

PROPOSED CONSTITUTION

**“SWAZILAND UNITED DEMOCRATIC FRONT
(SUDF)”**

(please note that official name of the Front is one of the key issues for decision at the National Conference to be held in April 2008)

February 2008

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- **PART I** *Preamble*

United and driven by the common historical objective to build a truly democratic constitutional dispensation grounded on the universal principles, codes and practices of multiparty democracy and conscious of the fact that the liberation of Swaziland is a national responsibility, and that our strength lies in joint action in the establishment and marshalling of a broad front of struggle, activism and unflinching commitment to fight until the oppressive Tinkhundla regime is uprooted in all its forms and vestiges, and with full recognition that the respect of individual organisational identity and programme is the cornerstone of democracy;

Committed to the restoration of a culture of respect for all fundamental human rights, civil liberties and freedoms and the creation of a just, democratic, caring and prosperous society based on equality and human dignity;

Recognising the urgent need for the genuine democratisation of Swaziland and removal of the undemocratic Tinkhundla system of government which has ruled us for so long against our will since 12 April 1973;

Remembering that the basis of authority of a government is the will of the people expressed through genuine free and fair democratic elections conducted in accordance with international norms and standards to which Swaziland is a party;

Conscious that in order for a government to command popular support, legitimacy and credibility, it must have been founded on a constitution that reflects the genuine aspirations of the people who own it by virtue that they were involved in its crafting thus, in charge of their destiny;

Fully aware that the current constitutional arrangement is devoid of any form of legitimacy and popular support given that the drafting of the constitution was flawed in that it was written under an oppressive political environment where the fundamental rights and freedoms of the citizens to organise, participate, assembly and associate peacefully were virtually non-existent;

Understanding that since 12 April 1973, Swaziland has been ruled under a state of emergency underpinned by the King's Proclamation to the Nation, which not only banned political parties, but also suffocated and stifled all forms of political activity and meaningful and effective citizen participation;

Convinced that the constitution-making process was conducted in an environment hostile to effective and meaningful citizen participation and thus stage managed in such manner and form so as to deliberately entrench the undemocratic and nepotistic Tinkhundla system of government;

Now therefore, it is hereby agreed that the *Swaziland United Democratic Front* alias the “*Front*” is established whose terms of reference shall be as follows:

2. PART II Terms of reference

- The Swaziland United Democratic Front is a collective pro-democracy body of various and divergent political and civic organisations with the fundamental aim of struggling for the democratisation of Swaziland.
- The United Front shall strive for the establishment, promotion and protection of a constitutional multiparty democracy based on the separation of powers, accountability, maximum popular participation, respect for the rule of law based on majority will that will also respect the views of the minority.
- In this connection, the United Front rejects any form of elections conducted without guarantees of a multi-party pluralistic arrangement duly managed by a credible and independent electoral institution; for we understand fully well that the will of the people expressed through genuine free and fair democratic elections is the basis of governmental authority.
- The United Front shall strive for the advancement of the political, social, economic and cultural interests of the people of Swaziland through education, mass mobilisation, representation and other forms of information dissemination;
- The creation of a common platform for dialogue, debate, formulation, coordination and leadership of the joint programme and unity in action of the mass democratic movement;
- The Front shall mobilise resources necessary for the implementation of its terms of reference and its aims and objectives;
- The United Front shall work hand in hand with and complement the work of the all other like-minded and similar bodies in advocating for a people-driven constitution-making process that will result in the establishment of Swaziland as a truly constitutional democracy, in which all citizens have equal rights, equal opportunities and equal access to state resources and where they have a stake in the governance of the country by encouraging people’s organisations and strengthening civil society.

- The United Front appeals and calls upon the international community, all modern governments, the United Nations (UN) and its agencies, the African Union (AU) the Southern African Development Community (SADC), the European Union (EU) as well as the world no-governmental organisations to impose targeted embargo and sanctions on His Majesty King Mswati III, his government and circle of cabals until democracy is fully restored.

3. PART III *Head Office*

1. The head office of the organisation shall be at such place as will be determined by the National Executive Committee (NEC) from time to time.

4. PART IV *Mandate*

- The mandate of the United Front as espoused in the terms of reference above, shall be to mobilise and raise the level of consciousness of the mass citizens of Swaziland in order to ensure that Swaziland is transformed from the undemocratic Tinkhundla regime to a fully-fledged constitution and democratic state.
- In this connection the United Front shall be the vehicle through which the transition era shall be fought as a democratic body in order to ensure that democracy is not only achieved but consolidated.

5. Logo and Colours

5. PART V *Membership*

- The membership of the Front shall be open to all organisations, and individual citizens committed to the complete eradication of the Tinkhundla system and the establishment of a multi-party parliamentary democracy based on the separation of powers, the rule of law, supremacy of the national constitution and the other key tenets set out in this founding document.
- Member organisations shall subscribe and commit to the principal norms of respect for the autonomy of individual organisations, inter-party democracy, respect for the collective will of the mass democratic movement as enshrined in the approved programmes of the Front.
- The NEC shall in collaboration with the General Council determine membership and subscription fees from time to time.
- **Character of SUDF**

6. PART VI *Structures, programmes and policy documents*

The leadership structures of the United Front shall be organized as set out in Appendices 1, 2, 3 and 4.

- There shall be a National Executive Committee (NEC) that will be tasked with the responsibility for the formulation of policy documents of the United Front, which policy documents shall be debated and approved at a plenary session of the National General Conference (NGC).
- The NEC shall ensure that programmes are implemented and implemented efficiently and effectively in keeping with the relevant objectives and targets.
- There shall be a General Council (GC), comprising the NEC, Regional Chairpersons, and Regional Organizing Secretaries, which shall be responsible for the effective running of the day to day affairs of the Front and the overall implementation of the program of action.
- For purposes of mass mobilisation, there shall be the Regional Leadership Committee (RLC) which shall consist primarily of locally based leaders appointed/elected by the member organisations of the Front at regional level.
- The RLC shall implement directly or through its constituent structures the approved programmes and policies of the Front in accordance with the terms of reference and other relevant documents.
- In keeping with the overarching mandate to ensure that the programs of the Front are rooted in the daily life and struggle of the people at community level, the RLC will include 3 community leaders in each region drawn from active local organizations representing the interests of women, the youth and the elderly.
- There shall be a local unit or cell, which shall consist primarily of locally based leaders appointed/elected by the member organisations to spearhead the implementation of the program of action of the Front at local community level.

7. PART VII *Meetings*

- The NEC shall meet at-least once per month to review progress and strategize. Specific objectives and targets will be set for each portfolio designed to drive implementation of the policy development agenda and the

mass action program. Appropriate mechanism will be put in place to ensure accountability, delivery and discipline.

- The GC shall meet at-least once every three months, under the Chairpersonship of the 1st Vice-Chairperson, or in their absence the 2nd Vice Chairperson, focusing primarily on implementation of the program of action, providing effective leadership for all major events and activities.
- The RLC shall meet at-least once per month to review progress and strategize. At these meeting members of the RLC shall be require to account against specific objectives and targets based on the program of action, policies and assignments.
- The NEC shall call the National General Conference (NGC) for policy review and adoption, review and adoption of the program of action and mandating. Save for extra-ordinary conferences, the NGC shall convene once per year.
- The NEC shall call an Extra-ordinary National Conference to deal with any issue(s) that, in the opinion of the NEC, require(s) the engagement and/or mandate of this supreme body.
- Decisions of the Front and its structures shall be made by secret ballot. A 2/3 (two thirds) majority shall be required on policy issues, adoption or review of the program of action or dissolution of the Front. For all other decisions, a simple majority decision shall apply.
- Only properly accredited and mandated delegates appointed by member organizations may vote at the NGC.

8. PART VIII *Role of Members of the NEC, RLC, BC*

- The National Chairperson shall chair meetings of the NEC, National Conference and provide overall leadership of the Front, including representing the Front at activities /events in keeping with the terms of reference and program of action as reviewed from time to time.
- The Secretary General shall serve as the mouth piece of Front, responsible for public and media relations, communications, the development of systems and networks for promoting the interests of Front, and overall responsibility for the administrative functions and offices of the Front.
- The National Organizing Secretary (NOS) has overall responsibility for the creation of the key systems, structures and organs for the implementation of the Program of Action. The NOS will lead the formation of RLCs, and other structures for mass participation.
- All other members of the NEC shall be responsible for the research and development of policies for the portfolio and departments / disciplines under their control, and for setting up programs / key issues to be incorporated into the mass action agenda. They shall set up structures and systems for gathering

and disseminating informing on topical issues affecting the real life and experiences of the people of Swaziland at national level, regional and local community level. Objective plans and targets will be developed and approved which shall serve as the standard and measures for which officials shall be accountable.

- The primary responsibility of the Regional Chairperson (RC) is the overall leadership of structures and programs of the Front at Regional level, including liaison with the leadership of member organizations and other community leaders at Regional level. Performance objectives and targets shall be put in place for which the RC shall report to the GC.
- The Regional Organizing Secretary (ROS) has overall responsibility for mobilizing and marshalling the implementation of the Program of Action. The ROS will spearhead the formation of regional organs of people's power, community based organizations and developing the networks for integration of the program of action of the Front with relevant programs of member organizations and the broader mass democratic movement.
- In addition to the specific responsibilities of their office, all other members of the RLC shall share the collective responsibilities to execute the program of action and deliver the mandate of the Front as set out in the terms of reference and policies.
- Members of Branch Committees are charged with the duty for the implementation of the program of action at grass-roots level. They shall be governed by the same rules and procedures designed to regulate the operations of the RLC.

9. PART IX *Financial Matters, Budgets and Controls*

- The Secretary for Finance shall open and operate such bank account(s) of the Front as will be directed by the NEC.
- There shall be no payments from the funds of the Front unless signed by two (2) authorized signatories as directed by the NEC in writing.
- The Secretary for finance shall prepare and exercise overall the responsibility for the control of the budgets necessary for carrying out the objectives of the Front.
- The Front shall maintain proper books of account, in respect of which the Secretary for Finance shall report to the NEC and National General Conference.

- **Code of Conduct for SUDF**
- **Schedule of Penalties or Corrective Measures**

10. PART X *Legal standing*

- The United Front shall have legal capacity to sue and be sued in its own name.
- The United Front shall have perpetual succession apart from its members and shall be a *universitas* capable of owning both movable and immovable property in its own name.

11. PART XI *Dissolution*

- The Swaziland United Front shall only be dissolved on account of two-thirds (2/3) majority of its members at a general or extra-ordinary meeting.

**ADOPTED AT _____ ON THIS THE _____ DAY OF
_____ IN THE YEAR OF OUR LORD TWO
THOUSAND AND EIGHT.**