

Participation of Swazi women in the traditional public sphere, Sibaya, in the Kingdom of Swaziland

ABSTRACT

The Kingdom of Swaziland has continued to use the cattle byre, *Sibaya*, for deliberations on issues of national importance. This deliberative public sphere is convened once in a while to discuss pertinent issues relating to the well-being of the Swazi nation. It is a public sphere that used to be the preserve of men but has since been opened up to accommodate women. Despite their participation, women still have to follow certain laid down rules to make their oral submissions in this space. In 2016, the King of Swaziland convened the *Sibaya* for seven days and thousands of citizens attended to make oral submissions on social, political, economic and cultural issues. This article focuses on the representations made by women during the 2016 meeting and their perception about this space. Qualitative content analysis was used to analyse the data on submissions, which were monitored on national television and recorded. Interviews were also conducted with some participants to find out how they feel about this space. Grounded on Fraser's concept of the counter public sphere, the study reveals that interlocutors feel that this is a restrictive and intimidating space that is and that there are too many rules that discriminate against the free participation of women. Thorny issues raised by women pertained to education (primary, secondary and tertiary), the welfare of widows, chieftaincy disputes, access to land, provision of water and electricity and gender-based violence, among others.

INTRODUCTION

Freedom of the press in the Kingdom of Swaziland is restricted. The main culprits in stifling media freedom include the monarchy, government, business, influential personalities (Hlatshwayo, 2011) and the judiciary. Self-censorship by journalists is common practice and as such, many stories never find their way into the media. The political economy of the media has also exacerbated the problem. The state owns the national radio and television stations. Radio remains the most popular medium in the country. The majority of the Swazi people live in rural areas and they rely mainly on radio as their main source of information (Mthembu, 2011). With all alternative spaces for expressing themselves being inaccessible, Swazi citizens have used the opportunity availed through the traditional public sphere at the national cattle byre, the *Sibaya*, to vent their frustrations on socio-political, economic, and cultural issues. The *Sibaya*, which is also known

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as the people's parliament, is located at Ludzidzini, the official residence of the Queen Mother, which is also regarded as the traditional capital. The *Sibaya* is a large open-air arena used for national gatherings and the performance of royal rituals. This is also a space used for invoking the ancestral spirits (*emadloti*) (Kuper, 1972:418).

Despite the media restrictions and lack of a platform for citizens to deliberate on issues that affect them, this paper argues that it is not practical for the national *Sibaya* meetings to be an alternative platform for freedom of expression and debate, although the traditional authorities claim it is so. Subjects are expected to show loyalty to the King and other structures including chiefs. This works in the traditionalists' favour through the controls it imposes on the people with respect to the right of free speech (Hlatshwayo, 1992:206). As "minors", how practical is it that women can speak on issues of governance which is regarded as a domain for men?

The fact that the meetings are held in the official residence of the Queen Mother results in self-censorship among participants. Customarily, when someone speaks ill of Their Majesties, it is incumbent upon the chiefdom where such an individual comes from, together with his family, to approach the royal court with cattle to appease the authorities and apologise for "unpalatable utterances". Hlatshwayo (1992) posits that cultural restraints limit the right to free speech. Consequently, citizens cannot enjoy the liberty to address all issues that affect them, especially if decisions at the apex of the Swazi hierarchy are taken. It should be pointed out that decisions pronounced in the royal court are not subject to scrutiny.

After all, if the King and Queen Mother are above the law as per the constitution of the country, none of their subjects dares to question their decisions on issues of socio-economic and political concern. Whereas participants can submit opinions on issues that touch on the prime minister, cabinet, government institutions and others, the bulk of the challenges facing the Swazi nation are at the apex of the hierarchy; they remain beyond any ordinary citizen's power to deliberate. It is important therefore to find out the issues that women are vocal about in this sphere from which they were originally ostracised.

Kuper (1963) argues that there are two councils in Swaziland: the Inner Council (*Liqoqo*)¹ and the Swazi National Council (SNC) (also known as *Libandla*).² Section 232(1) of the Constitution states that *Sibaya* constitutes the highest policy and advisory council (*Libandla*) of the Swazi nation. It functions as the annual general meeting (AGM) of the Swazi nation (Constitution of the Kingdom of Swaziland, 2005:141) and may be convened at any time to solicit views of the nation on pressing and controversial national issues. Again, it convenes if and when there are

¹ Liqoqo is an advisory council with a membership appointed by the *Ingwenyama* (King) comprising princes and princesses, chiefs, and persons who have distinguished themselves in serving the Swazi Nation.

² The Swazi National Council is also referred to as *Sibaya*. It is comprised of Princes and princesses, chiefs, and all adult citizens gathered at the official residence of the queen mother (See section 232 of the Constitution of Swaziland).

pronouncements to be made by the Head of State to the nation. The Swazi National Council (SNC) is comprised of princes and princesses, chiefs, and adult citizens (Constitution of the Kingdom of Swaziland, 2005). Participation in the SNC meetings is not obligatory (Kuper, 1963). Meetings convened at the cattle byre are chaired by the King (as head of state). He may, however, delegate such a responsibility to someone else, usually the headman of Ludzidzini Royal Residence. Under normal circumstances, such meetings are held once a year, usually in winter (Stevens, 1967) when there are no activities that would affect citizens' participation such as weeding, ploughing and cattle rearing. Some significant pronouncements that have been made include the repeal of the Westminster type of Constitution in 1973, which resulted in the proscription of political parties, and the adoption and presentation of the 2005 Constitution. The presentation of that document to the nation was made by the chairperson of the Constitutional Drafting Commission. This explains the significance of the cattle byre (*Sibaya*) to the Swazi people. Even to this day for example, it is here that the prime minister of Swaziland is selected by the King, who announces his name at the cattle byre.

1. WOMEN AND PATRIARCHY: A CONTEXTUAL BACKGROUND

Despite the argument that there is "equality" at the *Sibaya*, women's voices are rarely featured in this public sphere. Just like the *Kgotla* in Botswana (Kerr 2001; Donnelly 2001), women were traditionally not allowed to participate in this public space. It was a preserve for men (Kuper, 1963) from the age of 18 and above (Steven, 1967). Women in Swaziland have for a very long time been marginalised on social and political issues. They have been confined to spheres of female activity (Benhabib, 1998) such as reproduction, caring for children or any sick relative within the family structure, and being responsible for household chores. During bereavement, women are the ones who have to sit beside the body of a deceased relative from the day that person dies to the day of burial. If the corpse is taken to the mortuary, women are the ones whose responsibility is to be present when the body is removed from the mortuary and brought back home on the eve of the burial. Traditionally, a dead person is supposed to at least spend the night at their homestead prior to burial. If one's husband is deceased, the wife or wives in a polygamous family are supposed to stay indoors for at least a month. They are expected to always wear mourning gowns, usually black in colour, for a period of about two years. During that period they are not supposed to fall in love with men nor engage in any form of sexual activity with them.

The confinement of women to the household setting has meant that their opinions on serious issues regarding the well-being of the country were almost non-existent. This exclusion is viewed disappointingly by women and results in them forming empowerment initiatives such as *zenzele*, small enterprise businesses, and they also devote time to prayer meetings such as the Thursday prayer meetings. It could be argued that these are an alternative public space which came about as a result of the exclusionary nature of the public sphere which was premised, among others, on gender-based exclusion.

Other hardships faced by married women over the years included lack of access to loan facilities from financial institutions. The banks required approval of the husband prior to processing

applications. Women were also not allowed to own land on Swazi Nation Land (SNL). A woman who had children born out of wedlock and had not given birth to a son would not under any circumstance be granted land by the chief on which to settle with her children. Even if a married woman acquired land, it would still be registered in the husband's name. A woman married in community of property had "no independent contractual and proprietary capacity" (Nhlapho, 1990, in Dlamini, 1997:9).

Things seem to have changed with the adoption of a new Constitution in Swaziland in 2005. For example, section 211(2) of the Constitution promotes access to land for domestic purposes without regard for gender. However, in accordance with customary law, women are still not allowed to own land on SNL. The common saying that a woman's place is in the kitchen fits the nature of the role that women were expected to play in Swazi society. There are similarities between Swaziland and China, where women are regarded as "morally and intellectually less capable than men and therefore are to be under male control" (Ebrey, 1990, in Wu, 2007:72). A similar perception prevails in Swaziland, where women are treated as legal minors. The above exemplifies the patriarchal nature of the Swazi society.

As a consequence of their exclusion, women in Swaziland have used traditional oral genres to express themselves (Dlamini, 2004:101). However, with the move towards gender equality, there has been a shift in policy to accommodate female voices in the public sphere.

2. FREEDOM OF EXPRESSION AT SIBAYA

The Universal Declaration of Human Rights defines freedom of expression as the right of every individual to hold opinions without any interference and to seek, receive and impart information and ideas through any media and regardless of any frontiers (UN Charter, 1948). The Constitution of the Kingdom of Swaziland embraces freedom of expression, as spelt out in Article 24. The freedom to express oneself was found at *Esibayeni*, though to a limited extent (Hlatshwayo, 1992). Kuper (1965) (in Hlatshwayo, 1992) states that certain cultural restraints negatively impact on the enjoyment of this right. Similar to the journalistic self-censorship common in the mainstream media, participants at the *Sibaya* meetings are limited in regard to issues that they can raise and debate. The discussion of issues perceived by authorities to threaten to alter the status quo and disturb the balance of power is strictly prohibited.

For instance, the Swazi media have failed to attribute any fiscal crisis in Swaziland to the King (Hlatshwayo, 2011). The opulent lifestyle of the royal family has not received media coverage in Swaziland despite its detrimental effect on the economy. The involvement of the King in business such as mining, estate, telecommunications and construction, competing with local businesses, is a conflict of interest, but no one dares discuss this in the public sphere. Issues articulated at the *Sibaya* are those that do not threaten to alter the established balance of power. Such views never ventured beyond a certain line (Hlatshwayo, 1992:206) of demarcation. The King and the Queen Mother remain aloof. It is cause for concern that Their Majesties now sit on chairs in the cattle byre, which no one has questioned. This is a shift from tradition which connotes that they

are above others. It is evident that the argument of equality and freedom of speech in this space is a fallacy.

It starts with the one assigned to chair the meeting. He reprimands people for venturing into issues that involve the King and the Queen Mother. Then there are those who heckle people when they “stray” from the norm. There is this skirting around issues by pointing at the king’s advisors as ill advising the King, knowing fully well that the advisors do not wield power.

In August 2016, King Mswati of Swaziland announced a meeting of the Swazi National Council (*Libandla*) at the national cattle byre, Ludzidzini. In his introductory remarks, the King said people should be free to express themselves on any issue that was of concern to them. He said people should remove any “thorns” (thorny issues) troubling them, meaning that they should “let off steam” on matters affecting them. An earlier *Sibaya*, convened in 2012, had its report on proceedings withheld from the public. This has raised concerns from some sectors of the Swazi society that the report might never be presented. In the recent past, the *Sibaya* was convened as a smokescreen that Swazis were using a participatory approach to solicit views on the country’s political, economic and social trajectory. The 2016 *Sibaya* assembled on the eve of the Southern African Development Community (SADC) summit, just before Swaziland assumed chairmanship of the regional organisation. This meeting of the SNC was chaired by the *Indvuna* (headman) of Ludzidzini (Queen Mother’s official residence), Timothy Velabo Mthethwa. This is in line with the assertion by Kuper (1963) that the King can delegate the chairing of the meeting.

During the *Sibaya* the King sets the agenda on the topics on which submissions should be made. On subsequent days, citizens are afforded the opportunity to make submissions. In the 2016 *Sibaya*, the focus was on a number of issues, including, but not limited to the economy, drought, labour, social welfare, health and the SADC. The deliberations also had to focus on international conventions which the Kingdom of Swaziland was yet to ratify. Although Kuper (1963) observes that there is no agenda for such meetings, in this instance there was one. There is no order of speakers, as the first to join the queue would be the first one to make his/her submission. Speakers who make “good” points are applauded, whereas others are heckled and told to sit down. The time allotted to each speaker is usually five minutes. Each person making submissions is supposed to state his/her name, the name of their chief and the area where they hail from. This article seeks to answer the following research questions:

1. What were the issues raised by women at the 2016 People’s Parliament (traditional public sphere)?
2. What are the perceptions of women about this space?

3. THEORETICAL FRAMEWORK

The theory that is used in this article is the counter public sphere theory expounded by Nancy Fraser, among others. The public sphere as conceptualised by the German scholar, Jurgen Habermas (1989), is a trajectory on the emergence of the bourgeois public sphere and how it

has evolved over time. Habermas explains how it started off under the control of a few elites and eventually transformed to a domain belonging to the public. "...a public sphere that without question had counted as a sphere of public authority, but was now casting itself loose as a forum in which the private people, come together to form a public" (Habermas, 1989:25).

Habermas (1989) explores the public sphere in the political realm and how it started off in salons, coffee houses and table societies. Habermas' concern was the importance of political participation in a democratic dispensation. Public spheres are not only confined to the media but are inclusive of other public forums such as libraries, schools, churches, trade unions and other voluntary associations (Herman & McChesney, 1997), which would include the *Sibaya*.

Despite Habermas's veneration of the public sphere, there are counter arguments that this space excludes others based on gender, race and class. Fraser (1990), for instance, argues that it would be frivolous to suggest that in the public sphere that emerged in Britain France and Germany discussants were to deliberate as peers. There are also contestations about the exclusionary nature of the public sphere and gender was a key factor in this. Women were excluded (Fraser 1990), thus she concludes that it was sexist in nature.

In Swaziland, this exclusion also manifested itself within the *Sibaya*, where women were initially conspicuous by their absence. A woman is a minor in the Swazi context. If a minor, the assumption is that she cannot make any meaningful contributions outside the sphere of her assigned roles and responsibilities within the family setting. Traditionally, she can only be active in that space, but not in politics. This also explains why a female chief is not appointed in Swaziland but can only be assigned that role in an acting capacity if the heir to the chieftaincy has not come of age. The exception is the Queen Mother who assumes the functions and responsibilities of the King when he is not in the country or is unable to perform the functions of his office (Constitution of the Kingdom of Swaziland, 2005). Things have changed a bit with women ministers appointed into public office.

In the Swaziland context, the public sphere could be stratified into the three eras: pre-colonial, colonial and postcolonial. The postcolonial era presents us with a "semi-public sphere". There is limited access to the public sphere. Habermas' conceptualisation of the public sphere is that it is a domain of social life where exchange of information and views takes place resulting in the formation of public opinion (Dahlgren, 2002:197). "A public sphere can work as well or better when there is a wide range of media each partially or wholly independent of the state and commercial control, that engage in public affairs" (Herman & McChesney, 1997:3). Cognisant of the public sphere as a domain where citizens exercise their rights of assembly and association (Dahlgren, 2002), such has not been the case in Swaziland since 1973 when the Westminster style Constitution was repealed. For almost 45 years now, political parties in the country have remained banned, thus denying citizens the freedom to assemble and associate in order to exchange information and views on issues of paramount importance especially with regard to governance and democracy.

There is also the assumption that in such a space there is what Fraser (1990:60) refers to as the suspension of status hierarchies. This is a fallacy. The sitting arrangement in the *Sibaya*

distinguishes the status of an individual. Though traditional authorities claim equality, this is not possible. Princes and princesses are not equal to the ordinary citizens. Even the entrance they use when entering the *Sibaya* is not used by subjects. As such, “declaring a deliberative arena to be a space where extant status distinctions are bracketed and neutralized is not sufficient to make it so,” (Fraser, 1990:60).

However, despite the *status quo*, public opinion is often generated in offices, pubs, markets, bus terminals and many other such public spaces. People discuss issues of importance even though these never translate into any form of action on their part. One area which can be identified as directly linked to the silent protest emanating from the denial of citizens to enjoy freedoms, (though not yet empirically verified) is the poor turnout at the polls during general elections. These general elections are not a true reflection of the wishes and political views of the country’s population, as in many urban areas in particular, there are few voters.

The reliance of the Swazi people on the South African media for news and information has helped create a public sphere where issues raised by these media are debated. The SA media have questioned the kind of democracy practised in Swaziland, the *Tinkhundla* system of governance. They have highlighted the plight of Swazi citizens with regard to the autocratic type of governance practiced in the country. The dissemination of such information has led to continued debates and discussions on issues about the elections, the appointment of the prime minister by the King and many other matters in the political and economic domain.

4. GENDER AND THE PUBLIC SPHERE

According to Habermas (1989), the bourgeois public sphere has total disregard for status. Though Habermas had initially talked about a public sphere that included the bourgeoisie, he did not mention anything about the exclusion of some sectors of society from that sphere. This glaring omission has been well documented by feminist scholarship, (Fraser, 1995; Cohen, 1995; Landes, 1995, 1998; Fleming, 1995; Benhabib, 1998). For instance, Landes (1995) states that the assumption that the public sphere was universal in Europe in the 18th century is far-fetched, arguing that it remained a male sphere of influence.

Thus, an idealization of the universal public conceals the way in which women’s (legal and constitutional) exclusion from the public sphere was constitutive not a marginal or accidental feature of the bourgeois public from the start, (Landes, 1995:98).

Lunt and Livingstone (2013:4) refer to Habermas’ blindness to the many varieties of exclusion which were based on gender, class, and ethnicity and endemic to the public discussions he so lauded. In his second German edition of the *Structural transformation of the public sphere*, Habermas acknowledges the exclusion of sub-bourgeois and women from the liberal public sphere (Outhwaite, 1994).

During the *Sibaya*, women are subject to ridicule from either the chair of the proceedings or the men who are also in attendance. They usually shout at them calling upon them to leave the

microphone should they touch on a subject matter that does not agree well with men. This is a syndrome similar to what Fraser (1990) describes to be prevalent in faculty board meetings which has been well documented in feminist research, where men tend to interrupt women more than women do to men. However, at times some women are listened to by the interlocutors. A conclusion that can be drawn is that sexism is rife in this space. Equality in this space is not possible because men call the shots.

Habermas (1989, 2001) addressed the question of access as paramount in the public sphere. He avers that private individuals assemble to form a public body. "By 'the public sphere' we mean, first, the realm of our social life in which something approaching public opinion can be formed. Access is guaranteed to all citizens" (Habermas, 2001:102). As he further noted, "Citizens behave as a public body when they confer in an unrestricted fashion – that is, with the guarantee of freedom of assembly and association and the freedom to express and publish their opinions – about matters of general interest" (Habermas, 2001:102).

Nancy Fraser (1992) observes that the idea of the public sphere in modern societies creates a climate that is conducive to political participation through the medium of talk. This space provides citizens with the opportunity to discuss issues that affect their daily lives and thus provides a platform of discursive interaction. Fraser goes on to state that this is an arena where issues even critical of the state are discussed. It is essential to note that the notion of public sphere was idealized as "all inclusive" yet it was in fact full of segregationist tendencies in practice. "One approach is to conclude that the ideal itself remains unaffected since it is possible in principle to overcome these exclusions," (Fraser, 1992:118). Fraser (1992) observes that parity in terms of participation can only be realised if systematic social inequalities are eliminated. This would ensure that participation within the public sphere is conducted at an equal level, where no party is in a privileged position of domination.

The public sphere, as some scholars (Fraser, 1992; Outhwaite, 1994) have argued, has always been the preserve of men, and Swaziland is no exception. Even though of late there are women's voices being heard as a result of numerous NGOs pushing the agenda of women's emancipation in the area of human rights, many women still have the conviction that the public sphere is not where they belong. Theoretically, the public sphere seems to be open to all, yet, practically, females are excluded from the bourgeois public sphere (Outhwaite, 1994). Though women are now at liberty to participate at *Sibaya* and make submissions on critical issues, their participation is subject to various conditions. Some of the preconditions for their participation are that they are supposed to cover their heads, and they should sit on the ground or genuflect when making their submissions. It is not permissible for females to address such traditional gatherings at *Sibaya*, standing and without their heads covered. Wearing of pants by women in such gatherings is also strictly prohibited. Should a woman wear pants or trousers, they should make sure that they conceal them with a *kanga* if they are to be allowed access at the traditional cattle byre. Widows still mourning the death of their husbands are not allowed at the *Sibaya*. Who sets these rules for participation in this sphere? Undoubtedly, the traditional authorities who are male determine the dos and don'ts in this public space. This counters the argument of equality advanced in the Habermasian public sphere.

5. METHODOLOGY

The study employed qualitative content analysis and interviews with some female participants at the 2016 *Sibaya*. The interviews were employed to explore their perception about this space. Interviews are ideal for someone who wants to explore “voices which they believe have been ignored, misrepresented, or suppressed in the past” (Byrne, 2004:182). What is important is to gain an insight into the views and opinions of the female participants in a space where they were originally excluded (Byrne, 2004). A total of five female participants in the 2016 *Sibaya* were interviewed. They were selected based on their experiences as participants in this space. Interviewees were contacted by phone for consent and electronic mail was used in conducting the interviews.

Since the study also focused on the submissions made by women at the *Sibaya*, content analysis was also used. Content analysis can be used in either quantitative (Tonkiss, 2004) or qualitative data (Cole, 1988). Babbie notes that content analysis is the study of recorded human communications. Moyo (2015) cites Krippendorff (1980), who argues that qualitative content analysis pays attention to understanding the responses from certain messages in certain media, which explains why it is used in communication studies. Its purpose is to provide knowledge, new insights and a representation of facts (Oosthuizen, 2012:52). This kind of qualitative analysis is summative. It involves counting keywords or content and the interpretation of the underlying context (Hsieh & Shannon, 2005). Content analysis identifies the intentions, focus or communication trends of an individual, group or institution (Berelson, 1952). Further, it enables researchers to determine the psychological or emotional state of the persons or groups in the study.

Representation of formations (associations and organisations) is strictly prohibited at the *Sibaya*. People are only allowed to make submissions in their individual capacity. There were about 122 women who made their submissions at the cattle byre on that occasion.

The data were derived from television recordings of the proceedings for the duration of the *Sibaya* 2016, which lasted for seven days. The submissions were broadcast live on the state-owned television station, Swazi TV and the government-owned radio, the Swaziland Broadcasting Service.

The data were transcribed and then grouped into several thematic areas. Initially, there were about 20 themes, which were then narrowed down to the top five critical issues for the purposes of this article. The most dominant themes were: education; social challenges facing women, including widows; chieftaincy disputes; access to land; and provision of clean water and electricity.

6. FINDINGS

6.1 Education

This theme is associated with the challenges in the system of education in Swaziland. From this theme, there emerged several sub-themes. They are: scholarships; universal secondary education; and schools for people living with disability.

Scholarships

Scholarships in Swaziland have been a serious issue of concern. In the past, parents would pay fees for their children from elementary until they completed their high school education. At tertiary level, government was responsible for students' tuition, allowances and accommodation. However, the government's purse has been affected through prioritisation of certain capital projects to the detriment of scholarship recipients. The main issue regarding scholarships was that parents can't afford the fees because they are "too high" and that the scholarships should not be awarded based on grades. This is justified because some students come from impoverished households and they depend solely on government scholarships for their tertiary education.

Almost all the institutions of higher learning where the students were paid for by government have attempted to go on strike, demanding payment of their allowances. Another equally contentious issue was that the Scholarship Selection Board now awards scholarships based on the applicant's grades. If an applicant's overall grade is lower than the cut-off point set by the Board, the applicant is not considered for a scholarship. This arrangement tends to exclude many of the students who are offered places in tertiary institutions but do not "qualify" for government scholarships because their high school grades are low.

Universal secondary education

In line with the Millennium Development Goals (MDGs), Swaziland introduced universal primary education in 2010. Now that the programme has reached grade seven, it would suffice to say some of the children will be forced out of school, especially those who are orphaned and are from child-headed households, because they cannot afford to pay their fees. This could deprive such children of the opportunity to continue with their education. The call made by women was that government should continue to pay for the children even at secondary or high school. Acknowledging the importance of universal education (currently the government provides free elementary education), participants called for the broadening of assistance to secondary education.

I would like to thank you, Your Majesty, for having shown that you care for Swazi children, especially those of primary school going age because you managed to fund their education... I would like to thank you and the government for having paid for the children. My request to Your Majesties and government is that free [universal] education is also introduced at high school (Make Thandi Gama, Mrs Msibi, from Mbekelweni).

The effects of poverty are most pronounced in the rural areas, where children go to school on an empty stomach looking forward to the school feeding scheme which, for some, it is the only meal they have a day. According to the 2016 Humanitarian Overview report, out of a population of about 1.2 million, were estimated to be about 300 000 food insecure people in Swaziland. As such, school feeding schemes are very important in supporting the nutrition of children in drought affected communities. The report states that there is a need for an additional morning meal to supplement the lack of food in households, to safeguard their academic performance, which may decline due to hunger. The assessment showed that 22% of schools (189) reported to be facing serious challenges in their feeding programmes. Approximately 73 000 learners went without food at some point during the term due to water shortages (Swaziland Government, 2016:9).

Schools for people living with disability

Pertinent to issues women wanted addressed was the aspect of access to education for people living with disabilities. Children living with disability are accommodated in less than five schools countrywide. This is despite the fact that according the 2007 Swaziland National Population Census there are 32 442 children with disability between the ages 0–19 in a population of about one million. In most instances, children with disability are excluded from many schools. Schools often argue that they do not have the facilities to accommodate children living with disability, hence their exclusion from such schools. There was a call that pupils with disability should be accommodated in schools with able-bodied children instead of confining them to “their schools”. There was also a concern that the schools for children living with disability are neglected and do not have adequate teachers hence their poor performance in the national examinations.

Women are the ones in most instances who care for the welfare of their children. In many households, men are conspicuous by their absence.

6.2 Issues affecting women

Widows

Outside of the educational concerns, the welfare of widows emerged as an overarching theme from the 2016 *Sibaya* deliberations. Participants noted that widows were subjected to all sorts of negative treatment, especially at the hands of in-laws, upon the demise of the husband. There was deprivation of assets including their belongings and their marital homes.

... Widows are suffering. Once the husband dies leaving behind his wife, the matter regarding the estate of the deceased is referred to the Master of the High Court’s office. When the matter on the estate gets to the Master’s office, it becomes a free for all. Men and women [relatives] fight over the estate with the widow in order to get a share of the estate. If the widow was married under Swazi Law and Custom, she is told that she is not the wife [of the deceased] but a minor. As such, the widow ends up not getting anything from the estate. I am also victim (Girlie Nomsombuluko Shongwe, from Luhleko).

Women who commented on this theme revealed that in some instances, widows were called upon not to attend the burial of their husbands and argued that there were instances where chiefs were complicit in the dehumanising treatment of widows. They would allow women to be evicted from Swazi Nation Land once the husband dies, leaving them without any land on which to live and cultivate. Some women called on this inhumane treatment of widows to stop. This was also the case with orphans who would be evicted from their parental land especially because there's no one to defend them.

Violence against women

One of the prominent submissions made by women was gender-based violence (GBV) especially in the hands of their spouses. Some women alluded to abuse at the hands of male neighbours especially in the case of female-headed households. There was a call for legislation protecting women from GBV and the establishment of a law reform commission to look at, among other things, pending pieces of legislation such as the Sexual Offences and Domestic Violence Bill which is seemingly taking forever to be passed into legislation.

I suggest that you [the King] establish a Law Reform Commission that will look at these pieces of legislation from A to Z and make these legislations relevant to the Constitution and conventions. I will not mention all the pieces of legislation but I can't leave out ... the Sexual Offences [and Domestic Violence] Bill. They say it [the bill] is now in your office and one is wondering what the King is saying about the continued abuse and violence against women who are killed almost daily. We request Your Majesty that the bill is passed into law (Lomcebo Dlamini, from Ekupheleni).

Women are crying, I have come to speak on behalf of women. Reading newspapers daily, one comes across stories on the death of the girl child or a woman in the hands of an abuser. Your Majesty there's a piece of legislation [bill] which is still being debated to this day. This bill is the one that will deal with sexual offences and the abuse of women. It has been taken from one place to the next but still it hasn't been enacted into law. It is our wish as women to get to 2022 but the way women are being murdered by abusers, we are calling for the enactment of this piece of legislation (Phumelele Dlamini, from Siphocosini).

Another woman made the following submission regarding the Sexual Offences Bill of 2015:

...we request that before the end of this Parliament's term in office, it should enact the legislation on abuse [Sexual Offences and Domestic Violence Bill]. Women are perishing in the hands of abusers in this country. We appeal that this piece of legislation should be passed into law (Delsile Dlamini, from Ntfontjeni).

On Tuesday, 19 June, 2018 the Parliament of Swaziland finally relented to pressure from civil society and approved the bill which is awaiting royal assent. This was on the eve of another *Sibaya* that had been called by the King where he announced the end of term of the current parliament in readiness for the elections in August and September 2018.

6.3 Chieftaincy disputes

Women were vocal on this sensitive issue in Swaziland of chieftaincy disputes. It was evident from their submissions that some chiefdoms do not have chiefs (leaders). This then impacts development in that if there's a dispute the community members do not know whom to approach. Furthermore, if an individual is perceived to be aligning with the other camp, they are less likely to get any help requiring certification at chiefdom level. Most of the documents that one has to complete either to apply for a passport, scholarship, trading license, etc. require the chiefdom's official stamp. Without the stamp, processing of whatever application (birth certificate, marriage certificate, scholarship, trading license, etc.) is less likely to be entertained. If there's a dispute, the official with the stamp is often selective; as such, other community members may be disadvantaged because they support another faction.

The call was that chiefs should be appointed in areas where there's a vacancy.

6.4 Access to land

Closely associated with the chieftaincy disputes was the issue of land. There was concern that land was being taken over by foreigners and that there was less development taking place on white-owned title deed farms. Another pertinent issue that emerged was that grazing land for livestock was shrinking as a result of the continued allocation of land to people for constructing their homesteads.

Women participants at the *Sibaya* meeting of 2016 complained about the discrimination they suffered regarding the allocation of land demarcated as Swazi Nation Land³ placed under the jurisdiction of local chiefs. This is known as *kukhonta* (Apedaile, 1986, in Dlamini & Masuku, 2011). It is defined as a process by which an individual seeks residence in a chiefdom by approaching local traditional authorities. From this process, an individual is allocated a piece of land with user rights to build on and cultivate the land, including inheritance to his/her descendants (Dlamini & Masuku, 2011:301).

Your Majesty, as women of Swaziland, we request that there be a government ministry that goes out to educate inner councils and chiefs at chiefdom level about the *kukhonta* system. We request that there be legislation about the *kukhonta* system with regard to women on Swazi Nation Land. We request this piece of legislation. In some chiefdoms, women can *kukhonta* but in others women are not able to *kukhonta*. As a female where can I go to? (Phangsile Malaza, from Lubombo).

³ Swazi Nation Land (SNL) is one of two land tenure systems in Swaziland. SNL is under the authority of the King in trust for the Swazi Nation. Chiefs are assigned the responsibility to oversee such land and have the power to allow anyone to settle on a piece of land that may be allocated to the individual. This allocation of land is referred to as *Kukhonta*.

The custodians of the land are chiefs who happen to be male. Chiefs are the ones who are assigned the responsibility to allocate land on behalf of the King. Chiefs are male, and so is the King. The land in Swaziland is thus under the control of males, and despite the fact that women are not supposed to be discriminated against with regard to land as they were in the past, this is still the prerogative of chiefs.

6.5 Provision of clean water and electricity

Female participants at the *Sibaya* called for the provision of clean water as well as the provision of electricity in their communities. Several rural communities were cited as having no clean water, such as *Ntondozi*, *Mashobeni* and *Nyakatfo* to mention a few.

In my community, there's no water. Children urinate blood because they have bilharzia which is caused by lack of clean water. When we go to clinics/hospitals we are told that there's no medication for bilharzia we should go buy medication from pharmacies (Phillile Simelane, from Ekwenzeni).

There's an area with a mine where concerns were raised that water from the mine is polluting a nearby river.

The water that we have is not at all clean because of the prevailing drought. The challenge is that we have not been trained. There should be mobile water tanks that will assist in the provision of clean water in the communities (*tinkhundla*). Each *inkhundla* should be provided with a mobile water tank. The communities will make contributions to meet government halfway in the provision of clean water. Your subjects will die because there is no clean water in the communities (Nomsa Dlamini-Gule).

Regarding electricity, other than concerns to connectivity to the electricity grid, there were concerns that the price of electricity is relatively high and should be reduced. These sentiments were also echoed by a small-scale businesswoman who complained about the basic monthly charge of electricity which is the equivalent of USD 13.

6.6 Interviews

People were interviewed on the question, does *Sibaya* accommodate women to freely participate in this space?

A former minister argued that the space is very intimidating especially because the males "sarcastically reprimand female participants." "The environment is not welcoming, especially because of the scores of *emabutfo* [male regiments] who want strict adherence to protocol, which is not clear ... It can be very intimidating."

A female activist also lamented the fact that there are too many rules about what is not permitted because it is situated in a royal enclosure.

Because the *Sibaya* is located in the royal enclosure, there are too many rules about what you can do and cannot do which are unnecessarily onerous for a “normal” person who has just come for a meeting and does not know some of these so-called “cultural” things. For example, your back cannot face a certain direction, you cannot look at certain things, etc. The presence of soldiers, police is also intimidating, especially because when you make a mistake, for instance, turn your back when you are not supposed to, they do not advise you in a reasonable way but shout and treat you like a criminal, at times, physically manhandling you.

A female journalist responded to the affirmative to the question, arguing that both men and women were given the chance to participate. In her response, she said that after making her submission complaining about the ill-treatment of journalists despite accreditation by the bodyguards of those in authority, she was approached by members of the security [VIP close protection unit] who wanted her to identify those who had done so.

After my submission I was approached by security who asked if there was any specific event where we have been ill-treated as journalists and asked that I identify those who had manhandled us. However, we did not identify these people, but we have been treated in a more humane manner now by the police. Although those who are under press control can do with more training in the understanding of the job.

This decision by the security to approach the female journalist after her submission raises questions about the freedom to expression in this space. It is evident that the interlocutors are being monitored on what submissions they make. One could conclude that this was some form of intimidation despite the fact that they appeared to be individuals who were willing to assist so that those who are identified could be “dealt” with.

One interviewee noted:

When, as a woman you made an objection about anything in the proceedings, those who were charged with maintaining order (generally male police officers) would tell them to be quiet. For instance, when I objected to some things that were happening as unfair for women, I was told that I was being disrespectful, that I talk too much and that I should just shut up. The man even went as far as saying I needed to be disciplined!

Another participant, a heritage and development consultant said, her experience was of the “humility and yet profound space for speaking truth to power, hence allowing feminine leadership to rise. Sitting on the ground, enabling feminine voice of authority to speak from the soul, as women in this sacred space shows that we are not objects nor subjugated.”

Another participant, an activist, said the *Sibaya* is not accommodative of free participation of women:

The discrimination of women in the *Sibaya* context is not a surprise as it is done under the guise of culture, which in the case of Swazi women has resisted its inherent dynamism and remained static such that women in the 21st century are expected to adhere to antiquated and discriminatory practices.

One of the interviewees, also an activist, noted that the centrality and duration of *Sibaya* “does not take cognisance of the differences in roles of women and men, particularly within the domestic sphere, where women’s double duties do not give them the luxury of being away from home during the day to return in the evening/at night. This deters many women, especially those from very far flung areas from participating”.

The participants interviewed were of the view that for their participation to be meaningful in this sphere, there should be regional dialogues prior to the *Sibaya* meeting. This would accommodate those who would not be able to come to the *Sibaya*.

Also suggested was that organisations should be allowed to make submissions on behalf of their constituencies:

In the case of women, for example, submissions by women’s groups/organisations such as *Lutsango* (women’s regiment) and *Imbali* (single females eligible to participate in the reed dance). This would also assist in crystalising and articulating issues.

One of the interviewees, a heritage and development consultant, was also supportive of the idea that women should meet prior to the *Sibaya*.

Women must meet prior and deliberate issues that will enable them to have the numbers required to ensure their voices are heard. When women come with specific issues such that there is a synergy within their needs and aspirations this would attract the appropriate response.

7. DISCUSSION

The challenges facing women are evident from the submissions they made at the 2016 *Sibaya*. The patriarchal nature of Swazi society still marginalises women in many aspects of life. Women raised numerous issues that affect not only them but the Swazi population.

There are many hardships that they have to endure in Swazi society. The issues that they highlighted have to do with the sufferings that they have to endure at the hands of a male dominated society. They are evicted from their marital homes once their husbands die. This results in difficulties raising their children because in many instances, the deceased is usually

the breadwinner. Eviction from land that they used to call home results in them having no land for survival. It is imperative, therefore, that the issues raised are addressed. Most of the issues raised by women have not been given priority by the authorities. Some of them, such as land and chieftaincy disputes, touch the very heart of the apex of the Swazi society. The resolution of these issues lies with the authorities. Other issues such as scholarships, corruption, health, infrastructure and others require government commitment. The legislature has taken too long to enact of the Sexual Offences and Domestic Violence Bill despite an upsurge in gender based violence, and despite protestation from civil society about the importance of this bill.

Though the platform used by women at *Sibaya* is sexist, women still weathered the storm, braved this space, and used it to raise their issues. But the question remains, who cares to listen to implement their representations? “Subordinate groups sometimes cannot find the right voice or words to express their thoughts, and when they do, they discover that they are not heard” (Fraser 1990:64). This space is intimidating especially for women who have only recently been accommodated. Just like the Batswana’s *Kgotla* (Kerr 2001; Donnelly 2001), the *Sibaya* has been the exclusive preserve of men. Although women are a majority in Swaziland (53% of the population), they are greatly outnumbered at the *Sibaya*. This could be in line with the argument that the way *Sibaya* is organised disadvantages women in that they cannot be away all day long because they are still expected to perform their domestic chores. One of the interviewees mentioned that self-censorship is rife in this space. This explains the power play as evidenced by the issues that women expressed during the 2016 *Sibaya*. The female interlocutors confined themselves to numerous issues including the contentious gender-based violence. From the traditionalists’ point of view, *Sibaya* is a space that promotes freedom of speech and debate, yet evidence suggests otherwise.

Freedom of expression is limited to issues that do not threaten the status quo. The absolute nature of the Swazi monarchy further exacerbates the issue. The King cannot be at fault. If he is, then the advisors are blamed. Women’s participation at the *Sibaya* is more a type of window dressing. This fits well with Fraser’s (1990) sentiments that the voices of subordinate groups are not heard. Had that been the case, the agenda that has been set regarding the increase in deaths related to gender-based violence, the Sexual Offences and Domestic Violence Bill would have long been enacted. Women highlighted the gravity of GBV but they still haven’t been heard. The structural relations have a lot do with this delay to enact the bill.

The *Sibaya* is a place of ancestral consultation. It is a sacred space where “everyone speaks of matters of importance in the place of his own ancestral spirits,” (King Sobhuza II, in Kuper 1972:416). This responsibility is a preserve for men. What women articulate in this space is likely to be overlooked because it is this very space where women are married customarily. That impacts on their participation. The wife-to-be is smeared with red ochre symbolising that henceforth she is a wife and has no say during this procedure. She has to cry in the process, for there are challenges that lie ahead in marriage. It is a space that is intimidating and thus could have a bearing on what the women communicate in it. Though liberal women might not be deterred by this custom the intimidation in this space also engulfs them.

The fact that widows still in mourning cannot participate in this space is in itself discrimination. Because the colour black is associated with mourning, one of the interviewees noted that it is not permissible for a woman to wear black clothes in this space. "The wearing of black outfits even if they are not mourning gowns is strictly forbidden just like women wearing their own hair or hair extensions are also a no-no." The same treatment is not meted out to men. Men are at liberty to wear any clothes of their choice. One would expect that they would not, for instance, be allowed to enter the *Sibaya* without jackets but that is not the case.

This rule to wear headscarves and long skirts covering the legs also extends to single females. This is a contradiction in that during the annual reed dance (*Umhlanga*) ceremony participants (single girls) are expected to dance in front of the audience in the arena wearing traditional garb that exposes more flesh yet when it comes to the *Sibaya* they have to cover their bodies. How then are they expected to express themselves freely on thorny issues that affect them in a sphere where there are limitations even in the dress code?

Most of the interviewees who had first-hand experience participating in this sphere though happy about the platform argue that discrimination against women is rife. They felt that this sphere is also intimidating largely because men are in the majority and they at times heckle women who become emotional during their submissions.

Women should be allowed to meet in the various communities at grassroots level in order for them to speak in unity on the issues that affect them. Many of them cannot afford to attend the *Sibaya* on a daily basis as already stated above by one of the respondents. However meeting in their communities is much more realistic. It would afford many women the opportunity to be part of the collective and have their issues presented at the *Sibaya* on their behalf. This would be an ideal participatory approach to putting their agenda at the core of *Sibaya* deliberations. Hence, the decision not to allow organisations to make representations on behalf of their constituents needs review.

8. CONCLUSION

This article was an attempt to assess Habermas' theory of the public sphere and how it relates to freedom of expression in the context of *Sibaya*. Using Fraser's counter public sphere theory it is evident that there are constraints in this traditional public sphere regarding free participation of women. The patriarchal nature of Swazi society is a deterrent to women participation in this public space although the Constitution allows for equality between men and women in political, economic and social issues. The analysis shows that women have important issues that they would like to see addressed. However, just like male participants, women are under the illusion that this space is ideal for the presentation of their issues which would then receive the King's attention. Though the Constitution includes women as participants at the *Sibaya*, freedom of speech on some matters especially those that touch on royalty remain elusive. Further, women are intimidated and discriminated against in this sphere. *Sibaya* is also intimidating to the women folk because of their secondary status in Swazi society.

The marginalisation of women in Swazi society is cause for concern. Women should be allowed a voice in all structures of Swazi society. Women are also human beings who should enjoy equal rights to all freedoms as men. The challenge with *Sibaya* is that authorities are selective on what to implement and what to reject despite the *vox populi* being loud and clear on some issues. This confirms the argument by Hlatshwayo (1992) that as long as the issues deliberated do not threaten to alter the balance of power, people are free to express themselves. However, those that threaten the status quo are less likely to be accommodated.

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