



THE ROLE OF AFRICAN REGIONAL ORGANIZATIONS IN PREVENTION OF HUMAN RIGHTS VIOLATION: A CASE STUDY IN ESWATINI

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Abstract

This paper has addressed the growing wave of unrest in Eswatini and analysed the role of African regional organizations in the prevention of human rights violation. This qualitative research has studied and answered three fold questions; what are the role played, challenges faced and suggestions towards African regional organizations in the prevention of human rights violation in Eswatini. The findings from documented analysis revealed that African regional organizations; African Union and Southern African Development Community respectively mainly focus on resolving conflict at present rather than human rights violation. The regional organizations face numerous challenges such as political interference, mistrust from civilians, and African governments undermining regional human rights bodies by failing to comply with their decisions, ignoring their urgent appeals, and neglecting to report. This paper has suggested that it is very important for African regional organizations to incorporate both human rights and conflict resolution bodies to work alongside in preventing human rights violation and promoting peace without separating the two bodies otherwise a wide gap shall continue to persist.

Keywords: African regional organizations, au, Eswatini, human rights violation and SADC.

INTRODUCTION

Eswatini formerly known as the kingdom of Swaziland, is a small landlocked country of approximately 1.2 million people (World Bank, 2021). It is arguably the smallest African country located in the southern hemisphere situated between South Africa and Mozambique (World Bank, 2021). The Kingdom is ethnically homogenous as the majority (97%) speak siSwati or Swati language and being identified as Swazi people (Stiftung, 2020). Eswatini remains an absolute monarchy in Africa ruled by King Mswati III, who has been the reigning monarchy by birth right since 1986, when he acceded to the throne after the death of his father, Sobhuza II at the age of eighteen (Kadri, 2020). King Mswati III together with his mother, Queen Mother Ntombi, rule as monarchs and have veto powers over the three branches of government namely the legislature, the executive and the judiciary (Stiftung,2020). The contemporary history of Swaziland started just over fifty-three years ago with full independence from British rule in 1968. The ruling king changed the country's name from kingdom of Swaziland to kingdom of Eswatini to mark 50 years of independence in 2018 (Kadri, 2020).

Problem Statement

For decades, Eswatini has been experiencing the growing wave of unrest that has caused threat to peace and violation of human rights in the country. These protests are mainly the source of demand for democracy. Caroline Dumay stated that the very last absolute monarchy on the African continent has been facing a growing wave of unrest since June 2021. What initially started as peaceful demonstrations was met with repression, violence and death. King Mswati III is being blamed for not listening to his subjects' demand for a modern political system and more democracy (Dumay, 2021). In the other study, Burke (2021) stated that the recent protests that was mainly carried out by the youth in Eswatini as the median age is twenty-one. The growth of the protest started when a law student was murdered in May in circumstances that suggested police involvement. But unrest intensified dramatically in June when authorities said they would refuse any further "petitions" to the king, closing one of the few ways in



which complaints and grievances could be expressed in the kingdom (Burke, 2021). In addition to that, other factors led to the rise of unrest as, Marima (2021) reported that the pro-democracy protesters in Eswatini have sporadically taken to the streets to express their displeasure with the rule of King Mswati III and to call for political reforms as there are no legally recognized political parties in the country due to a ban by a 1973 decree. With an effect at least forty people died and over 150 protesters been hospitalized with injuries resulting from live ammunition or beatings by security forces (Marima, 2021). On one hand, observers say there are echoes in Eswatini of protests and violence elsewhere in Africa which have pitted educated and connected urban youth against long-standing rulers and elites. For example in Uganda, Bobi Wine a popular singer turned politician has challenged the rule of veteran President Yoweri Museveni who has been in leadership for over thirty years and provoked harsh repression. On the other hand, in Nigeria a youthful population with new aspirations of prosperity, security and freedom have taken to the streets to protest and been met with violence (Burke, 2021).

One of the 26-year-old student leader contacted by the Guardian in Eswatini, who requested anonymity for fear of arrest said, “We are fighting for democracy, freedom, jobs and for food. Yes, there were some people who tried to exploit the protests for their own agenda but they were not our people. We are fighting a liberation struggle, not stealing.” The poor state of the economy is another key factor driving the unrest. While so many Eswatini citizens are impoverished, the monarch is seen to live lavishly. The unemployment rate in Eswatini is at more than 40%. Though the king lives in ostentatious luxury, with a fleet of luxury cars, private jets, numerous palaces and fifteen wives, almost 60% of his subjects live in poverty, according to the World Bank 2021. Referring to Menzi Ndhlovu, an analyst with Signal Risks, a South Africa-based threat advisory firm said there had been successive waves of protest in Eswatini, including widespread unrest in 2011 dubbed the “Swazi spring”. However, this time a tipping point may have been reached. Ndhlovu told the Guardian the offer of a national dialogue is an attempt by government and monarchy to calm and appease the masses. I don’t think there is any intent to carry out serious reform. We could well see a second wave of protests (Ndhlovu, 2021). On the other hand, Chris Vandome an expert at London’s Chatham House, said the recent protests differed from early episodes of unrest in which unions and other formal organisations had played a significant role. This time it is more organic and less structured. That makes it much harder to control but also harder for the protesters to have a cohesive position on what they want. A national dialogue is a first step but does that mean you respect the legitimacy of the people you are dialoguing with? (Vandome, 2021). Therefore, after stating the problem this paper seeks to examine the threefold research objectives: roles, challenges and suggestions respectively.

Research Objectives

This research has study the following threefold objectives: **first**, to examine the role played by African regional organizations in the prevention of human rights violation in Eswatini. **Second**, to explore the challenges faced by African regional organizations in ensuring prevention of human rights violation in Eswatini. **Third**, to provide suggestions towards the challenges faced by African regional organizations in preventing human rights violation in Eswatini.

Research Questions

This study has examine the following threefold questions: **One**, what are the role played by African regional organizations in the prevention of human rights violation in Eswatini? **Two**, what are the challenges faced by African regional organizations in ensuring prevention of human rights violation in Eswatini? **Three**, what are the suggestions towards the challenges faced by African regional organizations in preventing human rights violation in Eswatini?

Significance of the Study

This study is significant to peace and human rights field as it has incorporated the two themes to examine the problem. For the peace perspective, this study has involved on conflict prevention as the method to attain peace in Eswatini after the eruption of unrest. The emerging of human rights violation has been detailed in this study and international bodies such as UDHR and African Regional Organizations such



as SADC and AU have been used to condemn the ongoing HRV practices that affects the civilians. Therefore, the incorporation of the two attributes; peace and human rights in paving the way to justice has played a significant role in exploring this study.

Scope/ Limitation and Delimitation of the Study

This research is only limited to study the following things. First, the role of African regional organization. Second, conflict prevention as a peacebuilding method. Third, the focus of this study is on human rights. Fourth, this study is only limited on one case study which is Eswatini. For delimitation, this study has not covered the following things. First, any other country except Eswatini. Second, any other regional organization and third, any other peace building method such as conflict management, resolution, and transformation.

Literature Review

In this section the researcher has reviewed the literature based on human rights violation that occurred during mid-2021 unrest in Eswatini. In the first account, Dlamini (2021) article claimed that the Human Rights Commission preliminary report stated forty-six people were killed, and 245 were injured during the June 2021 political unrest. Nevertheless the report was been vigorously criticised by political parties and civil society because it downplayed the number of civilians killed. On the other literature, Wandile Dlodlu, the People's United Democratic Movement secretary general, told the Swaziland News that they had verified figures suggesting that Mswati's forces killed more than seventy people during the political unrest. Speaking to the Mail & Guardian, Sabelo Masuku the commissioner of the Human Rights Commission clarified that the findings were merely a preliminary verification to establish facts on what happened and was not necessarily a full report. We did a preliminary verification to establish if indeed people were shot or not and the findings suggest that people were shot. We wanted to have verified data on the ground after so many different claims on who was arrested, injured, and died.

Furthermore, Emmanuel Ndlangamandla, the Executive Director of the Coordinating Assembly of Non-Governmental Organisations, said they were lobbying for an international investigation into the shooting and killing of civilians in Eswatini. Meanwhile, Thuli Madonsela a South African former public protector and now the Law Trust chair in Social Justice at Stellenbosch University said what was happening in Swaziland was a gross violation of human rights. Speaking to the Mail & Guardian a few days before the United Eswatini Diaspora dialogues, Madonsela said there has to be some kind of truth and reconciliation commission in Eswatini because police and the army that behaved like this are likely to repeat this. So there has to be a reset in terms of the mind-set of the people who behaved the way they did. She added that although some of the protestors looted, the response from the security forces was grossly excessive, adding that some of the people killed were not even involved in what was happening (Dlamini, 2021).

In addition to that, the Human Rights Commission's report also stated that women and children were casualties. Sakhile Dlamini, the communications officer of the Swaziland Action Group (SAG) against abuse said they condemned any form of abuse, especially by the security forces. The violence unleashed by forces during the ongoing political unrest on civilians is wrong and unjust (Dlamini, 2021). In August, the Mail & Guardian reported how Sergeant Cebile Shongwe resigned from the Eswatini police service, saying she was tired of serving a government that oppresses and kills innocent civilians. The resignation of the policewoman, who was based at Malkerns police station comes amid calls among civil society organisations and political parties that the International Criminal Court must charge Mswati for crimes against humanity (Dlamini, 2021).

The UN expressed deep concern at the reaction of authorities in Eswatini, to recent protests and sporadic looting, calling for an independent investigation into allegations of disproportionate and unnecessary use of force, harassment and intimidation by security forces. The allegations include the use of live ammunition by police, a UN spokesperson said adding that the organisation was worried by the potential for further unrest (Burke, 2021). Meanwhile U.S. and other countries have called for dialogue. "We urge the government to exercise restraint and also maintain the utmost respect for human rights," a State



Department spokesperson Jalina Porter said adding, an inclusive and peaceful dialogue is essential to progress moving forward (Marima, 2021).

On one hand, Dewa Mavhinga a Southern Africa Director at Human Rights Watch claims that Eswatini government should ensure that security forces act within the law and avoid arbitrary use of force when these protests occur that threatens peace and leads to violation of human rights. He also said they should put in place a range of measures to safeguard citizens against violence and to prosecute all unlawful use of force. As Mavhinga said the latest wave of protests in Eswatini is a wake-up call for the king and his government to head the legitimate calls for reform (Mavhinga, 2021). The king called the protests “satanic” as he tries to quell dissenting voices, pro-democracy sentiment is growing and analysts say more turmoil appears inevitable (Marima, 2021).

On the other hand, in the article Eswatini king calls for dialogue as protests escalates by Africa news (2021) King Mswati III announced a process of national dialogue that will be initiated after the annual ritual ceremonies of Incwala celebrating royalty which begin in November and traditionally last about a month, during Incwala, the king isolates himself and does not participate in any government activities. But opposition political parties and civil society organizations called the call for dialogue "a ploy to mislead" the mediators. We have long lost hope in such forums and, as a result, we will not participate in the meeting. We will not let the king who has blood on his hands decide how and when the dialogue will be held. There can be no calm or peaceful dialogue while the security forces continue to kill and harm people (Africa news, 2021).

Conceptual Framework

In this section, the researcher has explained the concepts used for this research so as to give a clear meaning to the audience.

African Regional Organizations (AROs)

African Regional organizations are a key driver of democratic transformation and fostering cooperation between countries. For this case study, the focus of the studied AROs are African Union and Southern African Development Community. To begin with, the African Union (AU) is a continental body consisting of the 54 member states, including Eswatini. AU was officially launched in 2002 as a successor to the Organisation of African Unity (OAU, 1963-1999).

The vision of the African Union is that of: An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena. The work of the AU is implemented through several principal decision making organs such as The Assembly of Heads of State and Government, the Executive Council, the Permanent Representatives Committee (PRC), Specialised Technical Committees (STCs), the Peace and Security Council (PSC) and the African Union Commission (AUC).

The AU structure promotes participation of African citizens and civil society through the Pan-African Parliament and the Economic, Social & Cultural Council (ECOSOCC). Organs that handle judicial and legal matters as well as human rights issues include: - African Commission on Human and People’s Rights (ACHPR), African Court on Human and People’s Rights (AfCHPR), AU Commission on International Law (AUCIL) and the African Committee of Experts on the Rights and Welfare of the Child.

The Southern African Development Community (SADC) has been in existence since 1980, when it was formed as a loose alliance of nine majority-ruled States in Southern Africa known as the Southern African Development Coordination Conference (SADCC), with the main aim of coordinating development projects in order to lessen economic dependence on the then apartheid South Africa. The founding Member States were: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland (Eswatini), United Republic of Tanzania, Zambia and Zimbabwe. SADCC was formed in Lusaka, Zambia on April 1, 1980, following the adoption of the Lusaka Declaration - Southern Africa: Towards Economic Liberation. The transformation of the organization from a Coordinating Conference into a



Development Community (SADC) took place on August 17, 1992 in Windhoek, Namibia when the Declaration and Treaty was signed at the Summit of Heads of State and Government thereby giving the organization a legal character. At present, SADC has sixteen member states including Eswatini and the headquarters are located in Gaborone, Botswana.

The SADC Vision is to build a region in which there will be a high degree of harmonisation and rationalisation, to enable the pooling of resources to achieve collective self-reliance in order to improve the living standards of the people of the region. The vision of SADC is one of a “Common Future”, a future within a regional community that will ensure economic well-being, improvement of the standards of living and quality of life, freedom and social justice and peace and security for the people of Southern Africa.

The Southern African Development Community (SADC) Mission Statement is to promote sustainable and equitable economic growth and socio-economic development through efficient, productive systems, deeper co-operation and integration, good governance, and durable peace and security; so that the region emerges as a competitive and effective player in international relations and the world economy. In order to fulfil this mission member states are guided by the following principles, as stated in Article 4 of the SADC Treaty; sovereign equality of all member states, solidarity, peace and security, human rights, democracy and the rule of law, equity, balance and mutual benefit; and peaceful settlement of disputes.

The main objectives of Southern African Development Community (SADC) are to achieve economic development, peace and security, and growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa, and support the socially disadvantaged through regional integration. These objectives are to be achieved through increased regional integration, built on democratic principles, and equitable and sustainable development.

Human Rights Violation (HRV)

To begin with, the researcher will explain the concept of human rights then proceed to human rights violation. As defined by UN Office of the High Commissioner for Human Rights (OCHCR) human rights are rights we have simply because we exist as human beings- they are not granted by any state. These universal rights such as right to life are inherent to us all, regardless of nationality, sex, nation, or ethnic origin, colour, religion, language, or any other status. All states have ratified at least one of the nine core human rights treaties, as well as one of the nine optional protocols. 80% of states have ratified four or more. This means that states have obligations and duties under international law to respect, protect and fulfil human rights.

- The obligation to **respect** means that states must refrain from interfering with or curtailing the enjoyment of human rights.
- The obligation to **protect** requires states to protect individuals and groups against human rights abuses.
- The obligation to **fulfil** means that states must take positive action to facilitate the enjoyment of basic human rights.

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly Resolution 217A) as a common standard of achievements for all peoples and all nations including Eswatini. It sets out, for the first time, fundamental human rights to be universally protected. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels all containing references to it in their preambles.



Human rights violation is a global crisis. HRV can be referred as an act that harms the well-being of an individual weather directly or indirectly. In this case study several human rights violation is reflected on the literature review section.

Conflict Prevention

According to Sida (2017), Conflict prevention is about making societies' resilient to violent conflict by strengthening the local capacities for peace (systems, resources, structures, attitudes, skills). International conflict prevention initiatives are often distinguished from other peacebuilding concepts and approaches mainly by when it comes into play in the conflict cycle, and to some extent by the specific tools and approaches applied. Early prevention initiatives seek to improve the relationship of parties before the outbreak of violent conflict, while late prevention pertains to resolving or preventing the recurrence of violent conflict. The methods, approaches and mechanisms for engagement are often categorised as direct prevention and structural prevention, although the methods often overlap and so do the phases of the conflict cycle. Direct prevention refers to shorter-term initiatives that are put into place in a critical moment with the aim to have a direct de-escalating effect on tensions or violence. Such initiatives include for example dialogue, mediation and other confidence building measures, preventive international deployment and the establishment of peace zones. Structural prevention refers to longer-term development cooperation initiatives in a variety of sectors that aim to address root causes of tension and violence (Sida, 2017).

Kingdom of Eswatini

The kingdom of Eswatini is the chosen case study for this research. The country is situated in Southern Africa. It is bordered by Mozambique to its northeast and South Africa to its north, west, south, and southeast. The kingdom of Eswatini is one of the world's last remaining absolute monarchy. The kingdom is an absolute monarchy ruled by King Mswati III since 1986. For this study, the researcher has shown that Eswatini supreme law adheres to human rights even though there is presence of unrest that triggers to conflict and HRV. According to Eswatini's constitution, the preamble states that "We the People of the Kingdom of Swaziland do hereby undertake in humble submission to Almighty God to start afresh under a new framework of constitutional dispensation; Whereas as a Nation it has always been our desire to achieve full freedom and independence under a constitution created by ourselves for ourselves in complete liberty; Whereas it is necessary to protect and promote the fundamental rights and freedoms of ALL in our Kingdom in terms of a constitution which binds the Legislature, the Executive, the Judiciary and the other Organs and Agencies of the Government; Whereas as a Nation we desire to march forward progressively under our own constitution guaranteeing peace, order and good government, and the happiness and welfare of ALL our people; Now, THEREFORE, WE, iNqwenyama-in-Council, acting together with and on the Approval of the Swazi Nation meeting as the Swazi National Council assembled at Ludzidzini this 4th day of October, 2004, hereby Accept the following Constitution as the Supreme Law of the Land.

METHOD

Research methodology is essential to any research study. According to Loru (2020), research methodology is a systematic theoretical analysis of the methods applied to any field of the study. This is a qualitative type of research. It involves collecting data from either text (written) or speech (oral) and analyse the findings through the use of words. The study has used case study design. This is because the researcher has only studied one country which is Eswatini. This study has used secondary source of data. The secondary data is referred to as second hand data. Data that has been reported or documented. Therefore, this study has used document analysis. In reference to secondary source of data used for this study are published articles, news and reports. For the findings, the reviewed documents are from mid-2021 onwards when the latest protest occurred in Eswatini. Data has been analysed manually based on research question themes: roles, challenges and suggestions respectively.



FINDINGS

This study has used document analysis such as reports, published articles and news to answer the following threefold research questions that guide this whole study.

Role played by African Regional Organizations in the Prevention of Human Rights Violation in Eswatini

First, Sherinda said the response of the Southern African Development Community (SADC) on July 2021 towards Eswatini unrest has been met with criticism on its statement by the civil society organisations stating that it took a long time and it was out of touch. The SADC chairperson who is currently the South African President Cyril Ramaphosa commenced a fact-finding mission through the SADC Organ Troika on Politics, Defence and Security by stating that the organ will urgently dispatch a team of Ministers to Eswatini with a view to further encourage the kingdom to find a lasting solution but this didn't result to any fruitful situation. The delegation included Jeffrey Radebe a former South African government minister and Candith Mashego-Dlamini a South Africa's deputy minister of international relations and cooperation, as well as representatives from Botswana and Namibia. The envoys were accompanied by SADC Executive Secretary Elias Magosi and other senior SADC officials (Sherinda, 2021).

Second, Ramdeen said at the regional level Southern African Development Community (SADC) undertook an intervention by deploying a SADC Troika ministerial fact finding mission to the country on July 2021. The deployment was criticized due to the failure by the SADC team to meet civil society organisations and political parties. A follow up technical fact-finding mission was deployed thereafter to consult extensively with stakeholders from 15 to 22 July 2021. The mission met with members of the government and civil society, to gather perspectives on the conditions that led to days of deadly protests. SADC urged all individuals, groups, and organisations that have grievances to desist from acts of violence and to do so through established platforms. It also called on the security forces to exercise restraint in their response to restore order. The Chairperson of the African Union Commission (AUC), H.E Moussa Faki Mahamat also appealed to Eswatini's national stakeholders to engage in constructive dialogue towards an amicable resolution to the instability of the country and has committed the AU's support to the government and people of Eswatini (Ramdeen, 2021).

Third, Mavhinga said regional solidarity is needed to press Eswatini to guide in a culture of political plurality, accountability, and respect for the human rights of all Eswatini people. (Mavhinga, 2021). Gavin stated that it has been the organization's practice to ignore violations of human and political rights in member states, even when repression creates a drag on regional development (Gavin, 2021). SADC's own Protocol on Politics, Defence, and Security Cooperation weds the organization to the promotion of democracy and the protection of universal human rights. But in practice, SADC's member states include strong democracies, authoritarian states, and even Eswatini's absolute monarchy. It's clear that a more capable and dynamic organization is needed. That in turn may require ending the era of polite silences and averted gazes when member states violate the rights of their own people (Gavin, 2021).

Fourth, Amnesty International said Southern African Development Community (SADC) reported that leaders must urgently take concrete measures to fix the human rights crisis in the region when they meet at their annual summit while crackdowns on peaceful dissent in countries including Zimbabwe, Madagascar and Eswatini have intensified in recent months. A number of countries in the SADC region are experiencing alarming human rights violations and abuses threatening peace and stability just as the case study of Eswatini. In addition, Deprose Muchena Amnesty International's Director for East and Southern Africa also claimed that it's time for SADC lawmakers to step up their interventions, strengthen laws and implement policies that ensure respect for people's rights across the region. Parliaments are the custodians of human rights. As people across the region face threats to their rights, SADC Parliaments must lead in developing regional principles and guidelines for the protection and promotion of human rights (Muchena, 2020).



Fifth, Renata Summa and Monica Herz chapter of regional organization, human rights and conflict resolution argued that human rights norms, rules and bodies have been increasingly adopted and developed by regional organizations since the end of World War II. In the European Union the European Convention for the Protection of human rights and Fundamental Freedoms (ECHR) was the first instrument to give effect to human rights in 1950. Whereas in Africa, the African Charter on Human and People's Rights (ACHPR) was set as the principal body for promoting and protecting human rights on the continent in 1986. But still with present of these regional organization organs when it comes to an attempt of resolving conflict human rights discourse is almost absent as seen from the response of SADC in Eswatini's unrest. Therefore the nexus of prevention of human rights violation in African region remains poorly institutionalized and developed despite the present human rights organs (Renata Summa & Monica Herz, 2017).

Challenges faced by African Regional Organizations in ensuring Prevention of Human Rights Violation in Eswatini

First, the African Union (AU) and the Peace and Security Council (PSC) is mandated to incorporate human rights discourse in its initiatives to conflict prevention and resolution. But in practice the PSC has failed in many of its intervention initiatives as it is observed in Eswatini mainly because of political interference will by African Union member states. Although the PSC has led to interventions in other countries such as Darfur, Somalia, Djibouti, Eritrea and Kenya following massive disrespect of human rights and the outbreak of humanitarian crisis. But such missions have fallen short in addressing the causes of conflict and in promoting human rights standards marking to its challenge.

Second, Amnesty International has documented for two consecutive years (2019-2020) that African governments are grossly undermining regional human rights bodies by failing to comply with their decisions, ignoring their urgent appeals, neglecting to report to them on national human rights situations. This challenge is repeatedly seen on this case study of Eswatini where the government is blamed for not being accountable for the human rights violation, shutting down internet access, but also denial to freedom of speech and reporting regarding the ongoing unrest. As a result, African regional organizations fail to establish mechanisms of accountability to punish those who commit human rights violations and thus itself further contribute to an environment of impunity.

Third, in the second edition of the state of African regional human rights bodies and mechanisms 2019-2020, released on the African human rights day. Amnesty International said the mechanisms established to safeguard human rights across the continent are facing enormous challenges, and at least one is facing an existential threat. The report raised alarm that future of the African Court on Human and Peoples' Rights is in jeopardy following decisions by three governments; Benin, Côte d'Ivoire and Tanzania to withdraw the right of individuals and NGOs to directly file cases before the court. Rwanda withdrew this right in 2016 bringing to four the number of countries that are now restricting access to this vital pathway to justice. To elucidate, there is limited direct access by individuals and NGOs to the Court due to a limited number of States that have accepted the Court's jurisdiction and allowed individuals and NGOs direct access to the Court which makes it a challenge in preventing human rights violation in Eswatini.

Fourth, in most cases the African regional organizations respond to crisis when it's at the peak which makes it difficult and challenging for suitable solutions. As the result, regional organizations decide to extent the process to post-conflict era where people are calm. The disadvantage of waiting to respond on the post- conflict is that African regional organizations tend to ignore and undermine the human rights violations that occurred during the conflict setting as in this case study of Eswatini. Even after the protests was over the regional organizations have not responded to the human rights violations that occurred during the unrest.

Fifth, is mistrust from the civilians and civil society organizations, according to Ginindza, King Mswati III called for calm and an end to all violence, as no dialogue can take place when tempers are so high. But opposition political parties and civil society organizations called the call for dialogue a ploy to



mislead the mediators (SADC). They stated that we have long lost hope in such forums and, as a result, we will not participate in the meeting. We will not let the king who has blood on his hands decide how and when the dialogue will be held, they said, There can be no calm or peaceful dialogue while the security forces continue to kill and harm our people. This wasn't the only challenge to the proposed national dialogue by the king but also to SADC members who came to Eswatini for fact-finding mission and to encourage the kingdom to find a lasting solution.

Suggestions towards the Challenges faced by African Regional Organizations in Preventing Human Rights Violation in Eswatini

First, it should be noted that African regional organizations have the organs for promoting human rights and preventing human rights violation such as African Commission on Human and People's Rights (ACHPR) and African Court on Human and People's Rights (AfCHPR). But these bodies don't fully act on the human rights violation that occur in African member states whenever there is unrest like Eswatini because what the regional organizations like AU and SADC focus on in the moment of unrest is how to resolve the conflict and ignore the human rights violation. There is therefore a gap of implementation that is being noticed, to suggest the African regional organizations need to incorporate both human rights and conflict resolution bodies to work alongside in preventing human rights violation and promoting peace without separating the two bodies. This is very important, otherwise the gap shall continue to persist.

Second, the issue of withdraw of some member states like Tanzania, Benin, Côte d'Ivoire and Rwanda in African Court on Human and People's Rights (AfCHPR) does hinder the implementation of African regional organizations in preventing human rights violation in these African member states. But with other member states they are faced with limited direct access by individuals and NGOs to the court due to a limited number of states that have accepted the court's jurisdiction and allowed individuals and NGOs direct access to the court. Thus, there is a need for more states to ratify the court's protocol and to allow individuals and NGOs direct access to the court. This will help to consolidate the African regional organization organs judicial system such as African Court on Human and People's Rights (AfCHPR) for the prevention of human rights violation in Eswatini and other African countries.

Third, due to reviewed document analysis there is a challenge on lack of awareness about the African human rights commission such as African Union human rights treaties and institutions including the African Commission and Court by aggrieved individuals and groups and limited knowledge about the system by domestic lawyers limits potential applications to the Commission and the court. Therefore, states like Eswatini through state and non-state actors including educational institutions should through human rights education raise awareness about the use of African Commission and Court to the public. This will help individuals and the society to claim their rights from the violation done to the victims. But also through this means it will make African regional organizations effective towards preventing human rights violation in states like Eswatini.

Fourth, African regional organizations need to build trust with the member states by being accountable and implement on the stated mission and goals of the organization. It is due to mistrust that Eswatini opposition political parties and civil society organizations called the call for dialogue a ploy to mislead the mediators (SADC). In addition the African regional organizations has failed in many of its intervention initiatives as it is observed in Eswatini mainly because of political interference by African Union member states. Therefore, for successful implementation of African regional organizations in preventing human rights violation there is a need to separate politics from their stated mission, functions and goals.

Lastly, there is the challenge of non-implementation of the court's decisions, including refusals to implement, failure to inform the court of what measures have been taken, and the slow pace or reluctance to comply limits the court's effectiveness. In 2013, for example, the court adopted an interim report noting that Libya has failed to comply with a judgment of the court. It called on the African Union Assembly of Heads of State to take such other measures as it deems appropriate to ensure that Libya



fully complies with the court order. However, the Assembly did not take any action. This shows that non-compliance and non-enforcement applies to both the commission's recommendations as well as the court's orders. Therefore there is a need for the African Union organs to impose sanctions consistently on non-complying states in order to strengthen the credibility of the African Court's orders and judgments.

CONCLUSION

From the study, the researcher concludes that Eswatini's growing unrest on demand for democracy isn't the new problem to have occurred in Eswatini. It has long been occurring as the different from the previous to the current protests, is that the earlier protests were organised with less violence meanwhile the later were less organised and more violent. The King is blamed for the latest pro-democracy protest and from the document analysis there is absence of Responsibility to Protect (R2P) doctrine to both the government of Eswatini and the African regional organizations. There was presence of human rights violation in Eswatini but from the findings no efforts was done by the African regional organizations to address the violations as much focus was on resolving the problem at hand, which was the ongoing unrest by suggesting dialogue. This is the failure for African regional organizations to have less focus and sometimes ignore human rights violation despite the fact that AU has special organs in concern for human rights such as African Commission on Human and People's Rights (ACHPR) and African Court on Human and People's Rights (AfCHPR). For example the Peace and Security Council (PSC) has failed in many of its intervention initiatives to incorporate the human rights discourse mainly in the Horn of Africa because of lack of resources, and political will by AU member states. Although the PSC has led to interventions in Darfur, Somalia, Djibouti, Eritrea and Kenya following massive disrespect of human rights and the outbreak of humanitarian crisis. But such missions have fallen short in addressing, promoting and protecting human rights standards. In addition to that, SADC sent representatives in Eswatini to oversee the matter and find solution to the problem but the civil society organizations criticized their fact finding mission and said it took a long time and it was out of touch. Moreover in SADC fact finding mission human rights violation was not prioritized as the main focus was to resolve the problem at hand. Dewa Mavhinga a Southern Africa Director at Human Rights Watch said to contribute to lasting peace and stability, and respond to the real needs of ordinary people, SADC leadership should vigorously implement regional and international human rights standards. One important step would be to restore the SADC Tribunal's mandate to consider human rights cases brought by individuals. Renata Summa and Monica Herz chapter of regional organization, human rights and conflict resolution stated that European Union has been seen to have best human rights norms, bodies and mechanisms but when in attempts to resolve conflicts human rights discourse is almost absent. Therefore the relationship between human rights and conflict resolution remains poorly institutionalized and developed. This is the same thing that happens in the Africa and in my own opinion, it is high time that African regional organizations incorporate and enforce the two concepts of human rights and conflict resolution hand in hand towards enhancing sustainable peace in conflicting states. Ignoring one concept and emphasizing on the other won't result to sustainable peace. Among the four concepts John. P. Lederach (1996) identifies in reconciliation which can take place in the national, community or interpersonal level are justice, peace, truth and mercy. If the government of Eswatini and the regional organizations only focus on one component of peace and ignore the other components, this will not create sustainable peace as it may result to mistrust of both bodies. African Union along with other African regional organizations have in place best organs to deal with human rights and conflict resolution. To overcome the gap between human rights and conflict resolution there is a need to enforce and make human rights intrinsic to conflict resolution mechanism.

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