

Note from the Commonwealth Relations Office on the independence of Swaziland (7 June 1968)

Caption: On 7 June 1968, a note from the Swaziland Department in the Commonwealth Relations Office outlines the process that will lead to the independence of Swaziland. The country is granted independence on 6 September 1968.

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LEGISLATION COMMITTEE

SWAZILAND INDEPENDENCE BILL

Brief for the Parliamentary Under-Secretary of State

A background brief has been prepared separately.

When IG (68) 53 is introduced the main points which seem likely to be of interest to the Committee are the following.

Swaziland, which is a Protected State, will become independent on 6 September 1968.

Following a request made by the Government of Swaziland with the unanimous approval of both Houses of the Swaziland Parliament, the Commonwealth Secretary-General has confirmed the approval of all members of the Commonwealth that Swaziland should become a member on attaining independence.

The King of Swaziland will be Head of State and The Queen will be Head of the Commonwealth in respect of Swaziland. (The King is King Sobhuza II).

Any person having the status of British Protected Person by connection with Swaziland will become a citizen of the new country at independence, and will, under the Bill, be deprived of that former status.

The Bill follows a new familiar pattern for giving independence to dependent territories. The draft Bill has been considered by other interested Departments who have raised no objection, including the Department previously excepted in paragraph 1 of the Memorandum.

The Bill is not expected to give rise to controversy in Parliament.

In view of the date for independence, 6 September, enactment of the Bill should be secured before the summer recess.

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West Indian "A" and Swaziland Department,

7 June, 1968.

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LEGISLATION COMMITTEE

THE SWAZILAND INDEPENDENCE BILL

BACKGROUND BRIEF FOR THE PARLIAMENTARY
UNDER-SECRETARY OF STATE

The Swaziland Independence Bill is the twelfth in a series which since 1957 will have given independence to all the British dependencies on the mainland of Africa with the exception of Rhodesia. It follows closely the established pattern for legislation of this nature and its provisions are not expected to be controversial.

2. Britain became responsible for the administration of Swaziland as a result of the Boer War. After that war the Governor of the Transvaal was responsible for the administration of Swaziland until 1907, and the High Commissioner for South Africa was responsible thereafter until 1963 when the separate office of Her Majesty's Commissioner was established and Swaziland was given its first Constitution.

3. In April, 1967 under an Agreement signed by Her Majesty's Commissioner and the Ngwenyama (Paramount Chief), Swaziland became a Protected State. At that time it was the published intention of Her Majesty's Government that Swaziland should attain independence by not later than the end of 1969. Under the new Constitution providing for internal self-government the Ngwenyama was recognised as King of Swaziland and Head of State. The Constitution also provided for a Parliament with two Chambers and vested executive authority in the Cabinet subject to the powers of Her Majesty's Commissioner in respect of his responsibility for defence, external affairs, internal security and certain aspects of finance and the public service.

4. Although Swaziland is still unable to balance the budget without substantial grants-in-aid of administration, and still looks to Britain as a source of substantial aid for development, the economy of the country has been developing vigorously over the past few years and the prospects for continued expansion of the economy are not unfavourable.

5. In September, 1967 the House of Assembly and the Senate on successive days carried unanimously resolutions in the following terms:-

"That this House authorises the Government of Swaziland to request Her Majesty's Government in the United Kingdom to introduce legislation in due course in the United Kingdom providing for the establishment of Swaziland as an independent sovereign state on 6 September 1968 and to request Her Majesty's Government to seek at the appropriate time the support of other Member Governments of the Commonwealth for Swaziland's desire to become a member of the Commonwealth".

6. This request was agreed to and a Representatives Independence Conference was convened in London in February, 1968. The report of the Conference was published as Cmnd. 3568. The Conference settled the lines of the Independence Constitution and also confirmed agreement

- (1) that the local legislation normally required at independence in relation to Colonial Stocks would be undertaken before independence;
- (2) that the normal arrangements in relation to public officers (compensation scheme and Public Officers' Agreement) would be made; and
- (3) that our post-independence aid would be the subject of discussions later in the year.

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(Aid both on current account and for capital purposes for the period down to 31 March, 1969 has already been settled.)

7. The Commonwealth Secretary-General has intimated that all members of the Commonwealth have agreed that Swaziland should become a member of the Commonwealth on attaining independence. This was announced at the Swaziland Independence Conference and is referred to in the report of the Conference.

8. The Swaziland Independence Bill has been prepared to give effect to our undertakings. In general it follows the lines of previous Acts under which other dependent territories have attained independence. The Independence Constitution itself will be provided for separately by Order in Council. It will be on lines proposed by the Government of Swaziland with the unanimous support of both Houses of the Swaziland Parliament and agreed with certain modifications at the Swaziland Independence Conference.

9. Notes on the Clauses of the Bill are attached to the Memorandum.

10. The Bill affects Her Majesty's prerogatives and interests and a submission is being made that the Secretary of State should be authorised by Her Majesty to inform Parliament that he has it in command to acquaint the House that Her Majesty places her prerogatives and interests so far as they are affected by the Bill at the disposal of Parliament for the purposes of the Bill.

11. Since in the normal course when Parliament rises for the summer recess it will not sit again before 6 September, the date agreed for Swaziland's independence, it is

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necessary for the Bill to pass through all Parliamentary stages before the summer recess.

West Indian 'A' and Swaziland Department,
7 June, 1968.

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