Integration of Local Authorities Eswatini in the European Cooperation Programming Process 2021-2027


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List of Abbreviations

ELGA  Eswatini Local Government Association
EU    European Union
IDP   Integrated Development Plan
LA    Local Authority
LED   Local Economic Development
MTAD  Ministry of Tinkhundla Administration & Development
MHUD  Ministry of Housing and Urban Development
NDICI Neighbourhood Development and International Cooperation Instrument
NIP   National Indicative Programme
UCLG  United Cities and Local Governments
ULG   Urban Local Government
1. Background

1.1 About Eswatini

The Kingdom of Eswatini is a constitutional monarchy with two spheres of government: national and local. Local government is enshrined in the constitution and the main governing legislation is the Urban Government Act 1969. Responsibility for local government rests with the Ministry of Housing and Urban Development. There are 13 urban local authorities and 59 rural councils called tinkhundla in the Kingdom of Eswatini.

The country has a bicameral parliament whose two chambers are: The House of Assembly and the Senate. The head of state, His Majesty King Mswati III, appoints the Prime Minister, who is usually the leader of the Executive following an election, to serve for a maximum of two five-year terms, and subsequently the cabinet on the advice of the Prime Minister. The house of assembly has 65 members, 55 of who are elected by universal suffrage directly from tinkhundla centres and ten specially appointed by the King for a term of up to five years. The senate is composed of 30 members, of whom ten are elected by the house of assembly and 20 are appointed by the King. The Kingdom is divided into four administrative regions, each with a Regional Administrator appointed by the King as its political Head.

A national decentralisation policy was adopted in 2006. The municipalities hold revenue-raising and budget-setting powers whilst the tinkhundla do not. Local government responsibilities include town planning, water and sanitation, waste management and environmental protection.

1.2 Eswatini - EU Cooperation

The history of the bilateral cooperation between The European Union Delegation and the Kingdom of Eswatini has been characterised by various instruments by the EU through which assistance has been given to the country. These include

Accompanying Measures for Sugar Protocols (AMSP), the National Indicative Programme (NIP) under the 11th European Development Fund (2014-2020) for Eswatini and support to Civil Society through the Development Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights.

The EU delegation’s interventions directly supported the country’s Poverty Reduction Strategy and Action Plan (PRSAP) which promotes sustainable growth. The NIP 2014-2020 focusses on two key areas, namely;

a) Contributing to the country’s economic development through supporting the eradication of food insecurity through agriculture;

b) Fighting poverty through supporting the development of a comprehensive social protection system for the country.

In July 2020, the EU provided 2.4 million Euros (SZL 46.6 million) for food security and COVID-19 response in Eswatini. The funds were meant to reach out to more than 230 000 vulnerable households in all four regions of the country who would receive cash-based transfers and food parcels for the next eight to 10 months.

1.3 Localization and Territorializing of National and Sectoral Policies and Programs

The Neighbourhood Development and International Cooperation Instrument (NDICI) is the European Union’s new financing tool that will guide its next programming over the next 6 years (2021 to 2027). Through this tool, a conscious effort to identify strategic and priority areas and sectors for interventions to be financed by the EU cooperation following a political dialogue to be launched with the central governments, the local authorities and other development actors of (civil society, private sector, etc.) has been prioritized.

The expectation is that Local Authorities, through their national association, should be integral part in the programming process alongside the representatives of the national government, in the dialogue with the EU delegations. Setting a credible political agenda by Local Authorities (LAs) and their associations for
meaningful engagement with central government is central to the EU programming.

The main focus of the NDICI is on the geographic component which will have the bulk of the financial means of the EU cooperation. In the framework of the geographical focus of future EU cooperation, EU delegations in the country (and other partner countries) will have the main role and responsibility to discuss with the actors of the partner countries on the priorities and program to be included in the 2021-2027 EU cooperation programming cycle.

1.4 State of Decentralization and Territorialization

According to the country’s constitution and related policies and laws, decentralization is directly linked to the country's political and governance philosophy of Tinkhundla, a system is a democratic, participatory, system which emphasises devolution of state power from central government to tinkhundla areas and individual merit as a basis for election or appointment to public office. Inkhudla (or Tinkhundla for plural) refers to a constituency area or locality. This is different from a multi-party system of governance, but it is also not considered a one-party system, with the Head of State being the King, who is an absolute Monarch.

The 2005 Constitution outlines a decentralized governance structure based on the Tinkhundla system, all the way from regional structures to local government structures, which combine rural and urban settings.

Local Government is Eswatini is represented by their association called Eswatini Local Government Association (ELGA). The “ELGA Project” aims to ultimately incorporate all local authorities. Urban Local Governments (ULGs) in the country are a creature of statute, the Urban Government Act of 1969, with an administrative mandate over a demarcated urban area declared by the Minister responsible for urban governments.
A year after the country’s constitution was passed into law (2005), the Government Decentralization Policy\(^3\) was also developed and adopted after wide ranging consultations with various stakeholders.

### 1.5 Report objectives

This report will serve as a background document to a seminar of the members of the national association of local authorities that would be organized in order to define key priority actions to include in the local authorities’ roadmap for their dialogue with the national government and the European Union (EU) delegation on the EU cooperation programming process. The seminar will also define the advocacy and lobbying strategy that the national association of local authorities should implement in order that its roadmap is positively considered in the programming exercise.

### 2. Localization of core national plans

#### 2.1 Introduction

The country is divided into four administrative regions, namely Hhohho, Lubombo, Manzini and Shiselweni Regions. These regions have their ‘capital’ towns or cities which host the Regional Administration, led by the Regional Administrator. Within the Regions, there are *Tinkhundlas* or constituency areas, originally 55, reviewed to 59 in 2018. The table below shows the number of Tinkhundla per region (See Annexure A – Tinkhundla Map of Swaziland 2018).

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Tinkhundla</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hhohho Region</td>
<td>15</td>
</tr>
<tr>
<td>Lubombo Region</td>
<td>11</td>
</tr>
<tr>
<td>Manzini Region</td>
<td>18</td>
</tr>
<tr>
<td>Shiselweni Region</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>59</strong></td>
</tr>
</tbody>
</table>

Each Inkhundla houses a number of Chiefdoms which are led by Chiefs. However, the Chiefs do not feature in the Inkhundla leadership structure as they hold a traditional leadership role. The Inkhundla leadership structure only shows the

\(^3\) National Decentralization Policy, 2006
Induna Yenkhundla, the Member of Parliament (Constituency Representative in the House of Assembly), and Bucopho (Chiefdom representative in the Inkhundla leadership)\textsuperscript{4}. All these are elected political figures at Inkhundla level. Importantly, the Tinkhundla are local authorities of a type, with administrative and developmental responsibilities according to the constitution of the country and accompanying policy and legislative directives. The Inkhundla Secretariat is made up of officers employed by the central government, led by the Inkhundla Secretary and officers from the Ministry of Tinkhundla Administration and Development (MTAD).

Due to the dualistic nature of the Tinkhundla System, ‘marrying’ the traditional and western styles of governance, the Regional Administrator is the political head of the region, both the Tinkhundla and Chiefdoms reporting to his office, while the Regional Secretary plays the administrative role in the region, coordinating government departments within the region. Notably, the Chiefdom is by definition a sub-set of the Inkhundla while technically the Inkhundla does not have political jurisdiction but an administrative one over the former but they are both directly subservient to the Regional Administrator.

Even though key national policies and plans are ultimately delivered at Inkhundla, ULG and Chiefdom levels, in essence, they remain central in nature, from crafting to implementation and monitoring. Further, despite being located within an Inkhudla boundary, the ULG does not yet operate as a subset of the Inkhudla or even the Regional Administrator for that matter. The existing connection between the Regional Administration and the ULGs is the Regional Development Team which features both government departments in the Region and ULGs. ULGs interface directly with Central Government through the Ministry of Housing and Urban Development (MHUD).

\textsuperscript{4} \url{http://www.gov.sz/index.php/ministries-departments/ministry-of-tinkhundla-administration/tinkhundla-administration}
At minimum, government ministries and departments are regionalized, and in principle, under the leadership of the Regional Administrator. However, administratively, they are directly controlled centrally. This arrangement does not yet cascade to the Inkhundla, Chiefdom or ULG level.

| A | This section of government is responsible for ‘knitting’ together the traditional and the civil systems of governance in the kingdom, with more emphasis on the administration of the traditional and rural space. |
| B | This column shows the linkage between central government and urban local governments in the country. |
2.2 Central government evolution

Even though the pace is arguably slow, there is a trail of efforts by the government to decentralize national policies and plans to a certain extent. The drafting of the Decentralization Policy and the Tinkhundla Administration Bill shows this commitment. Strengthening the Tinkhundla Centres through visible physical and administrative structures also shows commitment towards decentralization.

However, such commitment is downtrodden by lack of implantation of these instruments. Currently, policy development and decisions remain centralized, but delivered through regional and Tinkhundla structures. This could easily mean that high level policy development and planning is centralized while implementation is, at minimum, regionalized, and sometimes done directly in grassroot communities. Even in urban areas where ULGs have jurisdiction, central government agencies operate through directives from the Capital through regional structures.

It important to note that the rate of decentralization of policy implementation differs from one government ministry to another. Examples will include the Ministry of Health which has decentralized, with the assistance of international partners and Non-Governmental Organizations (NGOs), implementation of programmes through structures such as Regional Administrative offices, Regional Health Centres, Local Health Centres, Local Rural Health Motivators, Neighbourhood Care Points, and many other structures running from central government to grassroots.

A closer look at the Regional Administration Structure reveals that most of the regions have administrative structures that are subsidiary to the national
structure in terms of government ministries. However, most of them are not necessarily for decision-making purposes, but mostly implementation of centrally determined policies. The Minister for Economic Planning and Development, in his remarks on the Voluntary National Review 2019 Report (SDGs), stated that “This inclusive set up is to develop national ownership and is implemented at national and constituency levels.

In the context of Eswatini, territorialization would, amongst other things, mean the ability of the different geographic and administrative demarcations to have distinct governance, administrative and financial autonomy responsible for fully planning for and executing ‘localized’ or ‘territorialized’ developmental policies, legislation, strategies and plans. This will be realized through fully implementing the dictates of the constitution, the decentralization policy, and other instruments capable of delivering better life for citizens in their respective places of residence and operations.

Localization has the potential to enable each territory to take advantage of its natural, social, geographic and other endowments to generate tailor-made solutions to the territory’s developmental challenges. It would also improve accountability in that resource sharing mechanisms with central government would be improved, infusing efficiencies in the process.

Under the current setup, regions and other localities (apart from urban localities) depend on central government planning and funding and do not generate territory-specific revenues while resource (revenue sharing formula) is not necessarily relevant to specific regions, dealing with region-specific developmental opportunities and challenges.

Eswatini’s regional and local landscapes differ from one to another. The following elements can be seen as basis for the variations:

a) Shiselweni Region is known to be lagging behind in numerous development indicators compared to the other regions.

b) Some regions have more rural populations than others.
c) The Manzini and Hhohho regions are more industrialized than the other regions. Some regions are largely dependent on agriculture while others are not due to climatic conditions and water resource availability.

By conducting territory-specific situational analysis, developing and implementing territory-specific policies and plans, each territory would be in a position to deal with such challenges as poverty and unemployment by consciously facilitating the establishment of industries that can thrive in such territories, develop the necessary skills, and harness local talent and resources. The involvement of the ‘locals’ in such initiatives would be made easier. The inhabitants would have their input in the development agenda of the territory or locality.

2.3 Central government commitment to integrate spatial dimensions and needs

Developing Regional Physical Development Plans for the country's four regions was a positive step towards integrating the spatial dimensions and needs of citizens on spatial basis. These plans were specific to each region, with strong linkages to the regional governance set up. They recognized natural endowments, geographic and climate landscapes and many other factors specific to regions. However, there is no evidence that such plans were eventually implemented.

As a result, while it remains a fact that development progress differs per region, it is not statistically easy to prove this, and thereby make plans to deal with challenges that are region-specific.

The Regional Physical Development Plans (RPDPs) are an opportunity for local and central government to collaborate regarding priority areas for resource allocation, policy and legislative integration and harmony. The EU Cooperation programming can play a significant role in ensuring that this aspect is of localization is successful.

In 2008, a specific government ministry meant to ensure the integration of the spatial dimensions and needs at regional, inkhundla, urban and rural levels was
established, the very ministry that led the development of Regional Physical Development Plans. Coined “Ministry of Local Government & Housing⁵”, the ministry was later reconfigured after it transpired that the function it was meant to implement, being constitutional provisions and the Decentralization Policy, would not succeed without sufficient capacity at regional, Inkhundla and community levels to manage a decentralized arrangement.

Dividing the country into 59 Tinkhundla is a path to territorialization albeit limited to the country’s context. Each Inkhundla has its own political and administrative structure made up of Inkhundla Council which is led by the Indvuna Yenkhundla, with participation by the constituency representative in Parliament, as well as elected representatives from each Chiefdom. However, these constituencies have a clearly cut out mandate: Socio-economic development. They do not necessarily have any political power, decision-making power (outside developmental issues), policy making power, financial resource management powers. Each Inkhundla receives an annual budget allocation (Regional Development Fund) equal to what all other Tinkhundla receive without due regard to needs on the ground or the size (population and geographical space) of the Inkhundla, for example).

2.4 Clarity of plans, policies and implementation processes

Planning takes place at different levels but ultimately, through resource allocation and coordination, implementation is centrally driven even though it takes place at local level. Policy development is centrally coordinated and is pitched at national level, even though it is normally informed by wider stakeholder consultation, even at local levels sometimes. Apart from ULGs, there is no strong evidence that suggests structured and objective policy making at local level. At ULG level, while there is a bigger autonomy space, policies and plans are aligned to national government policy. Secondly, relationships between central government institutions at local level and ULGs are either not structured or not there at all. At the end of the day, ULGs formulate their policies and plans, obtain approvals from the central government through the Ministry of Housing and Urban Development,
and implement those within their capacities to access resources (financial, human, etc.).

**Planning by Government Ministries**

Government ministries and departments develop plans which they cascade through their regional departments. Examples will include the Ministry of Health (health care institutions, regional offices, etc.), Ministry of Commerce Industry and Trade (Regional Offices, public enterprises under the ministry, etc.), Ministry Home Affairs (Registration of Births, Marriages, Deaths, passports, National Identity Documents, etc.), Ministry of Finance (Revenue Offices). Notably, most of the government departments would either regionalize the central plans and policies or make a contribution to the formulations of these plans and policies.

**Chiefdom Development Plans**

In recent times, an initiative to develop Chiefdom Development Plans (CDPs) has been launched, led by the Eswatini Water and Agricultural Development Enterprise (ESWADE). This initiative entails a situational analysis and the formulation of development plans tied up to desired goals and the availability of resources to implement them. The CDPs are more concerned about land use, socio-economic development projects and social ills that require addressing. The downside of the initiative is characterized by:

a) The fact that these are only developed in chiefdoms where ESWADE operates, not in the entire country;

b) They are developed without a broader context as there are no Tinkhundla Development Plans.

c) There is no linkage between the CDPs and funding mechanisms at Chiefdom, Inkhundla or national level. There is no evidence that suggest that budget allocations are informed by these CDPs.

d) They do not necessarily have Central Government endorsement (no legal instrument to recognize CDPs), so, they remain optional.
Urban Local Government Plans

Every five years, urban local governments are expected to develop Integrated Development Plans (IDPs) and submit these to central government for approval before they could be implemented. Government’s framework details how these plans should be formulated (in a participatory manner, for instance), and what components they should have. The plans are also expected to be informed by international, national and sector policies, legislation and regulations.

IDPs are expected to indicate how ULGs intend to contribute towards the attainment of international policies such as the Sustainable Development Goals (SDGs), Agenda 2063 (African Union) and others, as well as national policy instruments such as the National Development Strategy, National Disaster Risk Management Policy, and the Industrial Development Policy, just to name but a few.

Further, the Ministry of Housing and Urban Development is normally consulted for policy guidance in the preparation of the IDPs. However, it is not clear whether this arrangement is reciprocated when it comes to the development of Ministry or National policy with regards to the specific contribution or position of ULGs. They could participate as citizens or through any form of group.

It is also critical to realize the value placed by ULGs in the alignment of their plans with the Regional Administration structures, public enterprises operating in the urban space and the private sector. However, certain grey areas remain regarding the interface between urban local governments and adjacent or tessellating chiefdoms.

FIGURE 3: RELATIONSHIP BETWEEN CHIEFDOMS AND URBAN GOVERNMENTS

<table>
<thead>
<tr>
<th>Chiefdom A</th>
<th>Town Council X</th>
</tr>
</thead>
</table>

It is noteworthy that government provides annual subventions to the ULGs, however, not necessarily according to the projections presented IDPs but depending on Government’s resource allocation models, which are not necessarily informed by needs on the ground or any agreed resourcing model.
2.5 Funding mechanisms for effective territorialisation of core public policies

The Regional Development Fund (RDF) is the only funding mechanism accessible to Tinkhundla in the country, with allocations made every year through government appropriation processes. According to the Regional Development Fund Regulations (2000), the objective of the Fund is to alleviate and eventually eradicate poverty in each of the four regions of the Kingdom of Eswatini by initiating viable commercial projects and/or schemes which will create jobs and generate income to sustain, and further develop numerous Emaswati families within each region at grassroots level. The Fund is equally divided amongst the 59 Tinkhundla and accessed through associations formed for specific development or income generating projects. It is not necessarily aligned to any development plan at Chiefdom or Inkhundla level. Further, the Fund is not accessible for ULGs but only residents who form themselves into an association can access the Fund for development projects within the urban boundary given all protocols are properly followed.

Otherwise, funding is allocated by central government to its ministries at national level which, in turn, make available resources for projects implemented at regional and/or local levels. These funds are managed at ministry level, and not at regional or local level.

ULGs also get government subvention annually, which is dependent on what the government has been able to allocate to ULGs through the Ministry of Housing and Urban Development. Of note is that ULGs in the country are headed by Councillors who supposedly have the ultimate responsibility over the administration and operations of the local government, supported by the Executive Team. Importantly, the councillors do not have an executive responsibility but a governance one.

What is different with ULGs is that they are able to raise resources through levies, fees and charges permitted by the law. These require approval by the Ministry and Parliament (Urban Government Act, 1969).
3. The perceived role of Local Governments – Central Government Perspective

3.1 Extent of ‘development actor’ view

In Eswatini, there is evidence that central government regard local government as development actors and/or partners, though the extent to which this applies is not always clear. When it comes to rural communities, the government prefers to run its show centrally, that is, through the responsible ministry, either operating through its regional structures or directly from the Headquarters. Local institutions operating at local level are not necessarily acting under a local authority but a regional or central authority.

Strengthening the governance, administrative and financial capacities of local governments would lead to better management of developmental processes at local level, giving central government the space to focus on national policy matters. Local planning and execution could also lead to central government better understanding the local space and better allocating resources (‘scratching where it itches the most’). Continuous improvement in the terms of reference and of engagement for and between local governments and central government could be an outcome of increased collaboration in the space.

There is a sense in which the local authority is tasked with coordinating development in the local space, driven by individuals or groups of community members. These are expected to either mobilize resources or apply for grants from the Regional Development Fund.

Urban local governments are also seen to be partners in development as they are largely seen to be ‘in charge of the local space’ on behalf of central government.

In 2010, the government sourced a US$26.96 million for road infrastructure which played a crucial role in improving the road network in the urban and other rural local areas. This was one of the most decentralized funding models made available by the central government to local government.

Functions such as road infrastructure rehabilitation and maintenance, environment management, land use planning, security, trade, human settlement, and to some extent, transport and public health are handled by local urban governments in the country on behalf of central government.

The National Road Transportation Board still controls the issuance of permits for public transport, with the municipal councils remaining with the responsibility to ensure that the required public transport infrastructure is in good shape (roads, bridges, bus and taxi terminals, signage, parking spaces, etc.) according to the Road Transportation Act (2007) and the Local Authority Road Traffic Regulations of 2017.

Other responsibilities which could be transferred to local authorities rest with central public enterprises such as indicated in the table below:

<table>
<thead>
<tr>
<th>Function/Responsibility</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Provision of housing</td>
<td>Eswatini National Housing Board</td>
</tr>
<tr>
<td>2. Provision of potable water &amp; sewerage</td>
<td>Eswatini Water Services Corporation</td>
</tr>
<tr>
<td>facilities/infrastructure</td>
<td></td>
</tr>
<tr>
<td>3. Provision of Electricity and related</td>
<td>Eswatini Electricity Company</td>
</tr>
<tr>
<td>infrastructure</td>
<td></td>
</tr>
<tr>
<td>4. Provision of telephone and communication</td>
<td>Eswatini Posts Telecommunication Corporation</td>
</tr>
<tr>
<td>infrastructure &amp; services</td>
<td></td>
</tr>
<tr>
<td>5. Provision of Health Services</td>
<td>Ministry of Health – Directly</td>
</tr>
<tr>
<td>6. Veterinary Services</td>
<td>Ministry of Agriculture – Directly</td>
</tr>
<tr>
<td>7. Fire &amp; Emergency Services</td>
<td>Eswatini Fire &amp; Emergency Services</td>
</tr>
<tr>
<td>8. Policing (law and order)</td>
<td>Police Department, Prime Minister’s Office</td>
</tr>
</tbody>
</table>

### 3.2 Implementation of Sustainable Development Goals

Through the Integrated Planning Process, urban local governments are able to drive the SDGs agenda. The weaker link is in the integration of reporting between ULGs and central government regarding milestones and achievements.
This is more so because the implementation of programmes is two-pronged: implementation by the ULG and central government in the same space at the same time.

### Table 3: Implementation of Sustainable Development Goals

<table>
<thead>
<tr>
<th>Sustainable Development Goal</th>
<th>Implementation approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. End poverty in all its forms everywhere</td>
<td>• Shared responsibility – Central Government policy implemented by government agencies, ULGs implementing through LED and other programmes. Rural Local Authorities (RLA) drive development through RDF and NGO-funded and implemented programmes.</td>
</tr>
<tr>
<td>2. End hunger, achieve food security &amp; nutrition and promote sustainable agriculture</td>
<td>• Driven through central agencies largely in rural Eswatini and not much in the urban centres. However, recently, ULGs have taken up the food and nutrition issue in partnership with the National Emergency Response</td>
</tr>
<tr>
<td>3. Ensure health lives, and promote well-being of all at all ages</td>
<td>• ULGs play a role through public health processes when it comes to certification of the safety of buildings, hygiene grading, ensuring food safety in urban areas. The rest is handled by the Ministry of Health</td>
</tr>
</tbody>
</table>
| 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all | • Very minimal role played by ULGs  
• RLAs play a role in mobilizing local resources for construction of rural schools |
<p>| 5. Achieve gender equality and empower all women and girls | • Central government ministries and agencies drive this process, with the assistance of NGOs and international donor agencies and partners. There doesn’t seem to exist programming on this subject at Inkhundla or Chiefdom level. ULGs run such programmes in collaboration with any central government agency in the space or when funding is available for programming. |
| 6. Ensure available and sustainable management of water and sanitation for all | • This is delivered by central government agencies, especially the Eswatini Water Services Corporation in urban areas, and the Rural Water Supply Branch (RWSB) of the Department of Water Affairs (DWA) under the Ministry of Natural Resources and Energy (MNRE). NGOs play a crucial role in mobilizing financial resources for rural water schemes. |</p>
<table>
<thead>
<tr>
<th>7. Ensure access to affordable, reliable, sustainable and modern energy for all</th>
<th>• Energy, especially electricity, is delivered by a central government company, Eswatini Electricity Company (EEC) in urban and rural areas. In recent years, the government has allowed Independent Power Producers (IPPs) to also generate and add power to the national grid. The private sector is leading the way regarding solar power and liquified petroleum gas (LPG). There is no much done by ULGs or RLAs in this regard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Ensure sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</td>
<td>• This remains primarily the responsibility of central government through various ministries, especially the Ministry of Commerce Industry and Trade, Ministry of Agriculture, Ministry of Natural Resources &amp; Energy (e.g. mining), and the Ministry of Labour and Social Welfare (through agencies such as the Conciliation Mediation and Arbitration Commission – CMAC). Even though some of the have been regionalized, they presence at local level remains scanty and they are coordinated largely centrally. • ULGs play a part</td>
</tr>
<tr>
<td>9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</td>
<td>• ULGs play a big role in promoting, facilitating and controlling the building of resilient infrastructure in the urban area, even though the private sector plays an even bigger role through investing in infrastructure. In non-urban areas, central government, through different ministries, leads this function. The Ministry of Public Works &amp; Transport (MPWT), Ministry of Commerce Industry and Trade (MCIT), the Ministry of Economic Planning and Development (MEPD), MNRE are some of the leading institutions in this area, planning centrally, implementing locally, coordinating centrally, and hardly regionally.</td>
</tr>
<tr>
<td>10. Reduce inequality within and among countries</td>
<td>• Different players are involved but central government plans and execute centrally.</td>
</tr>
<tr>
<td>11. Make cities and human settlement inclusive, safe, resilient, and sustainable</td>
<td>• The ULGs are leading the planning and execution of this aspect, probably one of the most decentralized function. RLAs do not play any significant role here.</td>
</tr>
<tr>
<td>12. Ensure sustainable consumption and production patterns</td>
<td>• This aspect is centrally planned and coordinated, with leading ministries being the Ministry of Agriculture (MoA), MEPD. There is no cut-out mandate for LAs.</td>
</tr>
<tr>
<td>13. Take urgent action to combat climate change and its impact</td>
<td>• While this has not necessarily been decentralized, ULGs play a crucial role within their territories through their IDPs. The rest of the country is coordinated centrally through the Ministry of Tourism and Environment (MTE) and its agencies (Eswatini Environment...</td>
</tr>
<tr>
<td>14.</td>
<td>Conserve and sustainably use the oceans, seas and marine resources for sustainable development</td>
</tr>
<tr>
<td>15.</td>
<td>Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation, and halt biodiversity loss</td>
</tr>
<tr>
<td>16.</td>
<td>Promote peaceful and inclusive societies for sustainable development, provide access to justice to all, and build effective, accountable and inclusive institutions at all levels</td>
</tr>
<tr>
<td>17.</td>
<td>Strengthen the means of implementation and revitalize the global partnership for sustainable development</td>
</tr>
</tbody>
</table>

Authority - EEA, Eswatini National Trust Commission – ENTC, Meteorology Department), the MNRE through Forestry Department, and to an extent, the Ministry of Agriculture.
3.3 Implementation of central government policies and plans

3.3.1 The National Development Strategy 1997 - 2022

The national development strategy has six (6) key macro strategic areas, namely;

a) Sound economic management;
b) Economic empowerment;
c) Human Resource Development;
d) Agricultural Development;
e) Industrialization, and;
f) Research for Development.

Out of the six strategic areas, only economic empowerment and industrialization seem to be shared with local authorities, with the rest being centrally driven. Again, despite the sharing with local authorities, these are not territorialized as policies are largely centrally developed and driven. For instance, the Mbabane and Matsapha industrial areas are driven by central government, and taxes from industry are collected centrally.

3.3.2 The Decentralization Policy, 2006

A product of wide consultation processes, the Decentralization Policy is implemented by the Ministry of Tinkhundla Administration and Development through its Decentralization Directorate. However, the pace of implementation remains slow. Importantly, the process has much to do with the devolution, not only of functions, but also of power, decision-making, policy making, etc.

At this point, it is important to note that central government, through a World Bank funding (worth an estimated E300 million or approx. US$20 million), initiated a capacity building exercise for decentralization involving eight (8) Tinkhundla and 12 ULGs. The intention of the government is moving towards a unified system for local government involving regional, rural and urban local governments\(^7\).

The intention for government was to use the exercise as a pilot to be replicated to all other Tinkhundla and local governments in preparation for implementing an integrated decentralization process that relies on strong local government institutions and systems. However, due to fiscal limitations, the government could not allocate resource to continue the exercise to all the tinkhundla so that it could ultimately implement the decentralization policy fully. The EU programme would play a big role in assisting government in the decentralization and localization process, especially when it comes to completing the capacity building process and eventually rolling out the decentralization process. Dialogues between the parties can also assist to clarify optimal paths towards decentralization.

The dualistic nature of the country’s governance system appears not necessarily to be in complete synch with the decentralization model in its purest form. As such, processes are required to improve the alignment of both systems for decentralization to smoothly take effect.

Further, the decentralization process, as indicated by the policy, does not appear to support territorialization in its purest form.

It is of some interest that local authorities, as part of the broader government stakeholders, played a part in the development of the Decentralization Policy, though its implementation largely remains the prerogative of central government, who has to devolve functions and powers as he sees fit from time to time.
### 3.3.3 Sectoral Policies and Plans

The table below shows the extent to which sectoral policies and plans have been territorialized.

**Table 4: Extent of Territorialization of Sectoral Policies and Plans**

<table>
<thead>
<tr>
<th><strong>Agricultural Sector</strong></th>
<th><strong>Urban Local Government</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Comprehensive Agricultural Sector Policy (CASP) that was developed in 2005</td>
<td>Urban Government Act, 1969</td>
</tr>
<tr>
<td>National Irrigation Policy</td>
<td>Town Planning Act, 1961</td>
</tr>
<tr>
<td>National Forest Policy (NFP)</td>
<td>Public Health Act No.5 of 1969</td>
</tr>
<tr>
<td>Livestock Development Policy</td>
<td>Subdivision of Land Act of 1957</td>
</tr>
<tr>
<td></td>
<td>Land Survey Act, 1961</td>
</tr>
<tr>
<td></td>
<td>Land Speculation Act, 1972</td>
</tr>
<tr>
<td></td>
<td>Human Settlement Authority Act, 1988</td>
</tr>
<tr>
<td></td>
<td>The Building Act, 1968</td>
</tr>
<tr>
<td>The agriculture sector is regionalized, with offices in the different regions of the country. The Ministry also has Rural Development Area offices (RDAs) where agricultural services are offered to the public. These are not placed according to Tinkhundla or ULGs. In any case, urban agriculture has not been prioritized in the country yet. So, the CASP is largely centrally driven.</td>
<td>Except for the land management policies and legislation, the rest of instruments within the ULGs space.</td>
</tr>
<tr>
<td>Farmers organizations are either mobilized at APEX and regional level in most cases, with some mobilized at commodity level.</td>
<td>Land management remains an unresolved matter given that the Land Policy and Land Act remain in draft forms.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Urban Local Government</strong></th>
<th><strong>Water &amp; Environment Sector</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Health Act No.5 of 1969</td>
<td>Water Services Corporation Act, 1992</td>
</tr>
<tr>
<td>Land Survey Act, 1961</td>
<td></td>
</tr>
<tr>
<td>Land Speculation Act, 1972</td>
<td>Outside the urban space, the RWSB under the DWA is in charge, working with NGOs, the Micro Project Unit (MNRE) and Chiefdom leadership sometimes.</td>
</tr>
<tr>
<td>Human Settlement Authority Act, 1988</td>
<td></td>
</tr>
<tr>
<td>The Building Act, 1968</td>
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<td></td>
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<tr>
<td></td>
<td>While local authorities play a crucial role in encouraging investment, trade and job creation in their territories, the function remains</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Commerce and Industry</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Companies Act</td>
</tr>
<tr>
<td>Small and Medium Enterprise Policy (2009)</td>
</tr>
<tr>
<td>Citizens Empowerment Policy</td>
</tr>
</tbody>
</table>
| **Investor Roadmap, 2005**  
| **Industrial Development Policy** | centralized in the Ministry of Commerce Industry and Trade.  
| • Business operating in a local space remit taxes to central government. Services such as licensing and business registration are centralized. |

| **HEALTH SECTOR** |
| Policy for Human Resources for Health (2012)  
| Public Health Act No.5 of 1969  
| National Health Policy | • Territorialization stops at the Regional Level where the Regional Health chief coordinate all health facilities, process, plans and interventions.  
| • A component of public health is shared with ULGs. In rural LAs, there is the Rural Health Motivation function which is somewhat integrated in the Inkhundla and/or Chiefdom level. |

| **Social Development & Protection** |
| Poverty Reduction Strategy and Action Plan 2005  
| Regional Development Fund Regulations, 2000  
| Swaziland National Provident Fund Act, 1974  
| National Youth Policy, 2009  
| National Gender Policy, 2010  
| National Disaster Risk Management Policy, 2011 | • It is easier to get statistics on poverty levels at national level and the situation in rural and urban areas. When it comes to territories (Regions, Inkhundla, Chiefdoms), this becomes a challenge since these levels do not have jurisdictive responsibility over the social development and protection space.  
| • Disaster Risk Management and Gender mainstreaming appears to be decentralized down to the Regional Level.  
| • Poverty reduction has been territorialized to a greater extent in rural communities with the Regional Development Fund (RDF) being allocated annual to all Tinkhundla on equal chunks, and the Inkhundla administration (Council) has responsibility of the disbursement of the funds. |

| **ENERGY SECTOR** |
| Swaziland Electricity Company Act, 2007  
| Petroleum Bill (2020) | • The sector is driven centrally through the MNRE and its agencies such as the Eswatini Electricity Company (EEC), the Eswatini Energy Regulatory Authority (ESERA) and the Eswatini National Petroleum Company (ENPC). These have not been territorialized in anyway. However, the EEC has regional structures which are not necessarily under the RA’s command. |

| **INFRASTRUCTURE AND HOUSING** |
| Construction Industry Council Act, 2014  
National Housing Board Act 1988 | • In the urban space, the ULG plays an important role in planning and executing infrastructure development programmes and projects albeit within budgetary constraints. Central government provide grants for infrastructure development from time to time.  
• The Eswatini National Housing Board (ENHB), a government agency, is responsible for the provision of low-cost housing, especially in the urban area. The Board is not necessarily territorialized, and does not necessarily have to work collaboratively with the ULGs. They have their own planning and execution model.  
• The Construction Industry Council (CIC) has regulatory and developmental mandates but works from its Head Office, not territorialized at all. |
| --- |
| EDUCAION  
Swaziland Training and Education Sector Policy, 2011 | • Education planning and operations are largely centralized, with rural communities building schools in partnership with the Ministry of Education and Training (MOET). At best, the function is regionalized, led by the Regional Education Officer (REO) who is directly under the command of Ministry of Education. The REO is responsible for all public education institutions within their region (schools, colleges, offices, etc.). |
| ICT  
National Information and Communication Infrastructure Policies, Strategies and Plans, 2012 | • The Ministry of ICT, in a centralized manner, is responsible for policy, planning and execution. Government agencies such as the Eswatini Posts & Telecommunications (EPTC) and the Eswatini Communications Commission (ESCCOM) are playing in the space from a central position even though EPTC has regional structures. |
3.4 **ELGA SWOT Analysis**

The Eswatini Local Government Association⁸ (ELGA) has been in existence from the early 2000s and has participated in the decentralization conversations in the build-up to the Decentralization Policy (2006). While no scientific processes have been initiated to test the effectiveness of the association, there lacks strong evidence suggesting the existence of a formal engagement platform between ELGA and the central government.

Urban Local Governments have a great potential of making significant contributions towards the success of the decentralization and/or territorialization process in the country, especially because they represent ‘territorialized institutions, that is, local governments.

Importantly, the Government, through the Ministry of Housing and Urban Development, supports the strengthening of ELGA as a partner in the governance and development of local authorities. Government is of the view that once all other local governments have been capacitated and decentralization is taking place, ELGA will be representative of all local governments in the country. The model reflects government’s intention to discuss with ELGA all matters regarding what is happening in the local space in the country.

Below are some of the strengths, weaknesses, opportunities and threats of ELGA.

**Strengths**

- Appropriately registered legally as an entity in Eswatini (even though not necessarily enshrined in the constitution and local government laws of the country);
- Ministry of Housing and Urban Government recognizes the association;
- Legitimacy stemming from the fact that it is formed by elected individuals;
- Representing all urban local authorities in the country, tapping into the diversity of knowledge, background and views of leaders from all over the country;

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Weaknesses

✓ Dependent on meagre subscriptions from members which are insufficient to meet administrative and operational costs of the association;
✓ No clear priorities and strategies in place;
✓ No clear platform of engagement with central government;

Opportunities

✓ Make policy contributions towards the country’s development through the ULG structures, interfacing with the Ministry of Housing and Urban Development;
✓ Raise resources to augment socio-economic development funding in the urban space;
✓ Inform central government regarding priorities at local level to ensure relevance of central government planning and budgeting;
✓ Strengthen governance system and processes at local level.

Threats

✓ Can be easily taken for an opposition to central government instead of a partner
✓ Changes in leadership that could plunge the association into disarray (as it has previously happened);
✓ Sabotage by members or infiltration by those opposed to the cause of the association
✓ Intra-council challenges spiralling into the association.

4. Opportunities for engagement central and local government engagement

Local governments in the kingdom participate in the development space in the country at varying degrees. Urban local governments are responsible for facilitating development in the urban space. Such facilitation is limited to the urban space in the context of policy and legislative directives from central government. This signifies that the extent and
quality of participation is largely determined by central government through the Ministry of Housing and Urban Development, a great latitude for decentralization and localization.

It is important to note that, over the years, urban local governments have recorded budget deficits arising from a number of factors including:

i) Inability to raise sufficient revenues from property rates due to non-payment and other challenges. Notably central government owns property in the urban spaces, and in some urban areas, government owns over 70% of land. When central government is unable to pay, service delivery suffers;

ii) Inability to independently determine service fees and charges to generate revenues for development purposes;

iii) Limited revenue streams as some taxes cannot be collected and utilized at local level (only those allowed by the Urban Government Act);

iv) Insufficiency of centrally allocated funds to tackle major deliverables such as infrastructure development, resulting in infrastructure development backlog, especially with regards to road networks, human settlement infrastructure recreational facilities, etc.

Most urban governments do not have land resources for developmental programmes as land either belong to private owners and/or the government. Challenges relating to insufficient burial space, inadequate land for landfill, inadequate land recreational facilities are prevalent in the urban space, an area ripe for dialogue between local and central governments.

At regional level, participation in the development is happening, again through directives from central government through the different government ministries. There is no specific regional agenda that the regions are driving but executing national policy plans. There remains an opportunity to improve this space through demarcating what regions are responsible for and what central government is responsible for. Presently, the Regional Administrator only plays a political head role, and the Regional Secretary playing the coordinator role, which roles, most of the time

are relating to traditional leadership and not policy, legislation and development planning and execution.

In the rural space, the Inkhundla Council has more significant space to participate in the development space. However, such participation requires much clearer configuration, autonomy and resourcing. At this level, as well as at the community level, development programming remains constrained by limited resources and voluntary planning and execution. This is evidenced by the fact that some communities have Chiefdom Development Plans (CDPs) and some don't have, and that the allocation of the Regional Development Fund is done equally throughout the Tinkhundla without due regard to local needs. Opportunities for improvements can be seen where all localities are mandated to formulate development plans, and prepare implementation budgets, structures and mechanisms.

Involving LAs and the National Association in the upcoming programming process would make available valuable perspective regarding the necessary development trajectory at local level. It would also bring to the fore local perspective to the possible solutions for accelerating decentralization and territorialization in the country. Options on specific and urgent territorialization issues may be presented for exploration/consideration and programming. Ways in which territorial governance, administration, resourcing, development planning and execution can be explored from all angles (local, regional, national, rural and urban).

As indicated in Table 3 and Table 4 above, a more pointed approach to the territorialization of national and global agenda has the potential of delivering better results at local level, characterised by local participation, localized solutions and strategic support from central government and international partners.

Lastly, with the government’s effort to build the necessary capacity of local governments in preparation for a full-scale decentralization, participation of LAs, LGAs and Central Government in the upcoming EU programming process brings the opportunity of pointedly exploring options of how the capacity building process can be scaled up and how best can the country’s decentralization processed be approached and sped up.
5. Conclusion

Decentralization in Eswatini is not a new project as it is enshrined in policy and legislative frameworks dating back to the 1970s, prominently presented in both the country’s Constitution and the Decentralization Policy. These instruments show central government’s commitment to decentralization but not necessarily territorialization. Evidently, the pace of decentralization has not been convincing especially when timelines and specific functions to decentralize are not clearly outlined.

Care needs to be taken to drive decentralization that is properly contextualized in the nation’s culture and history which appear to be dominant elements in the decisions about decentralization and territorialization.

Discussions on decentralization seem to be hindered by a number of factors, funding for capacity building and implementing decentralization largely featuring, causing the subject matter to take a back seat in most cases.

Empowered and recognized LAs can play a significant role in the decentralization space for purposes of improving the lives of citizens within their ‘jurisdictions’ or ‘territories’. However, the decentralization subject is bigger than LAs but a very pertinent subject to LAs. The subject is responsible for the pace and quality of delivery of services to citizens and residents, whether individuals, corporates and otherwise.

It is also important to note that legislatively, some of the LAs such as Tinkhundla and Chiefdoms (imiphakatsi) have a different mandate, without the planning, control, revenue generation, infrastructure development and management responsibilities.

From the analysis presented in this report, the following points require engagement between LAs and the central government in the interest of the decentralization project:

- a) The role of LAs in the country’s development policy and planning space;
- b) The extent to which decentralization and/or territorialization should be pitched for optimal functioning of LAs in the country in support of central government’s agenda;
- c) Specific functions that LAs need decentralized with rationale;
d) The decentralization programme implementation and monitoring;

e) Financing model for LAs;

f) Policy and legislative autonomy of LAs

g) Strengthening the capacity and role of LAs
Reference documents

Literature references:


Legal references:

1. Industrial Development Policy 2015 – 2022
2. Information and Telecommunication Technology Infrastructure Policy
3. Kingdom of Eswatini Constitution, 2005
6. National Gender Policy,
7. National Energy Policy, 2018
10. Regional Councils Order, 1978
11. Regional Development Fund Regulations, 2000
12. Road Transportation Act, 2007
15. The Establishment of the Parliament of Swaziland Order, 1978
16. The Local Authority Road Traffic Regulations, 2017
ANNEXURE A: TINKHUNDLA MAP OF ESWATINI – 2018 EDITION