanzane. The crucial issue was that of citizenship and employment permits. If the land transfer went through, another 750,000 black South Africans would have been deprived of their South African citizenship. The people in KaNgwane feared that they would lose their South African mining jobs if they were no longer citizens. It was a known fact that most of KaNgwane's people work in South African mines or nearby South African towns and would have to continue to do so since KaNgwane had no industrial or commercial base to absorb them. That would certainly make Swaziland economically more dependent on South Africa than before.

Another vehement opposition against the KaNgwane land deal came from the white farmers in the area of Eastern Transvaal. The boundary changes would also isolate a wealthy white farming area near the border town Komatipoort, leaving it connected to the rest of South Africa only through a narrow corridor. The conservative, generally pro-government farmers, had also held protest meetings. South Africa's main opposition party, the Progressive Federal Party, was another principal opponent of the land transfer. So far, the opposition had achieved some tactical victories on the legal front blocking the immediate land transfer for the time being. In June 1982 South Africa abolished the Legislative Assembly of the black KaNgwane Homeland and the proclamation R 108 in the government gazette gave full powers to the South African Department of Co-operation and development (Black Affairs) to administer the territory. Subsequently, the Transvaal Province Supreme Court Appellate Division declared the method adopted illegally when KaNgwane officials challenged the validity of the proclamation dissolving their legislative Assembly. In an out of court settlement announced in Pretoria in November 1982, the

²⁴⁰Leuan.Griffiths, "The Abortive Swazi Land Deal," *African Affairs Review*, no 90 (1991): 51-64.

Department of Co-operation and Development agreed to withdraw the proclamation and to pay all the Homeland's legal costs.

The Ingwavuma area or Tongaland was the most northerly coastal magisterial district in the KwaZulu Homeland of South Africa's Natal Province, directly bordering Mozambique. It was approximately 4,255 sq. Km, the District forms part of the country formerly known as Tongaland. Except for the high ground along the Lubombo Mountains (700m) on its western border to Swaziland, the land was low lying. The Mosi Swamp stretches parallel to the coast for a distance of some 24 Km. A large part of Ingwavuma was a Bantu reserve and part was an-alienated State land. It was a scenic wilderness with no tarred roads, where hippopotamuses bathe in the rivers and wild game still roam. Ingwavuma possesses a few natural resources, apart from its wildlife. Most of its 80,000 people raised the cattle, the traditional source of Zulu wealth.²⁴¹ There is a potential for tourism development at Kosi Bay (roughly 80 km east of Swaziland and 10 Km south of Mozambique) which is the strategic town of the region and a potential site for a deep – water port.

Tongaland (comprising more or less the Ingwavuma District), a Natal tract of land with undefined boundaries, had some political significance toward the end of the nineteenth century. It became important to the Swazis in the 1980s, as the South African Republic (since 1884 a sovereign state consisting of the Transvaal Republic and the Orange Free State) wished control over Swaziland because Swaziland could give the South African Republic access to Tongaland and in turn an ocean outlet with a potential port at Kosi Bay. A railroad between Eastern Transvaal and Kosi Bay across Swaziland was already projected. The British ended this thinking by agreeing with the rulers of Tongaland, and by annexing Tongaland in 1895. Thus, the South African Republic lost much of its interest in Swaziland. Once before in the 1890', Ingwavuma (Tongaland) was a hot geopolitical issue and a disputed territory in the power struggle for an outlet to the sea.²⁴²

²⁴¹Leuan .Griffiths, "The Abortive Swazi Land Deal," *African Affairs Review*, no 90 (1991): 51-64.

²⁴² Michael Laschinger, "Roads to Independence: The Case of Swaziland," *The World Today*, Vol. 21, No. 11 (1965): 486 – 494.

The incorporation of all traditional Swazi areas into the Kingdom of Swaziland would have been a fulfillment of a dream of the late King Sobhuza II that began back in the 1920s around the time when he succeeded to the throne. Sobhuza believed that the areas to the north and southeast of the Kingdom's present borders were pilfered from Swaziland during the reign of Sobhuza's father. Ingwavuma and KaNgwane areas were annexed from Swaziland by unjust treaties in the 1890s. Both regions were claimed on historical grounds as part of the traditional realm of the Swazi monarchs. In anticipation of some vehement opposition against the land by the African Union (formerly known as Organization of the African Union) and some African states, Swaziland had sent out delegations to other African countries to explain the Swazi arguments for the land transfer. Swaziland's Deputy Prime, B.M Nsibandze, for instance, led a delegation to Tanzania, Zambia, and Zimbabwe to explain the land issue and boundary adjustments between Swaziland and South Africa. The Swazi Foreign Minister, R.V Dlamini, had gone to Nairobi to see them than the current Chairman of the O.A.U, and to the pre-summit meeting of the O.A.U in Tripoli armed with a quote from the South African historian Peter Becker to justify his country's proposed takeover of Ingwavuma. The quote which came from Becker's book – *The Rule of Fear*, which said that the Zulu King Dingaan was killed by Swazis after he had fled across the Pongola River.... Beyond his territories....following the defeat of his army.²⁴³

The arbitrarily defined borders between Transvaal and Swaziland resulted in the exclusion of a considerable area of land to which the Swazi nation laid claim. In 1866, the first attempt was undertaken to survey the boundary between Transvaal and Swaziland, but only in 1880, a Royal Commission demarcated the Transvaal- Swaziland boundary. Between 1890 (First Swazi Convention) and 1905, there were close administrative connections between Transvaal and Swaziland, and only in 1905, the administration of Swaziland separated from that of Transvaal. In 1908 the territorial delimitation of the country was finally completed. Thus, when colonial administrators drew up the

²⁴³ Peter Becker, *Rule of Fear, the life and Times of Dingaan, King of the Zulu* (London: Longman, 1964) p.87.

boundaries, it happened that more Swazis resided in South Africa than in the Kingdom itself.

The tremendous benefits of the land deal for Swaziland were obvious: control of Ingwavuma would have given Swaziland access to the Indian Ocean and a potential harbor at Kosi Bay. A front-page article in the Times of Swaziland proclaimed proudly “Kosi Bay will be ours” The caption described the Bay which was included in the controversial land transfer, as the probable location of a new Swazi port and their future gateway to the world.²⁴⁴Kosi Bay is a tropical paradise containing some of the rarest forest, fauna, and flora. A sanctuary teeming with rare fish and turtles which will undoubtedly be a valuable asset to the Swazi tourist industry. The mountain Kingdom could supplement her geoformal of upland tourism (Spas and gambling facilities) by offering seaside facilities at the coast. Ingwavuma has two small national parks. The Kosi Bay Nature Reserve has a lake system where, gulls, terns, waders, and other aquatic birds occur, and where there is abundant fish-life in unusually clear water. The Ndumu Game Reserve has its principal attraction as the birdlife centered on several large pans and the adjoining indigenous forest. Above all, the addition of Ingwavuma meant the tiny kingdom will not be landlocked. On the other hand, KaNgwane would bring with it much farmland and forestry, but the most significant impact on Swaziland would be people. The population would double.²⁴⁵ Swaziland would also acquire some small wealthy towns in the Eastern Transvaal, one of them being Witbank, a rich coal-mining center.

South Africa’s position in the whole incorporation issue would have been a major diplomatic and political victory for white-ruled South Africa. Moreover, a member of the O.A.U and Southern African Development Community (S.A.D.C.) would be giving tacit recognition to the viability of the apartheid programme of ethnic self-determination. The magic formula of white Nationalist politics in South Africa was racial segregation, for which the Afrikaans term of apartheid had been coined by Daniel Malan in 1948. The doctrine of quasi-independent tribal homelands (Bantustans) could be seen as the cornerstone of the whole apartheid system. Since 1959, the policy had been extended through the

²⁴⁴ John Dlamini. “Kosi Bay will be ours.” The Times of Swaziland, 28 July, 1982. P. 7.

²⁴⁵ James Dube. Newsweek, 5 July, 1982. P.25.

creation of supposedly independent Bantustans. Territorial apartheid was achieved by decanting the surplus African population of the white areas into the then so-called homelands and Bantustans, of which four had already been granted independence from South Africa: Transkei, Bophuthatswana, Venda, and Ciskei. However, the international community had refused to recognize these Bantustans as sovereign independent political entities. The suggested land deal would have brought South Africa one step nearer to the ultimate goal of denationalizing the African population. South Africa felt that it would gain by such a land transfer, particularly from a security point of view. The incorporation of Ingwavuma into Swaziland would provide South Africa with a buffer zone to the South African claims, harbors Black Nationalist guerillas. The land deal could result in Swaziland taking a softer line against South Africa at international forums.

International voices about the proposed land deal were still scanty. However, the major opposition could be expected from the O.A.U. The doctrine had been adopted by O.A.U in its well-known resolution of July 1964 which solemnly declared that all member states pledge themselves to respect the borders existing on their achievement of national independence. The Colonial boundaries in Africa are sacrosanct (inviolable) and any attempt to redraw them on tribal – ethnic lines would be strongly condemned by the O.A.U. The historical ground was not recognized as valid reasons for territorial expansion and boundary changes. However, the proposed land transfer was not a boundary conflict (strictusensu) since a boundary conflict exists only when territorial ambitions of at least two parties were irreconcilable. South Africa's territorial fragmentation would not be certainly sanctioned by O.A.U or other African institutions since it was contrary to the idea of the indivisibility of political entities in the process of independence. However, there was a remote precedent in favour of Swaziland and South Africa, when former British Cameroon was dissected in October 1961, with a small northwestern section joining Nigeria and the rest joining independent Cameroon under a Federal structure.

The Zulu leader Chief Gatsha Buthelezi of KwaZulu and the African National Congress of South Africa had already appealed to the O.A.U and the African heads of states to help them oppose the land deal. Under extreme circumstances, Swaziland could face being expelled from the O.A.U and derecognized if the land deal went through, besides

jeopardizing Swaziland's membership in Pan-African institutions, the country might also end her right to receive financial aid from African Organizations. However, the O.A.U has long recognized the special relationship between South Africa and the neighboring semi-enclosed states of Swaziland, Lesotho, and Botswana. Few foreign governments had revealed their attitude toward the land deal so far. The Libyan foreign secretary said that Libya supported Swaziland in her claim to the disputed land. According to the United States ambassador to Swaziland, Mr. Robert Phinny, the land deal was a bilateral matter between sovereign states. However, other U.S officials had carefully avoided taking a position on the controversial issue themselves. There were also outside charges that the land was merely a pretext to give the U.S Navy an Indian Ocean port at Kosi Bay so that it avoided the embarrassment of having to dock in South Africa.²⁴⁶

9.5 The law on the maintenance of colonial boundaries.

As previously pointed out the international law recognizes five main methods of acquiring territory. For the present purposes, cession is the most relevant of these methods. The rest of these modes, accretion, occupation, prescription, and conquest are relevant and therefore they cannot apply in this particular situation. The proposed cession of the territories of Ingwavuma and KaNgwane raises many issues in international law which are inextricably intertwined with the cession of territory in general and with the proposed cession of the aforementioned territories by South Africa in particular. The issues that are raised herein are the following: The law on the maintenance of colonial boundaries, the right of self-determination, it is still procession, and the implications of associating with South Africa while it was still practicing its apartheid policies in violation of the International Convention on the suppression and punishment of the crime of apartheid and other conventions which outlaw apartheid.

The principle for the respect of colonial boundaries was the principle of regional customary international law which was similar to the Latin American doctrine of

²⁴⁶ Christian P. Potholm, "The Protectorates, the O.A.U and South Africa," International Journal Vol 22, No.1 (1966) : 68 -72.

utipossidetis of 1810.²⁴⁷ The doctrine of Utipossidetis, which means “as you possess”, was a regional political arrangement between the Latin American states when they achieved their independence. The Latin American states were born in actual conflict, amidst the disintegration of the Spanish administrative divisions. Consequently, many of these states acceded to independence with undefined and uncertain borders. In the wake of such confusion that doctrine was adopted.

African states, on the other hand, faced the same problems as the Latin American states although their independence was achieved in a more orderly manner. On the attainment of independence, the African states adopted the principle of the respect of colonial boundaries which was implicit in the preamble and paragraph 3 of Article 3 of the Charter of the African Unity. The preamble and the aforementioned paragraph and the article stipulate “respect for the sovereignty and territorial integrity of each state and its inalienable right to independent existence.” In 1964 the members of the African Unity pledged themselves to “respect the borders existing on their achievement of national independence”.²⁴⁸

It was clear that the Latin American doctrine of utipossidetis and the African Unity resolutions had crystallized into regional customary international law. Some writers, however, could not form a part the international law because it was not effectively applied in all cases of Latin American boundary succession problems. Twelve out of the thirty-eight Latin American boundaries are still disputed.²⁴⁹ In the African context, the practice of the African states indicated that in their attitude they had affirmed a principle of succession to colonial boundaries. Therefore it can be said that in the African context the practice of African states as regards colonial boundaries had crystallized into a rule of regional customary international law.

Having given the brief review of the law relating to the colonial boundaries, the question that arises is whether the claim by Swaziland of the territories of Ingwavuma and parts of

²⁴⁷ F.C Okeye, *International Law and the New African States*, Sweet and Maxwell, London, 1972,p.106

²⁴⁸ Christian P. Potholm, “The Protectorates, the O.A.U and South Africa,” *International Journal* Vol 22, No.1 (1966) : 68 -72

²⁴⁹ Y. Makonnene, *International Law and the New African States* (London, Sweet and Maxwell, 1972), p.449.

Mpumalanga is in violation of the said law. The two countries, South Africa and Swaziland are sovereign and independent states which are recognized by the international community under being members of the United Nations Organization. Both countries are members of the regional organization, the African Union and they are bound to comply with the provisions of the charter and the resolutions of the said organization. As both countries are members of the United Nations, they are bound to comply with the provisions of international law concerning colonial boundaries. These are the General Assembly declaration on the granting of independence to colonial territories and the declaration on principles of international law concerning friendly relations and co-operation among states per the Charter of the United Nations of 1970.²⁵⁰ The former declaration provides in paragraph 6: "Any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter." The latter declaration provides in paragraph 7 – 8 that: "Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of self-determination of peoples."

It must be pointed out that these two declarations are concerned with the issue of self-determination which will be discussed at a later stage in the chapter. The development of the resolution on the maintenance of colonial boundaries and the adherence to the said principle or resolution by African states reflects the fact that the African states are bound by these declarations as members of the United Nations which have developed into peremptory norms or *juscogens*.

From the face of it, it may be argued that Swaziland is not in violation of the rule on the maintenance of colonial boundaries. The basis for such an argument is that the rule, seemingly, does not prohibit cession of territory between sovereign states. Swaziland and South Africa are sovereign states which are recognized as such by the international community. However, when taking a close examination of the practice of African states

²⁵⁰ D.J Harris, *Cases and Materials on International Law*, 3rd Edition (London, Sweet and Maxwell, 1983), p.170.

as regards the colonial boundaries, there is little or no precedent which is in support of the stance that has been adopted by Swaziland. The practice of the African states seemed to indicate that most African states were in favour of the maintenance of colonial boundaries. That was indicated by the secessionist movements of Katanga and Biafra. These movements had very little sympathy from the African Unity and the international community. As a result, they failed. That indicates that the practice of African states was not in support of the transfer of territory.²⁵¹

Swaziland's position is inadvertently made worse because the proposed cession of the territory involved a party such as South Africa. Among the African states, South Africa was a pariah because she practiced apartheid policies. Therefore in the eyes of the international community, the proposed cession of territory by South Africa to Swaziland was viewed as violating the two declarations of the general assembly mentioned above. Under negotiating with South Africa over the proposed cession of the territories of Ingwavuma and KaNgwane, Swaziland was regarded as trying to impair the territorial integrity of South Africa. The basis for that argument was that the inhabitants of the territories concerned were disenfranchised in the metropolitan state by the apartheid minority regime and they have no legal machinery by which they can express, their opinion on the proposed transfer of the territories of which they were inhabitants, to Swaziland.

Makonnen had, however, argued that the Charter and the resolutions, on the maintenance of colonial boundaries, do not ipso jure gave a legal obligation on African states to maintain the boundaries drawn up by their former colonial masters.²⁵² His basis for that argument was that although the African states chose the maintenance of colonial boundaries, they did not specifically reject the necessity or the possibility of their readjustments. Secondly, he argued that there was no convincing evidence that the provisions of the Charter, about "respect for the territorial integrity of the African states", referred either to the general rules of international law or to the rules of the law of state

²⁵¹ Y. Makonnen, *International Law and the New African States* (London, Sweet and Maxwell, 1972), p.23.

²⁵² *Ibid*,460.

succession as legal obliging them to inherit and maintain colonial boundaries. In the light of those arguments raised by Makonnen, the question that was raised was whether such arguments could sustain Swaziland's claim before the international community.

Gillis submitted that these arguments cannot sustain Swaziland's claim for the following reasons: Firstly, Makonnen admitted that the African states accepted an African utipossdetis in Cairo in 1964 when the resolution on colonial boundaries was accepted. Therefore one can surmise, as earlier stated that a principle of regional customary international law had developed. Secondly, the resolution on colonial boundaries reaffirmed the General Assembly declaration on the granting of independence to colonial territories and peoples of 1960, paragraph 6. The two General Assembly Declarations on colonial boundaries mentioned earlier provide a legal basis to the resolution because such declarations were peremptory norms of international law. If the proposed cession of territory proceeds it would amount to a violation of all three rules of international law concerning colonial boundaries by both Swaziland and South Africa. The organization of African Unity now known as African Union and the world community would be compelled not to recognize the cession of these territories to Swaziland. A similar stance was adopted by the General Assembly, whereby it had consistently condemned the Bantustan policy of South Africa and asserted that no independent Bantustan would be recognized as a state.²⁵³ Therefore Swaziland would be in a similar position in having the proposed cession not recognized in the international law by the international community.

9.6 The right of self-determination in international law and the context of the proposed cession of KaNgwane and Ingwavuma to Swaziland.

The proposed cession of the territories of Ingwavuma and KaNgwane inadvertently gave rise to the right of self-determination of the peoples of the aforementioned territories. The right of self-determination in international law refers to the right of a people living in a territory to the determination of the peoples of the aforementioned territories. The right of self-determination in international law refers to the right people living in a territory to determine the political, economic, and legal status of that territory either by setting up a

²⁵³ J. Crawford, *The Creation of States in International Law*, p.381.

state of their own or choosing to become part of another state.²⁵⁴ In that context, the present study has limited itself to the right of political self-determination as it can apply to the inhabitants of the territories of Ingwavuma and KaNgwane. The application of the principle of self-determination to the territories which were proposed to be ceded gave rise to the questions of denationalization and separate development as a goal of apartheid as practiced by the South African government.

The principle of self-determination must be viewed from two contexts and these are applied in the United Nations Charter and how it is applied in the practice of the African states. In the context of the United Nations, the Charter mentioned self-determination twice expressly. The concept was mentioned in article 1(2) and Article 55 of which both refer to the self-determination of peoples. Under Article 1 (2) the charter provided that one of the purposes of the United Nations is “the development of friendly relations among the nations based on the respect for the principle of equal rights and self-determination of peoples”. Article 55 uses the same formula to express the general aims of the United Nations in “the fields of social and economic development and respect for human rights.”

The general assembly had also made inroads as regards the right of self-determination. However, it must be pointed out that that organ of the United Nations does not have any general law-making capacity, but the resolutions that it has passed, have crystallized into peremptory norms of international law. As regards the concept aforementioned the General Assembly has passed the following resolutions.

a) The Declaration on the granting of independence to colonial territories and peoples (resolution 1514 (xv) of 1960, Declaration on principles of international law concerning friendly relations and co-operation among states of 1970.

b) Resolution 1541 (xv) of 1960. These resolutions were given the effect of the statutory norm by article 1 (2) and articles 55 of the Charter of the United Nations and it follows that “states were obliged to respect the right of self-determination.”²⁵⁵

²⁵⁴ J. Crawford, *The Creation of States in International Law*, p.381.

²⁵⁵ M.R.K Rwelamira, “The African Review” Vol. 6 No 3 (1976), p. 381.

Resolution 1541 (xv) in paragraph 15 states that “The subjection of peoples to alien subjugation and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations.....” paragraph 2 states “that all peoples have the right to self-determination, by that right, they freely determine their political status and freely pursue their economic, social and cultural development.” Paragraph 6 states that “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

According to Crawford, the units to which the right of self-determination applied to include the following:

- c) Trust and mandated territories treated as non-self-governing under Chapter XI of the charter, stated excluding for the self-determination rule,
- d) Those parts of states which were themselves self-determination units as defined.
- e) That unit, other territories forming distinct, political, geographical areas, whose inhabitants do not share in the government either of the region or the state to which the region belongs with the result that the territory becomes in effect, concerning the remainder of the state, non-self-governing.

Precedent in support of this third unit was the case of Bangladesh. However, Bangladesh was created as a result of external military intervention and not as a result of insurgency. Controversy existed as to whether Bangladesh was a case of self-determination or not.

The question that arose at that state was: in what category does the case of KaNgwane and Ingwavuma fit? It was clear that these two territories do form an inviolable part of South Africa. That was because the international community did not recognize the Bantustans as independent states that also included Swaziland. Therefore, these territories did not fall into the category of Trust or mandated territories, since South Africa was recognized as an independent state.

An attempt had been made to fit the case of these two territories into the third category of units which had been identified to be capable of exercising the right of self-

determination. That unit was the case of a political entity whose inhabitants do not share in the government of that particular state with the result that the entity became self-governing. As pointed out earlier the category was controversial as to its existence in international law. The territories of KaNgwane and Ingwavuma had been administered as separate entities from South Africa. Furthermore, these territories were said to be ethnically and culturally different from the inhabitants of South Africa. However, with the current uncertainty of this third category as a unit to which the right of self-determination applies, such a stance does not hold because the international community has persistently recognized the right of self-determination in the case of trust and mandated territories and territories which were non-self-governing.

Current practices in international law, concerning the right of self-determination was that the concept was given a narrow interpretation. Both the United Nations and the African Unity regard political self-determination as equated with freedom from a colonial type of rule. It did not extend to the insistence by one sector of the population to secede. That was made clear by the situation in Eritrea where the Eritreans had designated their struggle as one of self-determination. The international law had chosen to deny such people the right to making their struggle as one of self-determination. In Africa, the cases of Biafra and Katanga provide a precedent that the right of self-determination does not include the right to secede.

Therefore the right of self-determination which had been extended to the peoples of South Africa by the General Assembly must be viewed from the context of what constitutes a people. Although the Charter of the United Nations specifically mentioned people in article 1 (2) and article 55 it does not define what people are. The resolutions which refer to self-determination do not give meaning to the concept of people. Some writers have stated that the meaning of peoples must be approached in the context of self-determination where it had been used to indicate an ethnic community or a community that identified itself as such because of common interests, by adopting the concept of people as derived from self-determination. Brownlie stated that it was because “the principle had a core of

reasonable certainty.”²⁵⁶The different ethnic groups in South Africa cannot exercise the right of self-determination to the exclusion of others. The basis for that was that the ban on secession from independent countries would apply to the South African situation. Therefore the territories of Ingwavuma and KaNgwane had a right of self – a determination that could be exercised within South Africa as a whole.

9.7 Denationalization and the proposed cession of territory.

The inhabitants or peoples of the territories of Ingwavuma and KaNgwane are nationals of the Republic of South Africa. That is the viewpoint of international law. All South Africans are nationals of the Republic but due to racist policies of the apartheid regime, Blacks and Whites enjoyed different citizenship rights. The creation of the Bantustans was the operation of separate development for the operation of the separate “states” South Africa. Denationalization exposes the blacks of South Africa to alien status in their own country. This is a violation of human rights. Therefore, the proposed cession of the territory deprives some over 2 Million people of their South African citizenship. Such a loss of citizenship was construed by the international community as calculated to implement South Africa’s denationalization policy under the auspices of separate development.

The international community was bound to react to the proposed cession of the Ingwavuma KaNgwane territories to Swaziland, with non-recognition of the transfer. That was because whenever there was cession, the wishes of the inhabitants of the territory to be ceded must be taken into account through a plebiscite preferably under the auspices of the United Nations.²⁵⁷ Secondly, the proposed cession of territory will be seen as furthering the aims of apartheid which under international law was outlawed by many conventions.

²⁵⁶ P. Kiwanuka, *The Meaning of People in the African Charter on Human and Peoples Rights*, A.J.I.L., Vol.82, 1988, p.90.

²⁵⁷ D.J Harris, *Cases and Materials in International Law*, 3RD Edition, (London, Sweet and Maxwell, 1983)p. 170.

The people or the inhabitants of the territories of Ingwavuma and KaNgwane were not allowed to express their own opinion as to whether they desired the proposed cession of their territories to Swaziland or they preferred to remain as part of South Africa. That in itself was a violation of the international law because the right of self-determination, which entailed the free expression of peoples was outlawed and was considered a violation of human rights by the international convention on the elimination of all forms of racial discrimination of 1966 and the convention on the suppression and punishment of the crime of apartheid in all its forms. In that case, Swaziland would have been seen as assisting the furtherance of separate development because of the denationalization of the peoples of the territories of Ingwavuma and KaNgwane.

9.8 Conclusion

The chapter has closely looked at the validity of Swaziland's claim to the territories of Ingwavuma and parts of Mpumalanga. The study has shown how Swaziland relied on the historical background to back its claim to the O.A.U. The history of the territories is documented and backed up by oral and primary sources.

The research study also gave an informed background, which entailed all the details of the disputed territories between Swaziland South Africa. The background gave an informed direction that led to the present situation of the borders between the two countries. The negotiations that took place between Swaziland and South Africa. This led to an attempt by South Africa to cede Ingwavuma and KaNgwane territories to Swaziland. To Swaziland that would have been the dream of having all the Swazis under the same boundary come true. As much as that would have been an achievement to Swaziland, there were some South Africans who were vocal against the transfer of Ingwavuma and KaNgwane. The notable figures were Chief Gatsha Buthelezi and Enos Mabuza, who opposed the transfer of the two territories to Swaziland.

Although there is a historical background that explains Swaziland's claim for Ingwavuma and Ka Ngwane, the research study once again looked at other avenues that are involved in territorial disputes. It explored the law of maintaining colonial boundaries and the

resolutions that were taken by the (now) African Union regarding colonial boundaries. Comparisons were made with other continents as to how best they resolved such disputes.

The study has explored all possible avenues to the validity of Swaziland's claim for KaNgwane and Ingwavuma. The issue of these territories remains a hot issue between Swaziland and South Africa. Swaziland is still pursuing this to the present day. It remains to be seen how it will eventually be settled and whether the settlement will be amicable without any bloodshed or not. What makes Swaziland still pursue the land issue, is the fact that other disputes such, as the one between Cameroon and Nigeria (Bakassi) as well as the one between Namibia and Botswana (Okavango) that were eventually solved. These cases have made Swaziland believe that it can eventually be given the territories which in its opinion belong to the Swazi nation.

The research study has explored the historical evidence, the negotiations that took place, the legal implications of the ceding of the two territories, and the input and contributions of the international organizations towards disputed territories caused by colonial draftsmen. The next chapter consolidates all the historical information and legal implications and summarizes the whole research study.

CHAPTER TEN

CONCLUSION

The objective of this chapter is to provide a precis of the findings of this study as well as to highlight findings of this study as well as its major contributions to the knowledge of the international boundaries in Africa. As pointed out in the General Introduction and the Literature Review, there are obvious gaps in the academic study of boundaries in the continent. These gaps inform the justification for this study. The aim of this chapter, therefore, is to summarize the attempt to fill the gap by linking the empirical findings to research questions. Finally, the chapter considers the possibilities for further research arising from the limitations and the challenges identified in the study. The chapter is divided into three sections, summary, the conclusion, and the issues for further research.

The primary objective of this study was to investigate the drivers behind the border adjustment demands by states. The research investigated the dynamics behind Swaziland's quest to incorporate Ingwavuma and parts of Mpumalanga province. The principal assumption was the manner of the colonial partition of the African territories by dividing culturally homogenous groups into different spheres. The territories of the Swazi under consideration were partitioned into the colonial holdings of the Republic of South Africa and Britain. However, as there are contrasting views regarding the territorial extent of the Swazi nation as well as the role of the Africans in the boundary-making process, the study adopted the political economy approach as well as archival research, beginning with the examination of the manner of boundary making in Africa, with a special focus on Swaziland and the South Africa boundary, as the case study.

Border disputes are not unique to Swaziland and South Africa; several countries have also been involved in border conflicts with their neighbours at one stage or another. The most common cause of border conflict is the issue of boundaries. The boundaries which are not clearly defined have resulted in confrontations between countries all over the world. For example, the boundaries are the main cause of the Indian/ Pakistan conflict which has dragged on for decades. Besides the wars, border conflicts have manifested themselves in many different forms, including rustling and poaching. The nationals of one

country cross into the neighboring country to steal livestock and carry out some illegal poaching activities because they claim that they have the right to that part of the territory. Several scholars have attempted to unpack events on colonialism; they were mainly concerned with the European impact on Africa. Those scholars of imperialism have produced enlightening work but their collective work yield falls far too short of revealing the continent's complete historical trajectory. The current research mainly focused on the background of the colonial boundaries. Case studies directly reflected the aftermath of colonialism - drawn boundaries. Those case studies provided a vivid picture of the colonial boundaries which had not taken into consideration the African cultural setup.

Asiwaju described African boundaries as haphazard as they were the products of foreign impositions, benefiting from the scant knowledge of the subject territories. Furthermore, a greater percentage of the boundary lines were determined through a combination of astronomical lines (longitudes and latitude), straight lines, physical features, arcs, and curves. Such lines were against human social organizations which were hardly configured on such bases. Instead, colonial boundaries distorted several pre-colonial African societies. Thus it is a known factor that the bulk of the territorially –based problems in contemporary Africa are traceable to the manner of the partition of the continent.

The Berlin Conference of November 1884 to February 1885 and the events that followed had the effect of not only giving Africa its present borders but it also attempted to integrate Africa into the European concept of the nation-states with clearly defined and demarcated borders. The scramble for Africa by imperial Europe and to that effect, the beginning of the rudimentary aspects of the nation-state type borders in Africa, had begun before the conference. The Berlin Conference only served to regulate the imperial process of claiming territory. It was naturally followed by even more competitiveness among the European powers, because more than ever before, the concept of effective occupation had been added to the game. In the context, the borders imposed on Africa were conceived to be exclusive, meant to separate one sovereignty from another, and supposed to be a mirror – reflections of the European boundaries with their characteristic dual role of peace and war as famously observed by Lord Curzon.

The outcome of the conference of Berlin was meant to be harmony among the European powers. On the other hand, it caused border conflicts in Africa, due to the drawing of the colonial boundaries. It was therefore imperative that the research illustrates how colonialism impacted negatively on border relations on the continent. Several reasons have been put forward for such a shoddy job in the creation of the boundaries in Africa: Africans were not consulted by the colonizers when drawing the boundaries, the colonizers did not consider the importance of the cultural homogeneity of ethnic groups in those territories, the political map of Africa was shaped to suit the interests of the colonizing powers. As a result of the colonial boundaries often divided closely related peoples. For example, the Masai were divided between Kenya and Tanzania, the Venda were divided between South Africa and Zimbabwe; the Kongo – speaking peoples were dispersed over the three states of Congo, Zaire, and Angola, and those territories belonged to three different colonial powers. The Swazis were also divided between Swaziland and South Africa, with the majority being in South Africa, as opposed to them being in the majority in their native country. That imbalance clearly shows, without a doubt, that Swaziland lost a large tract of land to South Africa through colonialism.

The research highlighted the reaction by Africans to such arbitrary boundaries set by the colonizers. Some African leaders expressed concern that decolonization of the territories could lead to the compartmentalization of the continent into as many as fifty sovereign nations. Even though some African leaders recognized the disruptive potential of the colonial boundaries, they maintained such boundaries because they feared the chaos that widespread boundary changes might cause. When dealing with border and territorial conflicts among the African states, three principles were recognized by the A.U to regulate inter – African affairs. The second one was non – interference in the internal affairs of the member states. Lastly, the settlement of such disputes was to be carried out employing mediation, conciliation, and arbitration. The AU charter urged members to settle their disputes peacefully through mediation, conciliation, and arbitration.

The top-bottom conventional diplomatic methods had not always been successful in solving border conflicts. The AU has failed because African states have no faith in it. It was more of a talk shop than anything else. It lacked the power to institute mandatory

sanctions. It was interested in protecting the colonial boundaries which were the source of border conflicts. The issue of boundaries is still a thorny issue today on the African continent.

The current research also looked at the arbitrary boundaries and their effect on African history, investigating the trends of the whites entering the Swazi territory. As Gillis perfectly puts it, long ago Swaziland, a small enclave that it is today. One wonders what happened for Swaziland to shrink to the present size. "During the later years of Sobhuza I and particularly during the heydays of Mswati II's reign, the Swazi kingdom could reasonably lay claim to the territory almost ten times greater in extent."²⁵⁸ The mishap that happened to Swaziland was not unique, as was the case elsewhere in colonial Africa. The reduction of the Swazi kingdom was brought about not by conquest or occupation but by arrangements of convenience between the European powers. As Boyce highlighted it by about the 1840s, the white men were closing in on the borders of Swaziland. Sots and Dutch farmers were settling along the frontier of the Eastern Transvaal in an area called New Scotland. Those farmers discovered that Swaziland was the most desirable winter grazing ground for their sheep. They argued that the highlands of Swaziland with mountain slopes grassed to the peaks, abounding ever-flowing streams, timbered kloofs, and pleasant valleys with a silver streak of running water as an insurance against the moods of eccentric nature.²⁵⁹

Less than twenty years after Mswati's death, a peace agreement drawn up by the Transvaal Boers and the British, ostensibly to end a war in which the Swazi had no part, left the kingdom with a truncated version of its former domain. The whole of the northern and northwestern territory that had been held by common consent since Sobhuza's time passed out of Swazi hands. In a limited sense, the blame for the decreased Swazi kingdom can be traced to the distorted diplomacy by the Swazi leadership. "Mswati II himself entered into an ambiguous relationship with the neighboring Dutch Republics of Ohrigstad and Lydenburg, and the regency that followed his death was less than

²⁵⁸H. Gillis, *The kingdom of Swaziland: Studies in Political History* (London, Greenwood Press, 1999), 29.

²⁵⁹A.E Boyce, "The Swaziland Concessions and their political consequences (1876 – 1908) ", (M.A Thesis, University of South Africa, 1994), 7.

steadfast in safeguarding the integrity of the Kingdom.”²⁶⁰ The immediate catalyst for change was the arrival from the Cape of several hundred Dutch trek Boers who took over the land near the Swazi hinterland, to be followed, in later years, by the infiltration into the Kingdom’s heartland by Boer grazers and British traders and in their wake, a vagrant group of adventurers, speculators, and settlers.

Gillis was one of the scholars that challenged the assertion that the land transaction between Mswati and the Boers was not authentic. He argued that Mswati gave a tract of land to the Boers, stretching from the Oliphants River down to the Crocodile in 1855. The grant of 1855 extended the sale to include, though the geographic description was imprecise, more or less the core territory of the Swazi. The price for both amounted to some 170 head of cattle. The main thrust of both alleged transactions was a suspect. It was hardly credibly that Mswati would have given away the territory north of the Komati River. Hhohho was his power base, and the area contained several Royal villages defended by his warriors.

The Boers themselves were never fully convinced that the Deeds of the sale were authentic hence, the skepticism of the Volkraad in 1876 when President Thomas Burgers brought them out to quell criticism of his campaign against the Pedi. To further dispute the accession of that territory, after 1885, Mswati undertook a sweeping series of raids northwest, passing through the supposedly ceded territory without protest from the Dutch Republics. His regiments raided in all directions, in some of the most effective actions of his campaigns. Had the territory been ceded, the Boers would have not allowed Mswati to raid those territories but they knew that the territories were was under his control.

The concessions transactions were near disaster for the Swazi, toward the closing years of Mbandzeni’s reign, the kingdom became, in almost all respects, a European dependency. From then onwards its destiny was fixed by the shifting balance of British and the Boer economic and strategic interests in Southern Africa. In a stable confident Kingdom, the influx of several hundred alien Europeans would have had little more than

²⁶⁰A.E Boyce, “The Swaziland Concessions and their political consequences (1876 – 1908) “, (M.A Thesis, University of South Africa, 1994), 35.

a ripple effect, but in the current of the Swazi society, the effects were disquieting in the short run and catastrophic in the long run.

As a norm in the African continent, the colonial draftsmen were once again out to map out the boundaries, regardless of the culture and ethnicity. The Swaziland and South African borders were not spared. This has seen Swaziland laying claim of some of its territories in South Africa (Ingwavuma and parts of Mpumalanga). As it has earlier been outlined Swaziland appears as a little more than a diminutive enclave, scarcely 6,700 square miles in the area cut out from the variegated landmass of southeastern Africa between the Crocodile and Pongola Rivers and extending eastward from the lower reaches of the Drakensberg Mountain ranges towards the Indian Ocean. The eastern boundary with Mozambique follows the heights of the Lubombo escarpment.

The demarcation of the border between Swaziland and South Africa leaves a lot to be desired. When the team was set out to do the markings, the Swazis at the initial stages were not part of the exercise, they only joined in when most of the markings had already been made. This made the whole exercise to be unfair to the Swazis. It was argued that four beacons had already been erected. According to the Swazis, the colonial draftsmen had their hidden agenda of cutting vast track of Swazi territory into Transvaal. That was evident when the commission came to Mahamba Mountain, the Swazi representatives pointed to the line of Ngogweni hills, southwest of Mahamba, as forming the boundary. That fact was acknowledged by residents, both black and white but when the sketch map was drawn later and the beacons erected, the boundary did not follow the line of hills pointed out earlier by the Swazi representatives. Instead, the line came to Mahamba Mountain.

The boundary line continued to what was to be called Nyawo hill or point on the Lubombo Range. The report of that commission revealed that in 1866, the beacons at certain areas were not erected where the Swazis had shown the Dutch. The Swazi side had been encroached upon.²⁶¹ As it was pointed out in the letter, the chairman of the commission, C. Potgieter; wrote to the President on the 24th August 1866, to reveal that the commission

²⁶¹Matsebula, The History of Swaziland, 119.

was bent on robbing the Swazis of some of their land. Large tracts of land were added to the areas on which the Dutch settlers were to live. The letter read in part: “we.....wishto bring to your notice that, because we succeededto obtain more lands in favour of Government as what had been sold to us according to the contract of sale of 1855..... We, therefore, request Your Excellency cordially to treat us favourable granting each of us a farm.²⁶² To further show that they were hell-bent on taking large tracts of land to Transvaal, they demanded a reward from the South African government. “In addition to the salary due to us, please give us the regions Of the Kwimpies (Ngwempisi) or Luslelle (Luhlelo River, as a reward for our difficult journey.”²⁶³

After complaints from the Swazi authorities, in 1875 a Rudolph commission was set out and went to the Mahamba area under strange circumstances and meddled with the 1866 borderline. It shifted the line further into Swaziland, added a strip of Swazi territory to the Transvaal, and created a “no man’s land” between Londinia farms and Swaziland. Rudolph’s interference here was regarded by the South African Republic as a minor alteration but to the Swazis that was regarded as fraud. They condemned it in the strongest terms possible. The official explanation was that the government of the South African Republic sent an envoy to Swaziland to negotiate a treaty regulating the relations between the two states.

The issue of a boundary between Zululand and Swaziland had all along been known to be the Pongola River. That assertion was also confirmed by the following colonial officers; Sir H. Bulwer, the Lieutenant – governor of Natal, wrote on the 17th July 1878, “so far as I can learn, the Zulu King has no right to claim to the territory on the other side of the Pongola.....whether the amaSwazi have at any time or have never been tributary to the Zulus, it is, I believe, a fact beyond doubt that the Zulus never occupied..... any portion of the country lying north of the Pongola.....whether the amaSwazi fully recognize and agree to this claim, I do not know, Sir T Shepstone in a dispatch to me states that the Pongola River is ancient boundary between the Zulus and the amaSwazi.”²⁶⁴ Also

²⁶²Matsebula, The History of Swaziland, 119.

²⁶³SAR File SS No. 283, p.36 and No. 150, p.173, R867/ 66 Appendix F.

²⁶⁴Matsebula, The History of Swaziland, 125.

confirming the boundary was Bulwer. He categorically stated that the country north of the Pongola River, commonly called the Swazi country, has, as far as is known by the oldest native, never been in occupation of any other tribes but that of amaSwazi and the subject tribes, such as of Mandlangempisi, Magonondo, and smaller ones.²⁶⁵

As the Alleyne Commission was carrying on with its mandate of determining the boundary between the Transvaal and Swaziland. It met with controversy, as there were two schools of thoughts. The confusion emanated from, whether they were to follow the 1866 line or that the Pongola was the boundary between Swaziland and Zululand. Clarification had to be sought from Wolseley of whether the Swazis were to be given any territory south of beacon 13, that would have meant that the Pongola River, the ancient boundary would be maintained. The reply from Wolseley was that the line of 1866 should be adhered to as the boundary. There were protests among the Swazi representatives because they claimed that the Pongola River was the southern boundary of their country. The Alleyne commission refused to accept the Swazi claim, which was a major blow to the Swazi representatives. The Swazis felt betrayed by the British because they were quite aware of the boundary. The frustration on the Swazi representatives was evident, when one of the Swazi members, by the name of Madolo went to report the situation to the King. As much as it was noted by Alleyne that “ Madolo, one of the Swazi representatives left the commission because he had demanded the line of the Pongola River as a boundary and the Commissioners would not agree to it, and as he could not accept any other line, he left the commission.²⁶⁶ Despite that protest by Madolo, the commission turned a blind eye to the concern of the Swazis, which appeared authentic and was a well- documented fact by the British. That observation was also made by the Colonial Office itself, when it highlighted that the southern boundary had not been dealt with adequately, “it will be observed that the report does not make any recommendation for the extension of the Swaziland territory to the Pongola River. There appeared at that time to have been some confusion between the northern boundary of Zululand and the Southern boundary of Swaziland, the former having been fixed at the Pongola River in 1879 and the latter on

²⁶⁵SNA RCS 506/20.

²⁶⁶Matsebula, The History of Swaziland, 126.

the line followed by the commission in 1866.”²⁶⁷ The issue of the boundaries had always been contagious way back during the colonial era as the Swazis had always felt that the present boundaries were not a true reflection of the country Swaziland.

Another important issue is the centrality of land to the Swazi leadership which appears as the most crucial factor in the whole debacle in the boundary between Swaziland and South Africa. As in the pre-colonial times, the indigenous people of Africa had abundant land, with farming and herding being the predominant economic activities. The control of land was thus linked to the complex interplay of economic, social, and political power. Ownership, control, distribution, and access to land had been used to dominate and empower different nations, races, gender, and classes in Africa. The land was a birthright of every indigenous African person. It had a communal dimension whereby all members of the community were expected to share its resources, under some form of traditional authority. Traditional authority from the Swazi point of view was very central and important because even though it was a uniting force, the community leader was a steward with divine authority over the land.

The land is valued as a resource of livelihood. It produces food and water, which give life to all the living things. When people went hunting or looked for herbs in the bush especially in Swaziland, they burnt incense and requested their ancestors for rain or made rain through the help of the land to be dug. The land on the Pongola River Banks was very fertile and had plenty of water. Thus the settlers from Scotland settled in that area, calling it “Little Scotland”, the settlers could produce surplus because of the good soils and the availability of water and good rains. It is quite clear that the leadership of Swaziland pursues the issue of the land because it sees a lot of potential for food security rather than importing agricultural products.

Over and above that the territory that borders Swaziland, has a great potential of attracting tourism with its diverse habitat and access to the sea (Kosi Bay). The area also had a natural forest that harboured a lot of different animals that provided meat to the indigenous population. The land was paramount because it provided the livelihood of the indigenous

²⁶⁷Matsebula, *The History of Swaziland*, 125.

population. The rivers that flow in these territories were very essential for drinking purposes for both the animals and the people at large. Water was a very essential resource of the livelihood of the people. Indigenous leaders benefitted from ruling over large territories because the larger the population meant they collected more revenue, in terms of cattle, food parcels, and jewelry from their subjects.

The land was a very crucial factor. Without it the Swazi leadership was meaningless. The Swazi indigenous leadership was eager to pursue the land issue from South Africa because there were political and economic benefits that lay with getting the land back. There were prospects of fertile land, ample supply of water, mineral resources, and game. All those gains could make the Swazi leadership powerful in the region.

This study has also shown the use of the interconnectedness of political and economic dynamics to investigate the factors which drive Swaziland to pursue the border adjustment issue with South Africa. That approach is a complete departure from the present studies which have concentrated on the political rightness or wrongness of Swaziland's claim, completely neglecting the economic dynamics within Swaziland and pushing for the border adjustment. The approach adopted in this research study is a major contribution to the study of border adjustment issues in Southern Africa as it used an interplay between politics and economics to unveil historical change over time.

Swaziland is mainly dominated by farming. Therefore acquiring land from South Africa would enable it to increase production to become self-sustaining as a nation. It is a known factor that Swaziland is sharply dichotomous. It is divided between a subsistence sector and a commercial sector comprising foreign-controlled plantations and private farms. As pointed out earlier, in the eighteenth century, large areas of Swaziland were granted away, in the form of concessions, to white settlers. Politically, Swaziland lost its political power when the land was taken from it. Politics and land are intertwined. Without the land, the political will is eroded. Although Swaziland would benefit from the incorporation there would be challenges that would face as a country. Swaziland would gain more land and natural resources but KaNgwane and Ingwavuma would have very little to gain in the incorporation. In the short term, incorporation would bring KaNgwane and Ingwavuma

into a political system that is inherently unstable, authoritarian, repressive, and intolerant of opposition. The Swazi system is believed to be notorious for nepotism and corruption. It is the system believed to be notorious for nepotism and corruption, in which power and privilege tend with those who have the right connections, rather than with those who merit it. In the long term, incorporation would benefit Swaziland but also bring in more challenges to the political economy of the country, as the people of Ingwavuma and parts of Mpumalanga have the prospect of a better life in South Africa than they would in Swaziland. Economically, Swaziland would benefit greatly from the incorporation as there are many natural resources in those areas which Swaziland claims. The economy of Swaziland would improve immensely as there many minerals such as Coal, Gold, diamonds, and vast fertile tracts of land for farming purposes.

The last focus on the validity of Swaziland's claim to the territories of Ingwavuma and parts of Mpumalanga. The fact that South Africa once attempted to cede these areas to Swaziland goes to show that Swaziland has grounds that the territories belong to it. "In mid – 1982, it was announced that the Republic of South Africa was willing to transfer two of its land areas totaling approximately 10 000sq Km to Swaziland."²⁶⁸ These areas would increase Swaziland's size by more than 60 percent and give the hitherto landlocked state access to the sea with the potential port at Kosi Bay, just below Mozambique. For Swaziland, it meant the realization of a long-standing dream of the late King Sobhuza II to incorporate all lands of the traditionally Swazi realm, besides ending Swaziland's status as a landlocked state. For South Africa, it would have been a major success for the apartheid policy then, by excommunicating two of its African tribal areas with a population of together 850 000 people, which would give South Africa a tacit quasi – recognition of her homeland policy, besides the advantage of creating a buffer zone between white-ruled South Africa and Marxist – oriented Mozambique for security reasons.

Although Swaziland was eager to get back its lost territory, the large majority of the people of KaNgwane were certainly united in rejecting the land transfer. For the thousands of members of the tribal meeting in KaNgwane's capital Kanyamanzane, the crucial issue

²⁶⁸Brian King, "Placing KaNgwane in the new South Africa." American Geographical Society 96, no. 1 (2006) : pp 79 – 96.

was that of citizenship and employment permits. They argued that if the land transfer went through, another 750, 000 black South Africans would have been deprived of their South African citizenship. The people in KaNgwane feared that they would lose their South African mining jobs if they were no longer South African citizens. Another vehement opposition against the KaNgwane land deal came from the white farmers in the area of Eastern Transvaal. The boundary changes would also isolate a wealthy white farming area near the border town Komatipoort, leaving it connected to the rest of South Africa only through a narrow corridor, and the conservative, generally pro-government farmers, had held protest meetings.

The incorporation of all traditional Swazi areas into the Kingdom of Swaziland would have been a fulfillment of a dream of the late King Sobhuza II that began back in the 1920s around the time he acceded to the throne. Sobhuza believed that the areas to the north and southeast of the Kingdom's present borders were pilfered from Swaziland during the reign of his father. Ingwavuma and some parts of Mpumalanga areas were annexed from Swaziland by unjust treaties in the 1890s. Both regions were claimed on historical grounds as part of the traditional realm of the Swazi monarchs. In anticipation of some vehement opposition against the land by the A.U and some African states, Swaziland had sent out delegations to other African countries to explain the Swazi arguments for the land transfer.

The tremendous benefits of the land deal for Swaziland were obvious: control of Ingwavuma would have given Swaziland access to the Indian Ocean and potential harbor at Kosi Bay. A front-page article in the Times of Swaziland proclaimed proudly "Kosi Bay will be ours", the caption described the Bay which was included in the controversial land transfer, as the probable location of new Swazi port and their future gateway to the world.²⁶⁹Kosi Bay is a tropical paradise containing some of the rarest forest, fauna, and flora. A sanctuary teeming with rare fish and turtles which will undoubtedly be a valuable asset to the Swazi tourist industry. The mountain kingdom could supplement the geofomals of upland tourism by offering seaside facilities at the coast. Above all, the addition

²⁶⁹John Dlamini. "Kosi Bay will be ours." The Times of Swaziland, 28 July, 1982.p.7

of Ingwavuma meant that the tiny kingdom would not be landlocked. On the other hand, parts of Mpumalanga brought a lot of farmland and forestry but the most significant impact on Swaziland would be people – there would be people that the population would double. Swaziland would also acquire some small wealthy towns in the Eastern Transvaal, one of them being Witbank, a rich coal-mining center.

The research used political economy as a theoretical framework, the political economy approach is the study of the interplay between politics and economics in driving historical events and processes over time. That approach was suitable because it combined the political and economic aspects, to give a better understanding of the factors involved in the issue of border adjustment between South Africa and Swaziland.

This research has given an informed background, which entailed all the details of the disputed territories between Swaziland and South Africa. The background gave an informed direction that led to the present situation of the borders between the two countries. As much as there is a historical background, the research once again looked at other avenues/ aspects that are involved in territorial disputes.

The study explored all possible avenues to the validity of Swaziland's claim to the territories: Ingwavuma and some parts of Mpumalanga. The issue of these territories remains a hot issue between the two countries, of which Swaziland is still pursuing to the present moment. It remains to be seen how it will eventually be settled amicably without any bloodshed. Swaziland takes courage that it can be solved by looking up to other African countries that have managed to be given their land back. These countries are Cameroon and Nigeria, (the Bakassi), as well as Namibia and Botswana (Okavango).

ANNEXURE A: PARTICIPANT INFORMED CONSENT DECLARATION

INFORMED CONSENT DECLARATION

(Participant)

Project Title: THE POLITICAL ECONOMY OF SWAZILAND'S QUEST TO INCORPORATE INGWAVUMA AND PARTS OF MPUMALANGA

STANLEY. M GAMA (*name of researcher/person administering the research instrument*) from the Department of ...**HISTORY**....., University of Zululand has requested my permission to participate in the above-mentioned research project.

The nature and the purpose of the research project, and of this informed consent declaration have been explained to me in a language that I understand.

I am aware that:

1. The purpose of the research project is to **INVESTIGATE THE DRIVERS BEHIND THE NATIONS TO SEEK BOUNDARY ADJUSTMENT(SWAZILAND – SOUTH AFRICA)**
2. The University of Zululand has given ethical clearance to this research project and I have seen/ may request to see the clearance certificate.
3. By participating in this research project I will be contributing towards **PROVIDING A COMPREHENSIVE CONTRIBUTION ON THE SUBJECT** (*state expected value or benefits to society or individuals that will arise from the research*)
4. I will participate in the project by **ANSWERING THE QUESTIONS ASKED DURING THE INTERVIEW** (*state full details of what the participant will be doing*)

5. My participation is entirely voluntary and should I at any stage wish to withdraw from participating further, I may do so without any negative consequences.
6. I will not be compensated for participating in the research, but my out-of-pocket expenses will be reimbursed. (***Should there be compensation, provide details***)
7. There may be risks associated with my participation in the project. I am aware that
 - a. the following risks are associated with my participation: **MISINTERPRETED** (***state full details of risks associated with the participation***)
 - b. the following steps have been taken to prevent the risks: **RECORDING THE PARTICIPANTS USING CAMCORDER.**
 - c. there is a ...**10**.....% chance of the risk materializing
8. The researcher intends to publish the research results in the form of **CONFERENCE PAPERS AND MONOGRAPH**. However, confidentiality and anonymity of records will be maintained, and that my name and identity will not be revealed to anyone who has not been involved in the conduct of the research.
9. I will not receive feedback/will receive feedback in the form of a **REPORT** regarding the results obtained during the study.
10. Any further questions that I might have concerning the research or my participation will be answered by **PROFESSOR H.S SIMELANE, HEAD OF HISTORY DEPARTMENT, +2778511242** (***provide name and contact details***)
11. By signing this informed consent declaration I am not waiving any legal claims, rights, or remedies.
12. A copy of this informed consent declaration will be given to me, and the original will be kept on record.

I, have read the above information / confirm that the above information has been explained to me in a language that I understand and I am aware of this document's contents. I have asked all questions

that I wished to ask and these have been answered to my satisfaction. I fully understand what is expected of me during the research.

I have not been pressurized in any way and I voluntarily agree to participate in the above-mentioned project.

.....

Participant's signature

.....

Date

V. S. MATSEBELA

Reasons Sargis Hnric
of Ingwavuma.



PROVENANCE OF THE INTERNATIONAL BOUNDARIES OF THE
INGWAVUMA DISTRICT

What follows are the PRINCIPLES of the provenance of the international boundaries relative to claims made by the Government of Swaziland and the Kwa-Zulu Government over the Ingwavuma District of the Republic of South Africa.

1. There is no King in any given country particularly in Africa who had ever built his Principal Royal Residence/Administrative Head Quarters/Sigodlo in an area which is not within the boundaries of a country of which he is the King. The Sigodlo is always built in his own country.

King Dlamini III, having moved his Administrative Head Quarters from the site now occupied by the city of Napato in 1790, built his Sigodlo on top of the Lubambo range where the present Ingwavuma Magistrate Offices are situated, and named it EMAVANENI. His lilawu was built on the east of the Lubambo range close to the Pongolo River and called it KATZAYANENI. King Dlamini died and was buried at EMAVANENI.

King Ngwane III whose praises say, inter alia,

"Unkuzi udvungene
Awukadvungwa tinkhomo
kepha udvungwe tingati
Temadvodza"

was born at EMAVANENI. It is this King Ngwane III after whom the country was known as kaNgwane; and the people bekaNgwane, and it is this King Ngwane III after whom the Swazi Homeland in the Republic of South Africa was named kaNgwane.

ERNEST C. LEIBOWITZ

P.O. BOX 476, JOHANNESBURG 2000
TELEFAX: 8-705318-012918-5240
TELEPHONES: (011) 28-2050
(011) 758-3370

"NEWKIRK"
132 KERK STREET
JOHANNESBURG
2001

8 February 1984

PRIVATE AND CONFIDENTIAL



His Excellency Minister R. V. Dlamini MP
Minister of Foreign Affairs
KINGDOM OF SWAZILAND

Your Excellency

I hope that this letter finds you and your family in good health and not too badly effected by the recent serious, adverse weather conditions.

As requested by you at our last meeting, I have studied the Considerations Supporting the Incorporation of Kangwane. That document is returned herewith. My comments are contained in the enclosed memorandum and I hope that they are of some use to your Excellency.

Further to our recent discussions, we have submitted our memorandum on the Ingwavuma issue to the Commission.

With kind personal wishes

Yours sincerely

A handwritten signature in cursive script, appearing to read "E.C.L." or similar initials.

ERNEST C. LEIBOWITZ

16.23.25

Limit to historical backgrounds not to emphasize

(8)



Republiek van Suid-Afrika - Republic of South Africa



Kantoor van die Minister van
Prinses van die Oorsee

Private Bag 3193

Kapstad
Cape Town

6000

14/34/4

The Secretary
Commission of Enquiry into KaNgwane
P O Box 384
PRETORIA
0001

Dear Sir

I wish to acknowledge receipt of your letter RKK 47/1/83, 19 May 1983 in which you request the co-operation and assistance of the Government of the Republic of South Africa in the performance of the task assigned to the Commission of Enquiry into KaNgwane.

With reference to the two annexures which accompanied your letter, may I say that Annexure A gives as far as can be ascertained, an accurate historical account from the South African point of view of the events leading up to the establishment of the boundary between the Republic of South Africa and Swaziland, while Annexure B is a well-formulated treatise on the question of the acquisition of territory in Public International Law.

In your letter you state that the Commission would like to know whether the Government of the Republic of South Africa

No. 247/308

PRETORIA.

25th July, 1939.

My dear Bratton,

With reference to your letter No. RCP of the 21st February last giving cover to a communication addressed to myself on the 13th idem by Paramount Chief Sobhuza, I shall appreciate it if you will kindly tell him that the claim advanced by him on behalf of certain Swazi chiefs resident in the Transvaal to locations is a resuscitation of an issue which has been raised and dealt with on more than one occasion in the past.

The Convention of Pretoria, which was signed on the 3rd August, 1881, and which took effect from the 8th idem, contained provisions directly affecting Swaziland, namely, Article 1 under which were defined the boundaries of the Transvaal, including, of course, that between the Transvaal and Swaziland; Article 18 providing for the regulation of relations between residents of the Transvaal and Natives not residing in that Territory; Article 19 safeguarding neighbouring territories from encroachments, and Article 24 under which the independence of the Swazis within the boundaries of Swaziland was recognised.

The nature of these provisions naturally rendered it necessary for Sir Evelyn Wood fully to explain the position to King Umbandeen for the reasons specified in his despatch dated the 27th September, 1881, quoted by Chief Sobhuza.

Article 21 of the Convention provided for the establishment of a standing Native Location Commission to consist of the President of the Republic or his deputy, the British Resident or his deputy and a third person to be agreed upon by the President and the British Resident.

Article 22 made provision for the reservation of Native locations in the following terms:

"The Native Location Commission will reserve to the Native tribes of the State such locations as they may be fairly and equitably entitled to, due regard being had to the actual occupation of such tribes. The Native Location Commission will clearly define the boundaries of such locations, and for that purpose will, in every instance, first of all ascertain the wishes of the parties

interested/.....

000064

400/509

MEMORANDUM SUBMITTED TO THE HONOURABLE MR. M.C. BOTHA,
MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT AND
EDUCATION - CONSOLIDATION OF SWAZI HOMELAND AND THE
ORIGINAL BOUNDARIES. DECEMBER 1976

The memorandum is being submitted to the Honourable Minister of Bantu Administration and Development for his reconsideration of the present proposal of the Swazi Homeland, and with the view to consultations and a review of the whole proposal to be discussed amicably.

On the 10th January 1973, Mr. Van Wyk, an official concerned with the consolidation of the Homelands submitted a report to the Swazi Interim Committee explaining where and how the Republic's Government plans to settle the Swazis of the Republic. Mr. Van Wyk said the Honourable Minister for Bantu Administration and Development had given him the task of finding suitable land for the Swazis and that it was felt to be a good thing for the Swazis to be settled in a single area; also that the Swazis should have two separate homelands, Nsikazi and Inkomazi.

There are seven Swazi Chiefs to be settled in each area:

Legogote-Nsikazi Area

Chief D. Mhaule
Chief Z.A. Mbuyane
Chief G. Khumalo
Chief A. Nkosi
Chief Dantjie Nkosi
Chief P. Mashego
Chief B.Z. Mdluli



During 1976, two chiefs broke away from the Swazis to join their own ethnic groups, namely Chief P. Mashego a Pulane to join Lebowa and Chief Mhaule a Hlangano, to join the Gazankulu Governments.

Nkomazi Area

Chief A. Shongwe
Chief M. Mkatshwa
Chief N.E. Ngomane
Chief P. Ngomane
Chief Solomon Ngomane
Chief Gija Mahialela
Chief P.N. Mkatshwa

According to Mr. Van Wyk, the Minister felt that this area should be insufficient and should be increased, the two homelands having a total area of 208 000 hectare.

According to the proposed plan, the Swazi Homeland will increase to 314 000 hectare and the Swazis must understand that at present the plan is just a proposal. Also that they (the officials of the Department) thought it wise that land should be situated next to the Swaziland border so they have decided to dispense with the Nsikazi area. The reason for this is that the soil in the proposed area is far better than that of Nsikazi and has more water. Although there is sufficient water at Nsikazi at present, when the population increases, people there will be faced with water problems. For this reason they felt that we Nsikazi people should be removed to the proposed area so as to bring the Swazi people together.

APPENDIX A



Foreign and Commonwealth Office

London SW1A 2AH

GBZ 021/1



25 April 1977

His Excellency Mr J M Fakadze
High Commissioner for the Kingdom
of Swaziland
28 Post Street
London SW1X 0AG



Dear Mr. Fakadze,

In your letter of 7 March you agreed that we might ask the South African Government for a copy of Note 170 concerning the Swaziland/South Africa boundary which our Embassy in Pretoria sent to the Department of Foreign Affairs on 5 May 1967.

The Embassy in South Africa duly approached the South African authorities who produced a copy which I am pleased to be able to forward to you.

Yours sincerely

Malcolm Reid

H M S Reid
Central & Southern African
Department

In page 1/1

Emanyseni Comm. School,
P/Bag 204,
INGWAVUMA, 3968
NATAL

2nd May, 1977

The Minister,
Bantu Administration and Separate Development
and of Education,
CAPE TOWN.

Dear Sir,

re: SWAZIS IN INGWAVUMA

May it please your Excellency !!! Humbly accept my apology
just for worrying you for one and the same matter.

May Lord I just picture a very critical position we are to
face in the near future if we keep cool while in trouble.

Let me add the following concerning our motherland Ingwavuma.

I am definite that Ingwavuma was the first among other
districts to accept the proposed policy of ethnic grouping and
separate development in the Northern part of Natal.

Our former leaders realised that such policy was the only
straight forward and admirable policy which was meant to retain
our own culture.

Its a piercing affair to find that although we were the
first people to accept newly proposed policy but when it comes
to move we were then push to dance to the music of the cunning
wives of Zululand.

Ingwavuma is our motherland where we wish to improve our
own culture, and the leadership of our South African Government.
what we believe in is that our former leaders sought protection
from the "whites fearing the harshness of Zulus, we are still
seeking the very protection. Zulus believe that Shaka was the
only popular King who is regarded as the founder of Zululand by
his conquests to all pot tribes but we do not see his foot marks
here. Dingaan died here as a Zulu refugee.

To support my statement let me refer far back in 30.1.1880
quoting few lines from book of Zululand called "Shaka country:
We learned that the Republic of Transvaal protested against
Saurden's Treaty of 30.1.1880. Then the British set up and took
notice that tribes on top of Ubonbo Mountain were vessels of
Swazis.

2/

The National University of Lesotho
Department of English

Prof. Francina L. Moloi
PO Roma 180
Lesotho
Africa



cell: +26856490369

E-mail: moloifrancina@gmail.com

2 December 2019

Professor I.L.S. Simelane
Department of History
Faculty of Arts
University of Zululand

Dear Professor Simelane,

Re: Editing of STANLEY M. GAMA's PhD Thesis

I hereby confirm that I have edited Stanley M. Gama's PhD thesis, titled:

**THE POLITICAL ECONOMY OF SWAZILAND'S QUEST TO INCORPORATE
INGWAVUMA AND PARTS OF MPUMALANGA.**

Sincerely,

Francina L. Moloi (Professor)



ETHICAL CLEARANCE CERTIFICATE

Certificate Number	UZREC 171110-030-RA Level 02 PGD 2014/78				
Project Title	The political economy of Swaziland's quest to incorporate Ingwavuma and parts of Mpumalanga				
Principal Researcher/ Investigator	SM Gama				
Supervisor and Co-supervisor	Prof HS Simelane				
Department	History				
Nature of Project	<input type="checkbox"/> Honours/4 th Year	<input type="checkbox"/> Master's	<input type="checkbox"/> Doctoral	<input checked="" type="checkbox"/> x	<input type="checkbox"/> Departmental

The University of Zululand's Research Ethics Committee (UZREC) hereby gives ethical approval in respect of the undertakings contained in the above-mentioned project proposal and the documents listed on page 2 of this Certificate.

Special conditions:

- (1) The Principal Researcher must report to the UZREC in the prescribed format, where applicable, annually and at the end of the project, in respect of ethical compliance.
- (2) Documents marked "To be submitted" (see page 2) must be presented for ethical clearance before any data collection can commence.

The Researcher may therefore commence with the research as from the date of this Certificate, using the reference number indicated above, but may not conduct any data collection using research instruments that are yet to be approved.

Please note that the UZREC must be informed immediately of

- Any material change in the conditions or undertakings mentioned in the documents that were presented to the UZREC
- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research

Classification:

Data collection	Animals	Human Health	Children	Vulnerable pp.	Other
X					
Low Risk		Medium Risk		High Risk	
		X			

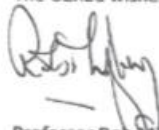
The table below indicates which documents the UZREC considered in granting this Certificate and which documents, if any, still require ethical clearance. (Please note that this is not a closed list and should new instruments be developed, these would require approval.)

Documents	Considered	To be submitted	Not required
Faculty Research Ethics Committee recommendation	X		
Animal Research Ethics Committee recommendation			X
Health Research Ethics Committee recommendation			X
Ethical clearance application form	X		
Project registration proposal	X		
Informed consent from participants	X		
Informed consent from parent/guardian			X
Permission for access to sites/information/participants	X		
Permission to use documents/copyright clearance			X
Data collection/survey instrument/questionnaire	X		
Data collection instrument in appropriate language		Only if necessary	
Other data collection instruments		Only if used	

The UZREC retains the right to

- Withdraw or amend this Certificate if
 - Any unethical principles or practices are revealed or suspected
 - Relevant information has been withheld or misrepresented
 - Regulatory changes of whatsoever nature so require
 - The conditions contained in this Certificate have not been adhered to
- Request access to any information or data at any time during the course or after completion of the project

The UZREC wishes the researcher well in conducting the research.



Professor Rob Mudgley
 Deputy Vice-Chancellor, Research and Innovation
 Chairperson: University Research Ethics Committee
 03 December 2014

<p>CHAIRPERSON UNIVERSITY OF ZULULAND RESEARCH ETHICS COMMITTEE (UZREC) REG NO: UZREC 171110-30</p> <p>03 -12- 2014</p> <p>RESEARCH & INNOVATION OFFICE</p>

THE SCHEDULE INTERVIEW

1. OPENING

- A. My name is Stanley Mbongeni Gama, a Ph.D. student at the University of Zululand; I thought it would be a good idea to interview you, to get a better understanding and facts about: The political economy of Swaziland's desire to incorporate Ingwavuma and parts of Mpumalanga.
- B. I would like to ask you some questions about the background of border adjustment between Swaziland and South Africa, the economic dynamics of the areas that are being contested for by these two countries, the negotiations taking place if there any.
- C. By doing this research I hope to fill the gap that most boundary scholars have ignored, they only concentrated on the political issues, whereas the political economy cannot be treated in isolation, they are intertwined.
- D. The interview should take about 1 hour. Hope you will be available to respond to some of the following questions?

2. Body

- A. To analyze the relationship between imperialist expansion and boundaries between South Africa and Swaziland. The analysis will seek to find out the impact of imperialist expansion in Africa.
 - i) For how long have you lived in this area?

- ii) The issue of boundaries is foreign to Africans, what demarcated the boundaries before the arrival of whites?
 - iii) When demarcating the boundaries, which criteria did they use?
 - iv) Were culture and ethnic lines taken to consideration in the demarcation?
 - v) The reason behind having borderlines between countries?
- B. To examine the economic dynamics behind Swaziland's demand for border adjustment. A questionnaire will be generated to seek reasons why Swaziland still pursues the border adjustment talks with Swaziland. What will Swaziland stand to benefit from the border adjustment?
- i) What type of jobs do you have in your area?
 - ii) Are there mining activities taking place in your area?
 - iii) What kind of minerals do you have, if there are any?
 - iv) Besides mining, what other income-generating projects in your area?
 - v) Does tourism contribute to generating revenue?
 - vi) What do you think is the reason why Swaziland is eager to incorporate the two areas: Parts of Mpumalanga and Ingwavuma?
- C. To analyze the political imperatives behind Swaziland's desire for border adjustment. A questionnaire will be used to unveil the political imperatives behind the border adjustment.
- i) What are the political implications if the two areas can be incorporated into Swaziland?
 - ii) What were the political agreements made between Swaziland and South Africa, during the apartheid era?
 - iii) Some of these disputed areas were almost ceded to Swaziland in the 1980s, what stopped it?

3. CLOSING

- A. Summarize the whole interview (recapping)

- B. I appreciate the time you took in this interview. Is there anything else you think would help make the study to be informative in the scholarly work?

- C. I hope I have all the information I need. In case I have any more questions, will contact you. Thank you once again. I look forward to sharing with you my findings of the study/ research.

BIBLIOGRAPHY

Anene, J.C. *The International Boundaries of Nigeria 1885 – 1960*. London: Longman, 1970.

Arbor, Ann. *Standing Your Ground: Territorial Disputes and International Conflict*. Michigan: University of Michigan Press, 1996.

Anderson, J. "The Question of Democracy, Territoriality, and Globalization." *Regional Studies*, Vol. 33, no.7 (1999): 98 – 110.

Alexander, L. *World Political Patterns*. London: John Murray, 1963.

Ally, Shireen. "If you are hungry and a man promises you meaties, will you not follow him? South African Ethnic Nationalism, 1931 – 1986." *South African Historical Journal*, vol. 63, no.7 (2001): 414 – 430.

Angela Impey. "Sound, memory, and displacement: Exploring sound, song, and performance as an oral history in the Southern African Borderlands." *Oral History Journal, Review* 11, no.1 (2010): 33 – 44.

Asiwaju, A. *Western Yorubaland under European rule: A comparative analysis of French and British Colonialism*. New York: Humanities Press, 1976.

Annual Report: Department of labour, (Swaziland, 1982), p.12.

Annual Statistical Bulletin, (Swaziland, 1980), pp. 1 – 4.

Boyce, A.E. "The Swaziland Concessions and their Political Consequences 1876 – 1908." Master's thesis, University of South Africa, 1945.

Balcerzan Edward. *Boundaries Literature, Boundaries of History, Boundaries of Boundaries*. London: Rowman and Littlefield Publishers, 2000.

Begg, Sonja, *Southern Africa Record* number 32. The South African Institute of International Affairs. (Contains the original texts of or extracts from, important statements

by political leaders, government representatives, and international organization concerning international relations in the Southern region of Africa.)

Bennet, T.W, The Ingwavuma land Deal: A case study of self – Determination, [Http; // law digital commons.bc.edu/twlj/vol 6/ iss 1/3](http://law.digitalcommons.bc.edu/twlj/vol%206/iss%201/3)

Brown, L. World without Borders. New York: Vintage Press, 1973.

Blanton, Robert. “The Border between Ghana and Burkino Faso.” *Journal of Peace Research*, Vol.38, no.4 (1989): 64.

Bryman, Alan. *Social Research Methods*, 3rd Edition. London: Oxford University Press, 2008.

Bonner Philip. *Kings and Commoners and Concessionaires: The evolution and dissolution of the nineteenth – century Swazi state*. London: Cambridge University Press, 1982.

Bischoff Paul – Bischoff. “Why Swaziland is different: An explanation of the Kingdom’s Political position in Southern Africa.” *The Journal of Modern African Studies*, vol.26, no.3 (1937): 459. – 460.

Beemer Hilda. “The Development of the military organization in Swaziland.” *Africa Journal of the International African Institute*, vol. 10, no. 2 (1937): 176 – 178.

Benso, J. *KaNgwane economic Revenue*. Cape Town: Little Publishers, 1978.

Becker, Peter. *Rule of Fear, the life and times of Dingaan, King of the Zulu*. London: Longman, 1964.

Connell, Don. “Horn of Africa, The Birth of the Eritrean Nation.” *An independent Journal*, vol.24, no.1 (1992): 231.

Chalfin, B. “Border Zone Trade and Economic Boundaries of State in North – East Ghana, in Africa.” *Journal of the International African Institute*, vol.71, no.2 (2001): 202 – 210.

Cukwurah, A. The settlement of boundary disputes in International Law. Manchester: Manchester University Press, 1967.

Curzon, M. The rise and decline of the state. Cambridge: Cambridge University Press, 1980.

Church, J. "African Boundaries." *Studies in Political Geography*, vol. 45, no. 4 (1956): 51 – 54.

Creswell, J. *Research Design, Qualitative and Quantitative and Mixed Methods Approaches*, 2nd Edition. London: Sage publications, 2003.

Chanaiwa, D. *Africa under Colonial Domination, 1880 – 1935, General History of Africa VII*. London: Heinemann, 1990.

Cassell Catherina. *Essential Guide to Qualitative Methods in Organizational Research*. London: SAGE Publications, 2004.

Delport, CSL. *Research at grassroots, for the social sciences and human service professions*, 3rd edition. Pretoria: Van Schaik Publishers, 2005.

Economic Review Revenue 1978 – 1982, (Prime Minister's Office, Swaziland, February 1983), p.19.

Crawford, J. *The creation of states in international law*. Oxford: Clarendon Press, 1979. CO 879/ 48, p.39. No. 216.

Dominy, G.A. "The Ingwavuma dispute revisited." *African Trade Route and European Buffer Zone*, vol. 5, issue 18 (1985): 71 – 92.

Diarra Aguibou, "African Boundaries and the Imperative of Definition." In *Delimitation and Demarcation of Boundaries in Africa: General Case Studies*: (Addis Ababa, Commission of the African Union, Department of Peace and Security, 2013), 12.

Davenport, Rodney, and Saunders Christopher. South Africa, A modern history 5th edition. London: Macmillan Press LTD, 2000.

Dlamini, Thamie. "Acquisition of territory in International law: A case study of Swaziland's claim to the territories of Ingwavuma and KaNgwane." LL.B Degree, University of Swaziland, 2010.

Dlamini, John. "Kosi Bay will be ours." The Times of Swaziland, 28 July 1982. P.7

Daniel John. "The political economy of colonial and post-colonial Swaziland. "South African Labour Bulletin, vol. 7, no.6 (2004): 104 – 110.

De Vletter, Fion. "Labour migration in Swaziland: Resend trends and implications." South African Labour Bulletin, vol.7, no. 6 (1982): 119 – 121.

Dube, James. Newsweek, 5 July 1982.p25

Esterhuysen, P. "Eritrea – Ethiopia: Family feud." Africa Insight, vol. 28, no. 1 (1998): 90 – 92.

Foucher, M. Cross border Interactions: realities and representations in International Boundaries. London, Littlefield publishers, 1988.

Fombad, Charles. "The Swaziland Constitution of 2005.

Fowler, S. The oppression and Liberation of Modern Africa: Examining the power shaping today's Africa. Potchefstroom, Institute for Reformation Studies, 1996.

Falola, T. Africa in perspective. Hague, The Ministry of Foreign Affairs, 1996.

Fransman, M. "The State and Development in Swaziland." D.Phil., University of Sussex, 1979.

Griffiths, I. "The Scramble for Africa: Inherited Political Boundaries." *Geographical Journal*, vol. 151, no. 2 (1986): 204 – 220.

Gillis, Hugh. *The Kingdom of Swaziland, Studies in Political History*. London: Greenwood Press, 1999.

Hailey, O.M. *The Republic of South Africa and High Commission Territories*. London: Oxford University Press, 1963.

Herbst, John. *The Potential for Conflict in Africa*. London: Oxford University Press, 1992.

Herbst, John. *States and Power in Africa: Comparative lessons in authority and control*. Princeton: Princeton University, 2000.

Hughes A.J.B. "Some Swazi views on land tenure." *Journal of the African Institute*, vol.3, (1962): 253 – 260.

Harris, D.J. *Cases, and materials on international law*, 3rd Edition. London: Sweet and Maxwell, 1983.

Ibhasebhor, S. "African Boundaries." *Journal of Social Science*, vol. 13, no.3 (2006): 20 – 25.

Iyob, Ruth. "Ethiopian – Eritrean conflict: diaspora vs. hegemonic states in the Horn of Africa, 1991 -2000." *The Journal of Modern African Studies*, vol.6, no.2 (2000): 659 – 682.

Kapil, R. "On the Conflict Potential of Inherited Boundaries in Africa." *World Politics*, vol.18, no.1 (1992); 657.

King, Nigel. Interview in Qualitative Research. California: SAGE publications, 2010.

Kiwanuka, P. "The meaning of people in the African Charter on Human and Peoples Rights." A.J.I.L, vol.82, no.10 (1988): 90.

Kuper, H. An African Aristocracy. London: The uniform colour, 1952.

Laschinger, Michael. "Roads to Independence: The Case of Swaziland." The World Today, vol.21, no.11 (1965): 486 – 494.

Lea, John. "Underlying Determinants of Housing Location: A case study from Swaziland." The Journal of Modern African Studies, vol.11, no.2 (1973): 211 – 225.

Magagula, Glen. "Population Issues and Unemployment in the Rural Areas of Swaziland." (Unpublished paper, University College of Swaziland, 1982.): 10- 15.

Murithi, Tim. "The African Union Peace and Security Council engagement in the Horn of Africa." African Journal on Conflict Resolution, vol. 12, no. 2 (2012): 46 -56.

Mbata, Mangu. "The historic contribution of the United Nations to the resolution of conflicts in Southern Africa." African Journal on Conflict Resolution, vol. 11, no. 3 (2011): 9

Mouton, Earl Babbie. The Practice of Social Research. Cape Town: Oxford University Press Southern Africa, 2005.

Muhammad, Ahmad. "African Boundaries and the Imperative of Definition in delimitation and demarcation of boundaries in Africa." General case studies: (Addis Ababa, Commission of the African Union, Department of Peace and security, 2013)

Mazrui, Ali. Africa since 1935, UNESCO General History of Africa, vol.3. California: Heinemann, 1993.

Mukisa Samuel. "Towards a peaceful resolution of Africa's colonial boundaries." Africa Today Review, vol. 44, no. 1 (1997): 7 – 32.

Mayall, John. The Hopes & Fears of Independence: Africa & the World 1960 – 1990. London: The Royal African Society, 1991.

Mayall, John. "The Malawi – Tanzania Border dispute." Journal of Modern African Studies, vol. 1, no.4 (1973): 12 – 14.

Matsebula J.S.M. The History of Swaziland. Cape Town: Longman, 1988.

Mlotshwa, K. The History of EmaSwati in South Africa. Mbombela: Mbokodo Publishers, 2016.

Marwick, B.A. The Swazi. Cambridge: University of Cambridge, 1940.

Makonnen, Y. International Law and the New African States. London: Sweet and Maxwell, 1972.

Marilyn Siberfein. Boundaries and Conflict in the Mano River Region of West Africa. Downloaded from cmp.sagepub.com at UNISA on the 9th of July, 2012.

Mphusu, B. "Botswana refutes Namibian claims." Botswana Daily News, February 23, 1999.

Okeye, F.C. International Law and the New African states. London; Sweet and Maxwell, 1972.

Prescott, J. *The Geography of Frontiers and Boundaries*. London: Hutchinson, 1965.

Potholm, Christian. "The Protectorates, the O.A.U, and South Africa." *International Journal*, vol.22, no.1 (1966): 68 – 72.

Sedima, Alan. "ICJ starts hearing the case on Sedudu." *Botswana Daily News*, February 23, 1999.

SAR File, SS, no.283, p.36 and no. 150, p.173, R 867/66

SNA RCS 506/20

Sesay, A. *The OAU and Continental Order*. Lanham: University Press of America, 1982.

Simelane Hamilton. "Swazi Resistance to Boer Penetration and domination, 1881 – 1898." *Trans African Journal of History*, vol.18 (1989): 117 – 146.

Sahlins, P. *Boundaries: the making of France and Spain in the Pyrenees*. Paris, Rowman Publishers, 2012.

Swaziland Annual Report, 1966, p.33.

Stanley Gama, Interview with Paulos Dlamini, (Kubuta, June 22, 2014)

Stanley Gama, Interview with Makhosi Mata Dlamini (Luve, April 27, 2014)

Stanley Gama, interview with Benson Makhathini, (Mbuzini, October 22, 2013)

Tekle, A. "International Relations in the Horn of Africa 1991 – 1996." *Review of African Political Economy Review* 20, no.70. (1996): 505.

UNISA InformationPublication 7, August 1982.

Vansina, Jan. Oral Tradition as History. New York: University of Wisconsin Press, 1985.

Vilakazi, Absalom. Swaziland: From Tradition to Modernity. Bloomington: Longman, 2007.

Warhola, W. "Culture and Society." International Journal of Politics, vol.6, no.7 (1990): 22.

Zondi, Siphamandla. "The Ethiopia – Eritrea Border Conflict and the Role of the International Community." African Journal on Conflict Resolution, vol.6, no.2. (2006): 69 – 72.

<https://www.projects iq.co.za/mining-in-mpumalanga.htm>

www.labour.gov.za/DOL/downloads/...../labourmigration2007part1.

<http://www.mpuhealth.gov.za/annualreport/Dept%20of%20Health%20Annual%20Report%202017.pdf>

[http://www.gov.sz/index.php?option=com_content&view=article & itemid=403](http://www.gov.sz/index.php?option=com_content&view=article&itemid=403)

[https://en.wikipedia.org/wiki/Constitution_of_South Africa](https://en.wikipedia.org/wiki/Constitution_of_South_Africa).