

# Human Rights in Botswana, Lesotho, Swaziland and Malawi

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## INTRODUCTION

Discussion of human rights patterns within the black-ruled states of Southern Africa generates two kinds of reactions among concerned observers.<sup>2</sup> Many individuals presume that almost all African states have a poor record with respect to human rights. This perception leads to insistence that the United States and other western nations demand the same standards from independent black governments that they seek to promote in the white minority-ruled countries.

In contrast, other commentators seem offended that human rights issues should even be raised when examining the political situation of impoverished black enclave states which are dependent on South Africa. According to this line of argument, any repression within South Africa's black neighbours is of such a minimal and reactive nature that it does not belong in the same frame of reference as the flagrant crimes of the Pretoria and Salisbury regimes. Beyond the obvious dangers of hypocrisy, they allege that President Carter's concern with human rights violations has weighed most heavily on the least developed countries.

Only recipients of economic and security supporting assistance have had their dirty linens aired in American public documents. Moreover, proponents of this perspective point with alarm to the emergence in the United States of an odd alliance of Congressional liberals and conservatives whose preoccupation with a fraudulent "even-handedness" on human rights matters precludes flexibility, creativity and "progressive commitments" within the Southern African region.

Neither of these contending perspectives seems an adequate basis for scholarly analysis or policy formulation. Conservative writers have long utilized alleged "double standards" as a means of diffusing attacks on South African racialism. My own article, "The Decline of Human Rights in Lesotho", illustrated some inherent dangers in academic applications of universalistic norms.<sup>3</sup> In particular, the unfortunate choice of the word "decline" in that title might have encouraged less discriminating readers to consider temporary aberrations as permanent characteristics of Basotho society. The very act of my choosing Lesotho as a case study led subsequent authors to mention that country in the same breath as Burundi or Uganda despite the enormous differences in level of alleged violations.<sup>4</sup> Similarly, Congressman Andrew Young's off-the-cuff critique of the "undemocratic" character of Prime Minister Leabua Jonathan's Government stands in marked contrast to the expanded US presence in Lesotho during his term as President Carter's leading spokesman on African Affairs.<sup>5</sup> Unfortunately, both his remarks and my article inadvertently served as grist for the rationalizations of continued white domination promoted by the overt and covert agents of South Africa. However, the solution to such problems is not to avoid saying or writing anything, but to eliminate emotive phraseology which may undercut the objective of maximizing regard for human rights.

There are equally severe difficulties inherent in the alternative view that the status of human rights in South Africa's black neighbours is an inappropriate subject for discussion. Such an approach implicitly denies the relevance and legitimacy of domestic political interactions within those states. The black government of the day is assumed to be the rightful bearer of the standard of majority rule and any domestic unrest is attributed to

the disruptive presence the South African Bureau of State Security or other subversive foreign agencies. Thus evidence of repression can be written off as an understandable and forgiveable reaction immune from criticism, much less harsher sanctions. Indeed my analysis of the status of human rights in Lesotho emphasized the "unusual environmental constraints" under which "even the most dedicated or sincere a democrat would be sorely tempted to resort to authoritarian expedients".<sup>6</sup> However the key point was that these situational factors could not absolve power holders from responsibility for their choice of options. To do so would denigrate the strength and significance of indigenous concepts of free speech, equal justice, due process and accountability of public officials.

Whether or not this rebuttal is accepted, those who question the motivation and utility of such analyses have a strong rejoinder. A study of human rights in a single country almost inevitably highlights abuses. An academic is unlikely to choose a case in which his/her only role is to eulogize the incumbent power holders for their superb performances. Despite efforts to emphasize the situational context and causation of violations, the author will be remembered for dissecting the unsavory segments of a preventive detention act or of an especially repulsive atrocity. Even if the selected country is proven to have been a relatively benign offender against human rights norms like Lesotho, the public at large is not equipped to make subtle distinctions about degrees of culpability. Leabua Jonathan may erroneously be equated with a Bokassa or Macias. Thus, fundamental differences between the situations in these enclave states and the police state pigmentocracy of the Republic of South Africa may be obscured.

The objective of this essay is to provide a wider perspective on the human rights performance of four black African states in Southern Africa which have been independent for at least a decade. After briefly assessing the performance of each,<sup>7</sup> I will attempt to evaluate the impact of that record upon their relationships with each other, South Africa, the United States, other African nations and the world at large. Such a perspective may be useful to American and African policy-makers while avoiding some of the pitfalls of an introspective single-country study.

THE HUMAN RIGHTS RECORD OF INDEPENDENT BLACK GOVERNMENTS  
IN SOUTHERN AFRICA

Since democracy is often described as a luxury for the rich, it should follow that states whose economic plight is most acute are especially prone to domestic instability and severe repression of dissent. If those impoverished states are also juxtaposed to a regional power whose economic, political and social system is both an affront and threat to their existence, the probabilities for the emergence of extreme authoritarianism or even paranoid dictatorship would seem greatly enhanced. These situational conditions are certainly present for the black enclaves within Southern Africa. Malawi and Lesotho fall within the group of the twenty-five most desperate economies in the world. Botswana has only recently experienced significant economic advances based on the initial development of its mineral wealth. Only Swaziland had the rudiments of a diversified economy at independence, but the tiny scale of its domestic market and overall economy made it almost as vulnerable and dependent as its sister states.

All of these states fall within the areas where South Africa's economic and military power is clearly predominant.<sup>8</sup> Factors demonstrative of economic subordination to the Republic include physical envelopment, use of the rand currency, participation in a common customs union, provision of migrant labour, extensive trade and dependence upon a variety of services such as railroads, power and fuel. Nevertheless all of the enclaves have declared themselves committed to the principles of non-racialism and inalterably opposed to apartheid and separate development. The devastating combination of economic privation, dependence and ideological polarization would seem an ideal background for comprehensive and systematic denials of human rights in the name of national survival. But placed in a broader African, Third World, or even global context, Botswana, Lesotho and Swaziland have records which are surprisingly good. Ironically, it is Malawi, the most peripheral to South African power, that has the least enviable experience.

1. BOTSWANA

The paean of praises of multi-party democracy in Botswana has reached a sufficient intensity to raise suspicion

that this "Botswanaphilia" must be overdone. In E. Philip Morgan's words,

Botswana is a regional symbol of liberal democracy, an African State with a multi-party system that has held regular open elections for its successive popularly elected governments. The openness of the Botswana political process stands in sharp contrast to both Swaziland's and Lesotho's as well as of the countries on its periphery apart from Zambia. It provides a refutation of the paternalistic assumptions underlying the ideology of white supremacy.<sup>9</sup>

Surprisingly, a close examination does little to refute these images. Due process of law is the norm; preventive detention is unknown. All ethnic groups and races have access to government; the only "free speech" prosecuted has been racial slurs offensive to the dignity of other human beings. Four free elections have occurred; the opposition survives. To be sure, writers like Morgan may exaggerate the contrasts between Botswana and Lesotho or Swaziland. Unlike Lesotho, the Botswana people have not been highly politicized, nor has a well organized opposition party threatened to wrest power from the incumbent government. The initial transfer of power to a new generation of leaders or to an alternative party has not yet tested the strength of constitutional norms. Nevertheless, some occasional governmental threats against irresponsible opposition are not sufficient ground to question the overwhelming evidence that parliamentarism is functioning in Botswana.

A thorough evaluation also requires attention to a number of latent problems and atypical incidents. The disadvantaged position of the Basarwa (Bushmen) and other small non-Tswana minorities reflects a historical legacy of discriminatory clientage not wholly remedied. Growing differentials between the dynamic mining and governmental sectors and relatively stagnant subsistence agricultural activities suggest a potential for enhanced class cleavage and social conflict. Ironically, the Botswana government's desire to forestall the emergence of greater inequality has led to isolated clashes with mine workers whose wage demands were perceived as promoting still wider disparities. The chosen strategy of funding rural improvements

through rapid expansion of mining and related industry has led to a burgeoning population of foreign technicians and advisors. Resultant delays in localization and patterns of conspicuous consumption among expatriates are predictable sources of friction in a local economy characterized by high unemployment, migrant labour and rates of urbanization exceeding the capacity of available social services.

Botswana's open political system confronts more immediate challenges from escalating violence spilling over her long frontiers with Rhodesia, South West Africa and South Africa. The brutal assault by Rhodesian security forces upon a Botswana Defence Force (BDF) convoy within Botswana, resulting in fifteen deaths, was related to subsequent domestic turmoil. In the aftermath, three whites in the Tuli area were killed by a BDF patrol. When the Botswana Government decided to bring murder charges against the commander, Sergeant Tswaipe, students at the University College leaped to his defense alleging that he was only protecting the nation against white terrorists. Their demonstration turned into a full-fledged riot when the nervous authorities refused to permit them to march through the Gaborone mall and surrounded the campus with baton-wielding police supplied with teargas.<sup>10</sup>

What is noteworthy about those events was not the brief period of violence or the mass arrests of students, but that normal university operations were swiftly restored and all students reinstated without reprisals. Tswaipe's acquittal due to inconsistent evidence offered by his troops precluded renewed confrontation, but could not disguise the explosive potential of incidents arising from the guerrilla wars on Botswana's borders.<sup>11</sup> Indeed, certain Western Transvaal farmers, faced with the most minimal guerrilla infiltration of their areas, have publicly demanded hot pursuit by the South African Army "to root out the problem in Botswana".<sup>12</sup>

The constant influx of refugees from neighbouring states generates severe pressures upon Botswana's leaders. A torrent of Zimbabwean refugees diverts scarce capital and administrative skills to managing refugee camps and arranging transit to the north. Domestic tensions among the opposition-oriented Kalanga minority in the Francistown area are likely to be exacerbated by the flow of disgruntled and highly politicized refugees. The

ruling Botswana Democratic Party (BDP) politicians have suspected that the presence in Southern Botswana of youthful refugees from Soweto and other militant South African exiles has contributed to the radicalizing of Botswana's secondary and university students. Indeed the only permanent victims of the 1978 university riot were two black South African faculty members who were deported due to suspicions that they had incited the students.<sup>13</sup> Pressures for more strident governmental policies against the white-ruled regimes have been construed as part of a larger challenge to the incumbent government launched by the most active opposition party, the Botswana National Front (BNF) led by Dr. Kenneth Koma. The withdrawal of the passports of seventeen BNF members preparing to attend a youth conference in Cuba and President Khama's stern condemnation of subversive opposition in a speech at the University both reflected the increasing uneasiness instilled by Botswana's vulnerability.<sup>14</sup>

To maintain a proper perspective, however, it must be emphasized that restraint has remained the most salient dimension of governmental behaviour. The efforts of the Botswana Defence Force have been concentrated on the Rhodesian frontier, not on domestic dissenters. Student and refugee demonstrations on other occasions such as the controversial visit of Bishop Muzorewa to Gaborone and the first anniversary of the Soweto riots were contained without excessive force or limitation of free expression. The potentially explosive public funeral of assassinated PAC leader David Sibeko proceeded without incident. What is remarkable is not that there have been some minor blemishes in Botswana's record, but that substantial regard for human rights and democratic norms has flourished during a period of intensifying pressure. Given the limits of Botswana's security capacity, the remarkable persistence of this record will be severely tested.

## 2. LESOTHO<sup>15</sup>

In contrast to Botswana, Lesotho has developed a reputation for endemic political instability under a government willing to use all necessary means to remain in power. Although comprehensive security legislation was placed on the statute books prior to 1970, Prime Minister Leabua Jonathan's decision to ignore defeat at the polls in January of that year marked the

onset of authoritarian rule and subjugation of human rights to political convenience. Beyond the suspension of the 1966 constitution with its detailed bill of rights, the new order was characterized by rule by decree and draconian legislation occasionally reminiscent of South African security laws. The most noteworthy new law, the Internal Security Act of 1974, provided for indefinitely renewable 60-day periods of detention without charge or trial and indemnified public officials from unspecified excesses committed in the line of duty during periods of unrest dating from 1970.

What should be noted, however, is that unrestrained violence against alleged political opponents and use of detention provisions occurred primarily during brief periods of intense political conflict, namely after Chief Jonathan's 1970 "coup" and in the wake of an abortive opposition uprising in 1974. While many detainees spent several years in jail, they were ultimately released without being charged or were tried in proceedings where a modicum of due process was evident. Hence extremes of repression in Lesotho have had an ad hoc character as responses to breakdowns of civil order where governmental resources were strained to the limit. They have not become part of normal operations. Severe security laws served more to deter potential dissenters and were not regularly utilized repressive mechanisms. By 1978 there were no political prisoners detained without trial and those convicted for their roles in the 1974 violence were being released as their sentences expired. Casual observation of daily life in towns, villages and the countryside revealed little evidence of accentuated police or paramilitary activity, but also none of the constant political interplay so visible in the past. The use of unrestrained force during periods of crisis has evidently had a chilling effect on political activity and volubility.

Contemporary government in Lesotho bears an uncanny resemblance to the authoritarian pattern of colonial administration prior to the introduction of a popular mandate. Chief Jonathan rules with the backing of the police, vestiges of his National Party, segments of the chieftainship and elements of the civil service. Rural administration reflects the old dualisms in the allocation of responsibilities to hereditary chiefs,



party functionaries and civil servants. Legislators are appointed rather than elected and lack real capacity to oust the incumbent Ministers. Opposition fragments gleaned from both major and minor political parties have been enticed into cooperation with the government through appointment to a minority bloc of seats in the Interim National Assembly and allocation of a small portion of Cabinet positions.

In the meanwhile, Ntsu Mokhehle's Congress Party in exile has become split on questions of strategy, leadership and probity. Evidence of the waning of opposition strength has encouraged Chief Jonathan's regime to hint that a new constitutional format, the repeal of onerous security laws and renewed electoral competition might be in the offing. Nevertheless, hesitance at abandoning authoritarian expedients suggests governmental awareness that prior episodes of conflict reflected deep socio-economic cleavages and not just short-term political ambitions. Moreover, the volatile combination of extreme poverty and utter economic dependence resulting from impaction within South Africa makes political rapprochement little more than an expedient in a sustained struggle. The recent rash of bombings of bridges, power pylons and government buildings in and around Maseru suggests that episodic unrest and governmental reprisals may recur. Likewise, the decision to upgrade the paramilitary police mobile unit into a full fledged army suggests the enhancement of coercive potential.<sup>16</sup> Chief Jonathan's own poor health and publicly expressed wish to retire could temporarily exacerbate conflict as potential successors jockey for position.<sup>17</sup>

There can be little doubt that episodes of political violence and repression caused temporary interruptions of some foreign aid programs and private investments. However the net effect of human rights violations upon domestic economic development is far less certain. Constant political infighting among the evenly matched government and opposition parties prior to the 1970 coup had made development projects pawns which were obstructed or nurtured on partisan rather than economic grounds. If authoritarian rule created even an artificial sense of continuity or stability, then toleration of government schemes, however grudging, may have replaced outright resistance to them.

On the other hand, sullen Basotho non-participants in decisions vital to their own future were hardly likely to generate the enthusiasm or creativity necessary to vitalize rural self-help programs. In the absence of opinion polls or controlled sociological studies, either possibility remains plausible. Nevertheless many competent evaluators of agricultural improvement schemes in Lesotho have noted a pervasive inertia impeding project implementation and consolidation of any initial gains. The primary beneficiaries of most projects are alleged to be small groups of committed government supporters. Compliance has been secured by the presence of Lebotho la Khotso (The Peace Corps), a group of National Party adherents described as "the people's village guards which have been largely instrumental in the maintenance of the present tranquility in the villages."<sup>18</sup> Criticism of their role and of other restraints on basic freedoms has continued to be expressed by the Christian churches, members of the Interim National Assembly and other individuals still willing to risk a sturdy outspokenness. This evidence suggests that non-compliance and passive protest have wreaked a heavy toll on the fulfillment of development goals.

Chief Jonathan has described Lesotho as a "behind-the-lines" state every bit as engaged in liberation processes as the frontline states. Nevertheless Lesotho is relatively immune to the ebb and flow of insurgency and counter insurgency which besets Botswana. Threats posed by the independence of Transkei and Bophuthatswana are economic rather than military in character. However, there is always the possibility that an increasingly insecure Pretoria regime will collaborate in a coup in Lesotho where the outspoken Jonathan government would be replaced by a more pliant group of the left or right. The Lesotho Government regularly alleges connivance of the exiled BCP leadership with the South Africans. In any event, economic fragility and the plausibility, if improbability, of overt South African machinations provide ample excuses for the Lesotho regime to infringe human rights in order to consolidate power. Moreover, any pattern of effective domestic resistance to white rule in South Africa is likely to trigger a militant challenge to political incumbents in Lesotho. Similarly, international sanctions against Pretoria would also raise new difficulties of maintaining domestic order in Maseru.

### 3. SWAZILAND<sup>19</sup>

The decision by Sobhuza II, King of Swaziland, to abolish parliamentary institutions, proscribe opposition parties and detain active critics of government without trial had even less to do with the general South African situation than the equivalent events in Lesotho. Rather, as Absalom Vilikazi cogently observes, the election of a tiny group of opposition politicians to Parliament in 1973 represented "an illegitimate contest for power"<sup>20</sup> from the traditional Swazi perspective. Far from defending Swaziland against the subversion of its independence by the Pretoria regime, the Swazi traditional elite found itself pitted against urban wage earners, secondary school students and professionals, in short, the same segments of the population most mobilized against apartheid in the Republic. Similarly, the Swazi aristocrats have shown the same low tolerance for dissent and the "nip-it-in-the-bud" mentality which has led to heavy-handed actions in South Africa. In short, violations of human rights were largely attributable to the traditional monarch's unwillingness to make even small compromises in established structures, procedures or prerogatives to conciliate emergent social classes.

Lest a false impression be created, it must be noted that the level of derogation of human rights in Swaziland has been minimal and almost trivial by any comparative standard. Violent deaths, torture or even sweeping detention of dissidents have not occurred. Expression of dissent is possible within the traditional institutional context and a number of fairly militant former opposition politicians have been encouraged to play important roles within the King's Mbokodvo movement. What seems increasingly anachronistic is the presumption of Swazi elites that the traditional format can contain and conciliate the new forces emerging in Swazi society, especially when the present octogenarian monarch becomes infirm or is replaced by a yet unknown successor.

Swaziland's rulers have felt little sense of threat from white South Africa which, after all, seeks to buttress ethnically defined traditional authority as a barrier against the cosmopolitan forces of African nationalism. However, the emergence of a militant Marxist regime in Maputo, less than thirty miles from the Swaziland border, has engendered considerable

unease within the Swazi government. Indeed new railway outlets to the port at Richards Bay suggest a compensatory economic tilt toward South Africa. Similarly, the presence of a growing number of refugees from South Africa raises new possibilities for the politicization and radicalization of the hitherto quiescent Swazi population. The unsympathetic response of the government to striking Swazi teachers and students who were ordered back to their classrooms and told that confrontational tactics were "not the Swazi way" bodes ill for the future despite its short term success.<sup>21</sup> Available evidence suggests that the present Swazi leaders will not hesitate to use stringent tools like the 60-day preventive detention law to deal with even minimal threats to their authority. The growing visibility and leverage of the Swazi army provides the coercive base to buttress stern policies.

To date authoritarian rule in Swaziland has not been detrimental to economic development. It has provided a strong, if chimerical, sense of stability conducive to aid and foreign investment. Its resistance to pressures from organized labour has kept production costs down and made Swazi goods very competitive in world markets resulting in considerable new investment and a favourable trade balance. However, changes in Swazi society and in Mozambique make it unlikely that the same advantages can continue to be sustained through paternalistic persuasion or coercion. The backlog of grievances demands accommodation, the absence of which will lead to instability and possible wastage of economic advantages previously gained.

#### 4. MALAWI

His Excellency, the Ngwazi, Hastings Kamuzu Banda, Life President of Malawi, has often been described as "Africa's odd man out" and his country characterized as a "Bandastan". Unlike Botswana, Lesotho and Swaziland where political behaviour is at least partially shaped by identifiable traditional or modern institutions, Malawi has a distinctly personalist regime dominated by the whims and idiosyncracies of its President. From diplomatic recognition of South Africa to disregard for the Organization of African Unity (OAU), Dr. Banda has made no effort to conceal his distaste for the generally accepted conventions of African diplomacy and political rhetoric. With respect to human rights, Banda has strongly asserted his belief that autocratic power alone can

provide an ordered and stable basis for domestic tranquility, political institution-building and economic prosperity. For these reasons the Life President did not hesitate to amend the Constitution in 1968 to permit the suspension of its broad guarantees of civil and political rights. Neither did he perceive any problem in disregarding court decisions contrary to his own executive orders.

Within this context Malawi has functioned as a police state where the President exercises control down to the village level through the Malawi Congress Party and the police. For sustained periods detention without charges, trial or time limits became commonplace. Party officials and civil servants as well as journalists, intellectuals and Jehovah's witnesses were favourite targets. Death, torture, overcrowding and neglect have been frequent corollaries of detention. A marked passivity observed among released detainees testifies to the effectiveness of such conditions in breaking the human spirit.<sup>22</sup> Not only has Banda refused to permit external investigation of alleged human rights violations on the ground that Malawi's situation is unique, but he has threatened reprisals against detainees adopted by Amnesty International.

Malawi's grinding poverty and commercial dependence on Mozambiquan ports can help to account for Banda's accommodationist tactics toward white Southern Africa prior to the demise of Portuguese colonialism. But only the fulfillment of Banda's development priorities, particularly his personal vision of a new capital at Lilongwe, provides the key to understanding his unique stance within the region. Malawi's peripheral geographical position permitted alternative options to the north, but Banda saw greater economic advantage in pursuing his South African connection.

Repression of dissent was in part due to reactions to these unpopular choices, but more the product of regional, ethnic, class and ideological cleavages within Malawian society. No tangible South African or black African threat to Malawi's survival was sufficient to justify the xenophobic witchhunt known as the Anti-Subversives campaign which occurred in 1975 and 1976. Virtually all threats perceived by Banda relate to real and imagined plots against his personal power mounted by Malawian exiles sheltered in Zambia, Tanzania and, recently, Mozambique.

Foreseeable hazards which the Malawi government faces emanate from frontline states which decry Malawi's opposition to armed struggle in Southern Africa. They now possess means to tighten the screws, namely, control over Malawian trade routes through revolutionary Mozambique. Potential inheritors of the aged President's mantle may find that both the neighbouring black states and South Africa are interested parties seeking favourable outcomes in this process. The very rigidities of Banda's rule have made it likely that both conservative or radical successor governments would be tempted to embark on a renewed cycle of repression to eliminate unreconcilable political enemies.

A grain of erratic puritanism in Banda's authoritarian style is sometime credited for the moderately high rate of economic growth which Malawi has achieved. Consistent and sound market-oriented priorities are allegedly combined with relative honesty and efficiency of administration, albeit achieved by fear. However it appears that most real growth has occurred in the small estate farming sector with stagnation and possibly decline for the majority of peasants who are subsistence agriculturalists. Moreover, competent and inventive Malawian officials have often been supplanted by loyal party hacks or expatriate experts since neither of these groups pose a threat to Banda. Thus the development achieved has left most Malawians behind and created an inertia based on fear rather than an active involvement in economic change promoted by positive incentives or voluntary consent.

The true status of the Malawi economy is reflected in the resumption of recruitment of migrant labour for the South African mines to remedy a deteriorating foreign exchange situation. In addition, reports from bilateral and multilateral aid donors support the inference that new projects in Malawi have been approached with unusual caution. Well before Carter's popularization of human rights issues, potential donors to Malawi seemed inclined to dissociate themselves discretely from the flagrant repression instigated or at least tolerated by the Life President. In short, there is every reason to believe that Banda's political legacy will ultimately negate his short term economic achievement.

## SOME INFERENCES AND HYPOTHESES

The preceding survey of the records of the four enclaves demonstrates the difficulty of assuming the existence of a linear relationship between level of economic privation or external vulnerability and degree of disregard for human rights. Although Lesotho and Malawi, the two most desperately impoverished states were the most repressive, the origins and extent of their politics were quite different. Likewise, the better records of Botswana and Swaziland were the product of very different political and social contexts and only spuriously related to their marginally stronger economies. In seeking explanations of differing performances, the most important variables are to be found in the political cultures and social structures of the respective states, in the personal commitments of their political leaders and in their sense of national purpose within Southern Africa. An additional factor concerns the practical feasibility of cutting off negative images of governmental policies and performance by neatly silencing domestic critics.

For the Basotho, Batswana and Swazi, independence was not only a means of self-fulfillment, but also a chance to offer a viable alternative to white supremacist rule and to demonstrate that responsible, non-racial institutions could flourish under black governments. This sense of mission shared by the three enclaves was a product of their pervasive exposure to apartheid, of their awareness of humanistic concepts and, most importantly, of their indigenous traditions of political participation and toleration for diversity. Despite subsequent setbacks, this objective has not been set aside and helps contribute to a sense of limits on what is permissible. By contrast, Malawi's interactions with South Africa have reflected more opportunistic economic objectives, if only because that country was too remote to be a readily visible prototype of alternative social norms.

Botswana, Lesotho and Swaziland are essentially mono-ethnic states; whereas Malawi is characterized by ethnic and regional diversity. When the protagonists in political, economic and social conflicts recognize that they share elements of a common heritage and are part of a single nation, there seems to be a greater revulsion to total solutions than when opponents are

are regarded as aliens. Thus the unrestrained manifestations of repression in Malawi are related to the diversity of peoples caught up in the process while the residual sense of limits on permissible treatment in Lesotho and Swaziland suggests that opponents are wayward brothers, not eternal enemies.

The different levels of success of Botswana, Lesotho and Swaziland in sustaining human rights norms seem associated with the capacity of the political leadership to surmount cleavages between traditional and modern classes and social structures. Seretse Khama of Botswana combines royal legitimacy with the ability to function effectively and confidently within an achievement-oriented, bureaucratic framework. Similarly, his celebrated marriage to an Englishwoman and interracial offspring epitomized the non-racial concepts which Botswana sought to promote. Sobhuza II could articulate common Swazi goals, but only within the context of the established traditional structure. The inability of the Swazi aristocracy to make an accommodation with facets of political modernization while simultaneously encouraging economic development is at the heart of its human rights difficulties. While overt social conflict is just beginning in Swaziland, it already has a long history in Lesotho. Leabua Jonathan was marked from his accession to power as a spokesman of the lower levels of chieftainship and conservative Catholic interests. Although independence was recognized by Basotho as a means of providing an alternative model to the white South Africa system, this objective was given lower priority than settling existing social and political scores. The result was the decline of domestic civility which turned Lesotho into a caricature of the progressive alternative which it had hoped to become.

The most unusual constraints upon extreme, extended or systematic deprivations of human rights in Botswana, Lesotho and Swaziland are an ironic consequence of dependence upon South Africa. Suppression of opposition, banning of newspapers or other efforts to constrict the range of information available to the public cannot close off their primary source of information, the South African news media. The government dominated South African Broadcasting Company and the Afrikaans language press has been only too willing to feature political crises in the black enclaves and other African states. Such news provides the grist for the



white government's political message about the perils of black majority rule and the hypocrisy of the many repressive African regimes who dare to challenge the apartheid system. Similarly, the English language press, constantly placed on the defensive about its allegedly subversive attacks on the Nationalist government, can prove its "objectivity" by showing equal zeal in its critique of abuses of power in black-ruled states.

Given the rudimentary nature of mass media in Botswana, Lesotho and Swaziland, it is inconceivable that these states could deny politically conscious sectors access to the South Africa press, much less the ubiquitous radio waves. Migrant workers in South Africa would in any event transmit such news. Likewise, keeping knowledge of domestic events out of South African hands is impossible unless the enclave governments were also willing to stifle the valuable tourist trade and severely restrict other vital forms of commercial interchange. Thus a series of articles in the Rand Daily Mail calling attention to atrocities in Lesotho may have been instrumental in compelling Chief Jonathan to bring his police under control and recreate an environment in which normal economic and commercial relationships would not suffer.<sup>23</sup> Moreover, the South African press is also a leading source of information for the foreign diplomatic communities in the three countries and thus plays a major role in shaping world perceptions of the events occurring in them.

In contrast, President Banda has been able to isolate Malawian citizens from most external feedback on his government's behaviour. It has been possible to shut out foreign journalists, including South Africans, who might project uncomplimentary information into the outside world. Hence, Malawi's peripheral position has permitted much of the sort of news that would be featured on the other three countries to go largely unnoticed. Malawi remains conveniently off the beaten track and its leaders feel fewer negative consequences of their repressive actions.

#### HUMAN RIGHTS AS A FACTOR IN THE INTERNATIONAL TRANSACTIONS OF THE BLACK ENCLAVE STATES

Jimmy Carter's decision to emphasize human rights as a significant factor in American foreign policy should not obscure the fact that such concerns have long had an impact on the international transactions of many countries. What will be attempted

here is a brief assessment of the ways and of the extent to which the differing performances of Botswana, Lesotho, Malawi and Swaziland have affected their most crucial international relationships.

#### 1. TRANSACTIONS WITH SOUTH AFRICA

First and foremost, it should be noted that one reason for the continued existence of Botswana, Lesotho and Swaziland as separate political entities was their abhorrence of South African racial policies. Otherwise their peoples might have agreed to or been compelled to accept incorporation within South Africa to achieve the economic and social gains possible through membership in a larger and more viable state.

Second, there can be little doubt that the efforts of these three enclaves to provide alternative models of racial interaction and responsible development have not succeeded. Swaziland fits almost perfectly with white South African preconceptions of a traditional society where an absolute monarch, though relatively benevolent in this case, is able to command the loyalty and subordination of his subjects. This sort of image is reinforced by a barrage of newspaper photographs of the Swazi king and his people participating in colourful traditional ceremonies quite removed from modern democratic processes. Leabua Jonathan appears to South African whites as a somewhat erratic and pompous tyrant who bears the dual responsibility for ending Westminster democracy in his country while also reducing Lesotho's traditional monarch to an ineffectual role. The Basotho Prime Minister is frequently portrayed as an ingrate who has turned on South Africa after eagerly seeking and accepting its technical assistance and private capital soon after independence. These images reinforce the stereotype of the Basotho as an innately contentious people who cannot be trusted to abide by promises.

Seretse Khama and the Batswana come through as the exception to alleged black African disregard for human rights which proves the rule. Despite the absence of any tangible evidence, South African analysts presume that the Khama government also would use authoritarian expedients to remain in power if seriously threatened by the opposition. While the English language press constantly emphasizes that the three states are genuinely non-

racial, news stories featuring difficulties experienced by Afrikaner farmers in Botswana or by South African tourists in Lesotho or Swaziland may undercut this image.

Hastings Kamuzu Banda, the only African leader to extend recognition and establish an embassy in South Africa, comes through as an autocrat, but more as a stern father figure than an arbitrary tyrant. Both the barriers to press coverage and Banda's status as a "friend" of South Africa have led to some restraint in portraying the excesses of his regime. But the featured coverage of detention of dissidents in Lesotho and Swaziland and the episodes of violence in Lesotho have created an image to be avoided rather than emulated. Needless to say, African leaders like Amin, Bokassa and Macias were also given maximum attention.

The South African government has not hesitated to utilize the dubious origins of Chief Jonathan's present regime in ridiculing Lesotho's claims that the illegal Matanzima government in the Transkei has closed its borders and threatened its security. Indeed the South Africans imply that it is no accident that they have correct, if cool, relationships with democratic Botswana, a front line state. The contrasting abrasive relationship with Lesotho can then be blamed on the allegedly arbitrary and dictatorial character of that regime. Such reprisals as the removal of the longstanding subsidy for Lesotho's maize, while temporarily leaving the old arrangements with Botswana intact, could cynically be rationalized as South African regard for democratic norms.

The general South African policy, however, is to deal with any de facto African government which is willing to cooperate with Pretoria. Anxious to avoid criticism of its own domestic repression, the Botha government maintains that it will not interfere in the domestic politics of its African associates. Human rights issues are thus treated as areas of exclusive domestic jurisdiction. Clearly P. W. Botha's suggestion that Botswana, Lesotho and Swaziland participate in his proposed "constellation" of Southern African states is not contingent upon the status of political freedoms in each. By contrast all three black governments have vigorously indicated that regional cooperation of this sort is impossible so long as apartheid and blatantly repressive Bantustan governments persist.

## 2. TRANSACTIONS WITH BLACK AFRICA AND WITH EACH OTHER

Militant African states within the Organization of African Unity have typically regarded Lesotho, Malawi and Swaziland as clients dependent upon South Africa and have suspected that these enclaves might be conduits of sensitive information to the Botha regime. Botswana's credentials as a front line state have removed it from this category despite publication in a Johannesburg newspaper of confidential transcripts from the deliberations of frontline Presidents regarding Namibia.<sup>24</sup> These fears notwithstanding, petitioners from the Basutoland Congress Party, seeking recognition as the de jure government of Lesotho, or from aggrieved opponents of other enclave governments have met little success. While African nations have provided sanctuary for refugees, they have been reluctant to criticize human rights violations or to interfere in the internal politics of fraternal black states. Vulnerability of many states to similar intervention provides the explanation of this pervasive respect for domestic sovereignty although the Tanzanian role in Uganda may presage a somewhat different pattern.

On a bilateral level, there are lingering tensions between Malawi and all of its black neighbours and between Mozambique and Swaziland. The more extreme examples of Malawian denials of human rights have been a contributory factor, especially since some of the detainees have been citizens or even officials from neighbouring states. Most Malawian refugees espouse more militant objectives than Dr. Banda and would therefore be well received in Tanzania, Zambia or Mozambique. Each of these front-line states would undoubtedly prefer a more compatible government in Malawi. Nevertheless the core issue has not been human rights, but the goal of ideological complementarity which would align Malawi with its neighbours in the process of liberating Southern Africa. Specific grievances are also at stake. FRELIMO leaders nurse bitter recollections of harrassment and betrayal of their forces in Malawi during the liberation struggle. Similarly, Swaziland's absolute monarchy and blending of feudalism with capitalist production, rather than its attempts to limit dissent, are at variance with Mozambiquan revolutionary values. However, none of these tensions have prevented normal commercial relations and limited diplomatic contact among these states.

There is substantial evidence of the Botswana government's distaste for the brand of authoritarian rule practiced in Lesotho and to a lesser degree in Swaziland. Because of Botswana's linkages with these countries under colonial rule, the behaviour of any one can prejudice external perceptions of the others. Hence unconstitutional rule and violations of human rights in either Lesotho or Swaziland were far more subversive to Botswana's image and objectives in Southern Africa than bizarre events in distant African states like Uganda. Tension between Botswana and Lesotho was exacerbated by the fact that more than one hundred Basotho refugees found sanctuary in Botswana after 1974. The openness of that society permitted them transit to other states and freedom to criticize Chief Jonathan's regime. Because the Lesotho government interpreted Botswana's refugee policy as overtly hostile, relationships deteriorated to the extent that Lesotho invalidated local passports for travel to Botswana.<sup>25</sup> A smaller Basotho refugee community in Lusaka and Ntsu Mokhehle's longstanding ties with Kaunda also worsened Lesotho's relationships with Zambia.

Human rights questions were only one dimension of the interactions among these states. Botswana had grounds for concern that political uncertainties in Lesotho and Swaziland would weaken their joint leverage in organizations like the South African Customs Union. The breakup of the University of Botswana, Lesotho and Swaziland in 1975 was partially the result of Basotho petulance, but also of the desire of each country for its own national symbols despite the negative economic consequences. Until recently, each government found itself competing for a portion of a quite meagre pot of foreign aid because the BLS label caused the countries to be perceived as a regional group rather than treated separately. Lesotho, in particular, felt that Botswana's image as a paragon of democratic purity was disingenuous, the product of accidents of resource endowment and level of politicization rather than of differences in kind. These alleged misperceptions were thought to give Botswana an unfair advantage. In short, divergent political and economic circumstance accentuated by more than a decade of independence overrode elements of common history, shared culture and exposure to similar white supremacist threats.

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Perhaps the most unexpected development has been the growth of close ties between Mozambique and Lesotho. These interchanges were embodied by Chief Jonathan's state visit to Maputo and the inauguration of direct DETA flights between their respective capitals. Recently the Basotho Prime Minister accompanied President Samora Machel to the Non-Aligned Meeting in Havana where both were warmly greeted by Fidel Castro. These events have been made possible by the increasingly strident denunciations of South African actions and policies in the foreign policy pronouncements of Lesotho.<sup>26</sup> The Mozambiquan initiative seems designed to reinforce this trend and to diminish Lesotho's isolation regardless of her conservative domestic configuration. Similarly, Botswana's effort to involve Lesotho, Malawi and Swaziland in regional development cooperation with the frontline states seeks to reverse present subservience to the prevalent white dominated patterns.<sup>27</sup> Within this context formal diplomatic relations were established between Botswana and Lesotho. Thus the changing character of broader South African struggles, is at the heart of efforts to involve Lesotho, Malawi and Swaziland, rather than the status of human rights within their borders.

### 3. TRANSACTIONS WITH THE UNITED STATES AND THE WEST

The potential leverage of bilateral aid in enforcing compliance with human rights standards was clearly demonstrated in the wake of the 1970 coup in Lesotho. British suspension of crucial budgetary and development assistance became a serious threat to Chief Jonathan's survival. Indeed this was the only juncture since 1970 when the Basotho Prime Minister seemed on the verge of making sufficiently substantial concessions to appease all of his political adversaries.<sup>28</sup> But political dynamics within Britain, Jonathan's careful manipulation of domestic famine and British haste in accepting promises rather than firm agreements caused this pressure to be relaxed short of restoration of constitutional government. Thereafter Jonathan has been able to assure that all steps toward national reconciliation are essentially on his own terms.

Overall, Botswana's human rights record has produced a greater enthusiasm for bilateral assistance to that country. Some states like Sweden temporarily allowed programmes in Lesotho to lapse and shifted emphasis to Botswana. Nevertheless, the



impact of such alterations was trifling. Western donors including Sweden found it difficult to justify terminating or constricting programmes in a desperately poor country where such losses would have most immediate effects on the least privileged strata of society. Lesotho and Swaziland moved toward greater autocracy at the very time when the western nations felt pressure to "do something" in Southern Africa to show their good faith against apartheid. Aiding black enclave states was a logical choice since support to liberation movements was politically unpalatable. Hence, the amount of aid available rose sharply rather than being curtailed. The role of International Financial Institutions (IFIs) such as the World Bank, IMF and UNDP was also growing as United Nations involvement in Southern African issues became more intense. Since economic viability rather than political consequences was supposedly the basis of IFI decisions on project funding, leverage over human rights matters was largely precluded. The voting arrangements in IFIs on project proposals also tended to diffuse responsibility and absolve individual donors when unpopular regimes achieved unprecedented breakthroughs in the scale of their development programmes. Finally, states like Israel and Taiwan were inclined to place few strings on assistance in order to retain diplomatic recognition by Lesotho and Swaziland and their support in international forums.

It seems appropriate to conclude by asking whether President Carter's human rights initiatives have begun to effect changes in established patterns. Certainly a growing "Botswana-philia" is evident as the United States and other western states seek to prevent their favourite frontline state from being compromised by the presence of refugees, the incursions of white security forces or the operation of Zimbabwean guerrillas. Congressional publication in 1977 of the initial State Department Report on Human Rights Practices in Countries Receiving U.S. Security Assistance caused a flurry of controversy within the Lesotho government.<sup>29</sup> The Foreign Ministry was alarmed at Lesotho's being singled out for what it deemed misinformed and inappropriate criticism. The Report, statements from Andrew Young and routine diplomatic contacts promoted increased awareness within Lesotho government circles that human rights matters could bring embarrassing publicity and have some impact on

foreign aid programmes. Indeed subsequent hints about promulgation of a new constitution and repeal of stringent internal security provisions might be viewed as a direct result of this sort of input. The crucial question however, is whether there were ever teeth behind U.S. rhetoric or if a distracted and discredited Carter administration can expect more than insubstantial symbolic responses.

There are grounds to be encouraged. Somnolent Swaziland showed little awareness of the 1977 Report, but by 1979 had begun to regularize its governmental processes by establishing an indirectly elected, traditionally based legislative body. Although not even mentioned in the 1977 Report, Malawi released approximately two thousand detainees during that year and in 1979 held universal suffrage elections within a competitive single party framework. Lesotho continued to release political detainees, drew elements of the opposition into the Cabinet and reacted to the outbreak of bombings around Maseru with limited arrests and public pleas that there be no retaliation against known Congress Party supporters.<sup>30</sup> Whether any of these events can be casually linked to the Carter human rights initiatives must remain a matter of speculation. What can be said is that all three have demonstrated some progress in the past few years and seem anxious to avoid behaviour which could jeopardize burgeoning aid receipts. Symbolic rewards such as the upgrading of American representation in Lesotho and Swaziland and the British royal visit to Botswana and Malawi have also been forthcoming.

Despite these improvements, considerable doubt remains whether Western governments possess the will to promote human rights compliance through stern measures when rhetoric fails. AID projects are almost invariably rationalized as helping the least privileged segments of society and are therefore immune from use as political levers. It is difficult to imagine the AID bureaucracy voluntarily scaling down the projects that provide the agency's reason of being and budget. With Congressional restraints in aid programmes in Southern Africa assuming an increasingly ideological flavour, it is hard to envision conservative regimes in Swaziland and Malawi being denied the wherewithall to protect themselves against the spectre of subversion from Marxist Mozambique.

In short, the level of aid directed toward a region is still primarily related to its perceived importance to U.S. interests and policy objectives. While level of regard for human rights may make small differences in the scope of aid granted to various countries within a region, the decision on the overall level of assistance will be determined by other factors. There is no way that democratic Gambia is going to do as well as authoritarian Lesotho unless Southern Africa ceases to be a region of major international conflict. Moreover, the very salience of the region assures that there will be other donors eager to make up any deficits caused by U.S. compunctions unless the American government makes a serious effort to assure that its "free world" compatriots are willing to support the same standards.

#### FOOTNOTES

<sup>1</sup>I am indebted to the University of Toledo and to the University of Botswana and Swaziland for research grants which enabled me to gather materials for this article. I am grateful to the many individuals in Washington and Africa who generously provided time and assistance. Of course, I alone am responsible for the contents and interpretations herein. The present effort is a revised version of a paper presented at the 20th Annual Meeting of the African Studies Association in Houston, Texas in November 1977

- <sup>2</sup>The definition of human rights utilized here draws upon the concepts defined in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights. It presumes the existence of fundamental rights such as the right to life, humane treatment, equality before the law and protection from discrimination. A second category of civil and political rights including the right of assembly may be limited only for brief periods of genuine emergency. A third variety of economic and social rights involving opportunities for education and work should be provided insofar as governmental capabilities permit. See Howland, Joyce and Weinstein, Warren, "Human Rights and Economic Development : An Overview for Latin America and Africa," unpublished paper presented at the Annual Meeting of the African Studies Association, Houston, Texas, November 1977, pp. 1-3; and U.S. Department of State, Report on Human Rights Practices in Countries Receiving U.S. Aid, submitted to the Committee on Foreign Relations, U.S. Senate, and Committee on Foreign Affairs, U.S. House of Representatives, February 8, 1979, pp. 2-3
- <sup>3</sup>Weisfelder, Richard F., "The Decline of Human Rights in Lesotho: An Evaluation of Domestic and External Determinants", Issue, Vol. VI, No. 4 (Winter 1976), pp. 22-23
- <sup>4</sup>Howland and Weinstein, "Human Rights and Economic Development", pp. 16
- <sup>5</sup>Schneider, Martin, "Profile of Andrew Young", Sunday Express (Johannesburg), December 5, 1976
- <sup>6</sup>Weisfelder, Richard F., "The Decline of Human Rights in Lesotho", p. 22
- <sup>7</sup>The most systematic and up-to-date survey of the status of human rights in Botswana, Lesotho, Malawi and Swaziland appears in U.S. Department of State, Report on Human Right Practices pp. 15-19, 94-98, 108-113 and 173-177
- <sup>8</sup>There is an abundant literature describing the role of these enclaves within the Southern African regional setting. See especially Bowman, Larry W., "The Subordinate State System of Southern Africa", Potholm, Christian P., "The Limits of Systemic Growth: Southern Africa Today", and the other useful articles in Shaw, Timothy M., and Heard, Kenneth A., editors, Cooperation and Conflict in Southern Africa: Papers on a Regional Subsystem, (Washington: University Press of America, 1976)
- <sup>9</sup>Morgan, E. Philip, "Botswana: Development Democratic and Vulnerability", in Carter, Gwendolen M., and O'Meara, Patrick, editors, Southern Africa: The Continuing Crisis, (Bloomington, Indiana and London: Indiana University Press, 1979) p. 212

- <sup>10</sup>See "Botswana Students Held after Break-out from Campus", The Star, (Johannesburg) September 13, 1978 and "Students and Police Clash in Gaborone", Rand Daily Mail, (Johannesburg) September 12, 1978
- <sup>11</sup>"Dramatic Tuli Block Trial Nears Showdown", Rand Daily Mail, November 13, 1978 and "Tuli Deaths: Soldier Acquitted on All Charges", Rand Daily Mail, November 14, 1978. The trial was covered in the Botswana Daily News (Gaborone) during the first two weeks of November 1978
- <sup>12</sup>Pieterse, Gherhard, "Farmers on War Path: Anti-Terrorist Action Urged", Sunday Times, (Johannesburg) January 21, 1979
- <sup>13</sup>"Botswana Government Keeps Close Watch on South African Refugees", Cape Times, (Cape Town) July 5, 1977 and "Khama Kicks Out Two Professors", Citizen (Johannesburg) September 15, 1978
- <sup>14</sup>"Botswana Gets Tough with Agitators", Natal Daily News, (Durban) June 27, 1978
- <sup>15</sup>This segment is based primarily upon Richard F. Weisfelder, "The Decline of Human Rights in Lesotho"
- <sup>16</sup>"R5 Million To Turn P.M.U. into Regular Army", Lesotho Weekly (Maseru), Vol. 3, No. 16, August 2, 1979; "Anti-Government Insurgents Strike Again", Lesotho Weekly, Vol. 3, No. 17, August 9, 1979; and "More Terror Bombs", Lesotho Weekly, Vol. 3, No. 22, September 13, 1979
- <sup>17</sup>Reliable observers state that Chief Jonathan included such remarks in his speech at the 20th anniversary of the BNP in April 1979. However, they were not covered in published reports
- <sup>18</sup>"Dr. Jonathan, Father of National Development", Lesotho Weekly, Vol. 1, No. 26, September 24, 1977
- <sup>19</sup>The most useful source on Swaziland is Christian P. Potholm, Swaziland: The Dynamics of Political Modernization, Perspectives on Southern Africa, 8, (Berkeley, Los Angeles, London: University of California Press, 1972)
- <sup>20</sup>Vilakazi, Absolom L., "Swaziland and Lesotho: From Traditionalism to Modernity", in Carter and O'Meara, editors, Southern Africa: The Continuing Crisis, p. 274
- <sup>21</sup>Dalglish, Geoff, "Swaziland Faces More Trouble", Rand Daily Mail, October 17, 1977

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- 26 See Hirshman, David, "Changes in Lesotho's Policy Toward South Africa", African Affairs, Vol. 78, No. 311, April 1979, pp. 177-196
- 27 "President Opens Arusha Meeting", Botswana Daily News, No. 127, July 4, 1979, p. 1
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