

PROCLAMATION BY HIS MAJESTY KING SOBHUZA II 12TH APRIL 1973

For purposes of general information the full text of the King's Proclamation made before the Nation on the 12th April, 1973 is hereby published.

D. COHEN
Attorney-General.
Mbabane,
16th April, 1973

PROCLAMATION TO ALL MY SUBJECTS - CITIZENS OF SWAZILAND

1. WHEREAS The House of Assembly and the Senate have passed the resolutions which have just been read to us.

2. AND WHEREAS I have given consideration to the extremely serious situation which has now arisen to our country and have come to the following conclusions:

(a) that the Constitution has indeed failed to provide the machinery for good government and for the maintenance of peace and order;

(b) that the Constitution is indeed the cause of growing unrest, insecurity, dissatisfaction with the state of affairs in our country and an impediment to free and progressive development in all spheres of life;

(c) that the Constitution has permitted the importation into our country of highly undesirable political practices alien to, and incompatible with the way of life in our society and designed to disrupt and destroy our own peaceful and constructive and essentially democratic methods of political activity; increasingly this element engenders hostility, bitterness and unrest in our peaceful society;

(d) that there is no constitutional way of effecting the necessary amendments to the Constitution; the method prescribed by the constitution itself is wholly impracticable and will bring about that disorder which any constitution is meant to inhibit;

(e) that I and all my people heartily desire at long last, after a long constitutional struggle, to achieve full freedom and independence under a constitution created by ourselves for ourselves in complete liberty without outside pressures; 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.

3. Now THEREFORE I, SOBHUZA II, King of Swaziland, hereby declare that, in collaboration with my Cabinet Ministers and supported by the whole nation, I have assumed supreme power in the Kingdom of Swaziland and that all Legislative, Executive and Judicial power is vested in myself and shall, for the meantime, be exercised in collaboration with a Council constituted by my Cabinet Ministers. I further declare that, to ensure the continued maintenance of peace, order and good government, my Armed Forces in conjunction with the Swaziland Royal Police have been posted to all strategic places and have taken charge of all government and all public services. I further declare that I, in

collaboration with my cabinet Ministers, hereby decree that:-

(a.) The Constitution of the Kingdom of Swaziland which commenced on the 6th September, 1968, is hereby repealed;

(b.) All laws with the exception of the Constitution hereby repealed, shall continue to operate with full force and effect and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this and ensuing decrees.

I will now call upon the Attorney-General, Mr. David Cohen, to read our further decrees designed to provide for the continuance of administration, essential services and normal life in our country.

THE KING IN COLLABORATION WITH HIS COUNCIL DECREES THAT:-

1. All Judges and other Judicial Officers, Government Officials, Public Servants, Members of the Police Force, the Prison Service and Armed Forces shall continue in office and shall be deemed to have been validly appointed. They shall carry out their duties and shall be entitled on the existing basis to their remuneration;

2. For a period of six months from date hereof, the King-in-Council may, whenever they deemed it necessary in the public interest, order the detention of any person subject to any conditions they may impose for any period of time not exceeding sixty days in respect of any one order. Any person released after such detention may again be detained as often as it may be deemed necessary in the Public interest. No Court shall have power to enquire into or make any order in connection with any such detention;

3. Chapter IV of the repealed Constitution, with the exception of Sections 28, 31, 32, and 36, shall again come into force.

4. All persons who at the date hereof held office as Prime Minister, Deputy Prime Minister, Minister, Minister of State, Assistant Minister, Secretary to the Cabinet and Attorney-General in terms of Chapter VII of the repealed constitution shall continue in office at the discretion of the King. They shall continue to carry out their duties and functions (subject to such modifications as may be necessary as a result of this decree) and shall be responsible to the King;

5. The Attorney General shall again have the powers and duties vested in him in terms of Chapter VII Section 91(1), (3), (4), (5), (6), (7) and (8) of the repealed Constitution and the provisions of Section 119, 120 and Section 100 of Chapter IX of the repealed Constitution shall again apply to the Office of the Attorney General.

6. Save as hereinafter set out, Chapter VIII of the repealed Constitution shall again come into force:

(a) All land and rights in and to land previously vested in the Government shall now vest in the King and the reference in Chapter VIII to the Government shall, where the context permits, be taken as a reference to the King;

(b) The words "to the provisions of this Constitution and" shall be deleted from Section 94(1);

7. Parts 1 and 2 of Chapter IX and Section 138, 139, 140 and 141 of Chapter XIII of the repealed Constitution shall again operate with full force and effect and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this and ensuring decrees. The Judicial Service Commission is abolished and parts 1 and 2 of the said Chapter IX shall be construed as if there is no reference in them to the Judicial Service Commission;

8. Chapter XI of the repealed Constitution shall again come into force and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this and ensuring decrees. In particular any reference to the House of Assembly or both chambers or the procedures for enacting financial legislation shall be interpreted as references to the King-in-Council and/or decrees issued by the King as the context requires.

9. Until further notice, all persons who have lost office as a result of the repeal of the Constitution, including all members of the Senate and the House of Assembly, shall be entitled to receive the emoluments which they would have received but for the repeal of the Constitution.

10. Section 135 of the repealed Constitution shall again come into forces subject, however, to the deletion of the introductory words "save as otherwise provided in this Constitution";

11. All political parties and similar bodies that cultivate and bring about disturbances and ill-feelings within the Nations are hereby dissolved and prohibited.

12. No meetings of a political nature and no processions or demonstrations shall be held or take place in any public place unless with the prior written consent of the Commissioner of Police; and consent shall not be given if the Commissioner of Police has reason to believe that such meeting, procession or demonstration, is directly or indirectly related to political movements or other riotous assemblies which may disturb the peace or otherwise disturb the maintenance of law and order.

13. Any person who forms or attempts or conspires to form a political party or who organises or participates in any way in any meeting, procession or demonstration in contravention of this decree shall be guilty of an offence and liable, on conviction, to imprisonment not exceeding six months.

Thus done and signed at Lobamba, this 12th day of April, 1973.

SOBHUZA II
King of Swaziland.

The Government Printer, Mbabane.
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