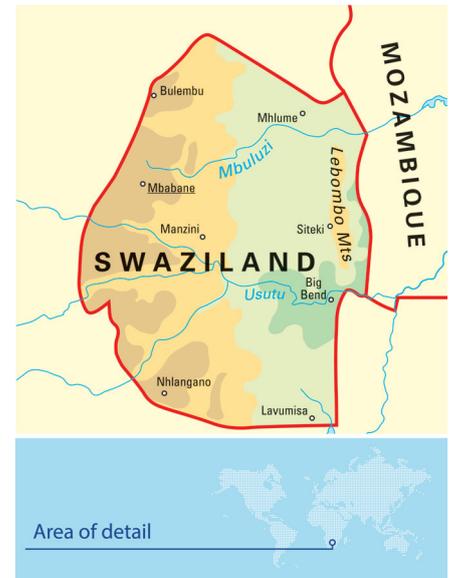# ESWATINI

SUMMARY

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 and there are 14 urban local authorities and 59 rural councils called tinkhundla. A national decentralisation policy was adopted in 2006. Following the 2017 local elections, 15.6% of councillors were women. In 2019/20, local government expenditure was 1.6% of total government expenditure. 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. NATIONAL GOVERNMENT

Eswatini is a constitutional monarchy with a bicameral parliament comprising two chambers: a house of assembly and a senate.[13.1a] The head of state is HM King Mswati III; the king appoints the prime minister - who is usually the leader of the majority party in the house of assembly following an election - for a maximum of two five-year terms, and subsequently also appointments the cabinet, on the advice of the prime minister. The house of assembly has 69 members; 59 elected by universal suffrage directly from tinkhundla centres, and ten appointed by the king for a term of up to five years. Following the 2018 national elections, 5/69 of elected representatives were women.[13.1b] There were also an additional four women elected one from each region, arequired by the constitution when the proportion of elected women is less than 30%. This means that 12.3% (9/73) of sitting MPs are currently women.[13.1c] The senate is composed of 30 members, of whom ten are elected by the house of assembly and 20 are appointed by the king. In 2018, 23.3% (7/30) of senators were women. Eswatini is divided into four administrative regions, each with a regional administrator, appointed by the king, as its political head.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

Article 218 (1) of Chapter VIII of the constitution[13.2a] enshrines local government in law, stating that 'parliament shall within five years of the commencement of this Constitution provide for the establishment of a single country-wide system of local government which is based on the tinkhundla system of government'.

2.2 Main legislative texts

The principal relevant legislation is the Urban Government Act 1969,[13.2b] which applies to urban local authorities. Its principles are also used in rural authorities. A national decentralisation policy was adopted in 2006.[13.2c]

2.3 Proposed legislative changes

A bill was put before parliament in 2015 which would replace the Urban Government Act with a new piece of all-inclusive local government legislation giving legal status to rural tinkhundla. In 2019 the Ministry of Housing and Urban Development (MHUD) was also working on two new sets of guidelines: one on local economic development and one on public-private partnerships for local government. .

2.4 Traditional leadership (chiefdoms)

Under each inkhundla are various chiefdoms which are 100% rural. Leadership in the chiefdoms is hereditary. A chief is appointed in line with each chiefdom's protocols and procedures, but can only assume chieftaincy once blessed by the king. Only males may be appointed as chiefs but in the event of a vacancy a female may be appointed to act until an heir to the throne is identified.

2.5 National urban policy

No information is available.

KEY FACTS

POPULATION (2020 estimate):
1,161,000

AREA (UN 2006):
17,366 sq km

CAPITAL:
Lobamba (royal and legislative); Mbabane (administrative)

CURRENCY:
Swazi lilangeni (SZL)

HEAD OF STATE:
HM King Mswati III

HEAD OF GOVERNMENT:
Prime Minister Ambrose Mandvulo Dlamini

FORM OF GOVERNMENT:
constitutional monarchy

PARLIAMENTARY SYSTEM:
bicameral

STATE STRUCTURE:
unitary

LANGUAGES:
English (official), Siswati

NATIONAL ELECTIONS:
last: 2018, turnout: 28.8%; next: 2023

WOMEN IN PARLIAMENT (2018):
MPs: 12.3%; senators 23.3%

LOCAL ELECTIONS:
last: 2017, turnout: na; next: 2022

WOMEN COUNCILLORS (2017):
15.6%

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2019/20:
1.6%

Table 13.1a Distribution of councils and population

Region	Urban councils	Tinkhundla (rural)	Population (2007 Census)	Population (2020 estimate)	% rural (2010)
Hhohho	5	15	282,734	na	na
Manzini	4	18	207,731	na	na
Shiselweni	3	15	319,530	na	na
Lubombo	2	11	208,454	na	na
TOTAL	**14**	**59**	**1,018,449**	**1,161,000**	**78.6**

Source: MHUD communication with CLGF, and 2007 Census with 2019 estimate[13.3a]

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Local government is divided into urban and rural councils. The urban councils are municipalities and the rural councils are the tinkhundla. In each of the four regions there are several tinkhundla (singular 'inkhundla', plural 'tinkhundla') managed by a regional administrator through elected members in each inkhundla. There are 13 declared urban areas – two city councils, four town councils and seven town boards - and 55 tinkhundla.

3.2 Ministerial oversight

Under the Urban Government Act, responsibility for urban local government rests with the (MHUD)[13.3b], which has power to define urban areas. By contrast responsibility for rural local government rests with the Ministry of Tinkhundla Administration and Development[13.3c] (MTAD). The respective ministers have considerable power granted by parliament. They can call on a local authority to explain its performance and may take punitive measures, including dissolving a council in extreme cases. The minister may appoint an inspector or an auditor, or establish a commission of inquiry to carry out any investigation to assist him or her in making an appropriate decision.

3.3 Council types

Local government is divided into differently structured rural and urban councils. Although there are a range of political structures within the local authorities, effectively the urban councils are municipalities and the rural councils are tinkhundla. There are three tiers of government in the urban areas: city councils, town councils and town boards. Similarly, there are three tiers in the rural areas: the regional administration, the tinkhundla and chiefdoms. Decisions are made by full council based on recommendations from the various sub-committees. The town clerk is the chief advisor in each local authority council or town board.

3.3.1 Urban councils are required to

establish a finance committee. Apart from this they have discretion in the establishment of other committees. The mayor is a part-time post, limited primarily to chairing council meetings and performing ceremonial functions. Remuneration for council members is set by the minister. The urban councils typically have a bureaucracy staffed by qualified personnel exercising decision-makingwhich is independent of the national government.

3.3.2 Regional administration:

Administratively, Eswatini is divided into four regions each administered by a regional administrator appointed by the king in line with the constitution. The term of office of the regional administrators is five years and runs concurrently with the term of office of parliamentarians. The regional administrators are the political heads of the region. However, their role is principally one of regional coordination as all the different ministries have direct control of regional departments.

3.3.3 Tinkhundla: Below the regional

administration are 55 tinkhundla. These are local governments established by the Tinkhundla Administration Order of 1978 and the constitution of 2005. According to the constitution, and in practice, an inkhundla can be rural or urban, or partly rural and partly urban. These structures are also used as constituencies for the elections of members of parliament. The member of parliament is actively involved in the day-to-day operation of the tinkhundla. The council head is known as the 'indvuna yenkhundla'. while the councillors are known as 'buchopho' and represent chiefdoms, which were the traditional rural local authorities.

Table 13.1b Women councillors and mayors following the last two local elections

Election	2011-16		2017-22	
All elected representatives	#	%	#	%
All female elected representatives	~65	~13.4	75	48.1
All male councillors	~419	~86.6	81	51.9
Total councillors	**~484**	**100.0**	**156**	**100.0**
Rural buchopho	#	%	#	%
Female rural buchopho	48	14.4	51	15.1
Male rural buchopho	286	85.6	287	84.9
Total rural buchopho	**334**	**100.0**	**338**	**100.0**
Indvuna yenkhundla	#	%	#	%
Female indvuna yenkhundla	5	9.1	6	10.2
Male indvuna yenkhundla	50	90.9	53	89.8
Total indvuna yenkhundla	**55**	**100.0**	**59**	**100.0**
Municipal councillors	#	%	#	%
Female municipal councillors	~12	13	15	15.6
Male municipal councillors	~83	87	81	84.4
Total municipal councillors	**~95**	**100.0**	**96**	**100.0**
Municipal mayors	#	%	#	%
Female municipal mayors	na	na	3	23.1
Male municipal mayors	na	na	10	76.9
Total municipal mayors	**na**	**100.0**	**13**	**100.0**

Source: MHUD communication with CLGF

4. ELECTIONS

Elections are overseen by the Elections and Boundaries Commission of Eswatini.[13.4a]

4.1 Recent local elections

The latest local elections were held in October 2017 and the next are scheduled for 2022.

4.2 Voting system

Local government elections for councillors are conducted under the first-past-the-post secret ballot system, on the basis of universal adult suffrage. Urban local authorities are divided into wards through which voting for councillors takes place. The term of office for a councillor is five years.

Mayors are elected from amongst the councillors on an annual basis. Elections of mayors take place within 14 days after the end of the civic year which runs from 1 May to 30 April each year.

4.3 Elected representatives

Town boards and town councils are managed by a partly elected and partly appointed board/council. Municipal councils are administered by a fully elected council. The tinkhundla are managed by the regional administrator through elected members in each inkhundla.

4.4 Women's representation

In the 2017 local elections, 15.6% (51/287) of elected representatives were women, up from approximatley 13.4% in the 2011-16 period. This included 15.1% in the 2012 rural elections, 14.4% (48/334) of buchopho and 9.1% (5/55) of the indvuna yenkhundla were women. In the municipal councils, 13% of councillors and 25% of regional administrators were women.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement

Chapter 58 of the constitution provides that the country shall be 'a democratic country dedicated to principles which empower and encourage the active participation of all citizens at all levels in their own governance'.

5.2 Implementation

The ward system is used to consult residents.

5.3 ICT use in citizen engagement

All urban local councillors have access to electronic communication and online communication systems with their respective urban authorities.[13.5]

6. ORGANISED LOCAL GOVERNMENT

6.1 National local government association

All councils are members of the Eswatini Local Government Association (ELGA), formerly the Swaziland Local Government Association (SWALGA),and the Swaziland National Association of Local Authorities (SNALA). This is a voluntary organisation funded by membership subscriptions. The association is registered in law. The role of ELGA is to be the representative voice of local government in Eswatini. SWALGA's remit is to develop ways and means of representing the diverse needs of the different types of local authorities in the country, with four key goals: to promote local democracy, to facilitate a sound relationship with national government, to strengthen institutions and to lobby effectively on legislation affecting local government.[13.6]

6.2 Other associations of local government

The Local Authority Managers' Association of Swaziland (LAMAS) is a technical association of professionals with the objective of enhancing capacity and professional development.

7. INTERGOVERNMENTAL RELATIONS

Urban local authorities enjoy full autonomy from the national government to the extent necessary for their operation. Nevertheless, the Urban Government Act provides for instances where national government may take a role in local authority administration. The Urban Government Act does not provide for intergovernmental relations.

8. MONITORING SYSTEMS

Although there is no local government ombudsman, the Urban Government Act does make provision for appeals from citizens. The Minister of Housing and Urban Development is generally the adjudicator and may use his or her powers under the Act to establish an inspection, audit or commission so that matters are adequately addressed. There is a requirement for all local authorities to submit their accounts and financial statements for external independent audit. The audit report goes to both the council and the minister.

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

In 2018/19 local government expenditure was 2.0% of national government expenditure, down from 2.6% in 2014/15. See table 13.2b.

9.2 Locally raised revenue

Municipalities hold revenue-raising and budget-setting powers, but tinkhundla operate with direct funding from government. Municipal councils are permitted to set deficit budgets where they are able to ensure sustainability.

Table 13.2a Aggregate income and expenditure for local government 2019/20

Income	SZLm	Expenditure	SZLm
National-Local transfers	100	Staff	99
Locally raised revenue	319	Services	291
TOTAL INCOME	**419**	**TOTAL EXPENDITURE**	**390**

Source: MHUD communication with CLGF

9.3 Transfers

Urban councils receive national government transfer payments according to a set formula. Both general and specific grants are allocated. The ministerial supervision of locally raised taxes is conducted through examination of the overall budgets set by municipal councils. The tinkhundla are funded entirely by government grants from an Empowerment Fund (SZL130,000 per council per annum) and a Regional Development Fund (SZL10m per region per annum). These funds are mainly for stimulating local economic development through funding viable projects.

9.4 Loans

Councils can access loans from local finance institutions.

9.5 Local authority staff

Local authorities are responsible for the employment of their staff. However, the Urban Government Act 1969 stipulates that the minister must approve the employment of and conditions of service for senior staff. Under certain circumstances, especially when capacity-building is required in an authority, national government staff will be deployed until the local authority can assume property-levying or other key functions. The head of the paid service is referred to as either the town clerk or chief executive officer. Councils are required to have a town engineer, a clerk to council and a chief health officer. Typically the urban councils have five department heads, managed by the town clerk. In contrast to urban councils, the tinkhundla do not have managerial staff. MUTAD is addressing this issue.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

10.1 Overview of local government service delivery responsibility

Local government is responsible for town planning, housing, roads, regulation of water and sanitation, refuse collection and disposal, environmental protection, parks and open spaces, cemeteries and crematoria and slaughterhouses. Authorities have discretionary powers for the provision of sports and leisure facilities, welfare homes and tourism promotion.

Table 13.2b Local government expenditure as a percentage of total government expenditure 2014/15 and 2018/19

	2014/15 SZLbn	2018/19 SZLbn
Total government expenditure	12.9	19.8
Total local government expenditure	0.34	0.39
Local government expenditure as a percentage of total government expenditure	**2.6%**	**2.0%**

Source: Table 13.2a and the national budget statements 2015 and 2019[13.9]

10.2 ICT use in service delivery and 10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

The national e-government strategy identifies tinkhundla' as key intermediaries to ensure access to e-government services by rural and remote areas, as well as by persons who may not be literate or technology literate. This derives from the devolution process that the Government of Eswatini has embarked upon – to empower regions through tinkhundla (and chiefdoms). The aims are to: facilitate the coordination and implementation of government priorities as outlined in the National Development Strategy, PRSPs, SDGs and other national priorities within the portfolio of MTAD; provide financial and technical support to regional and tinkhundla centres and committees to help address and reduce the impact of poverty; improve the capacity of regions, tinkhundla and chiefdoms to plan, implement, manage and monitor development programmes and the delivery of services for their constituencies; coordinate and facilitate an integrated approach of all developmental programmes, projects, activities and other initiatives by development agencies, government departments and non-governmental organisations at regional, sub-regional, and tinkhundla and chiefdom levels; facilitate and implement the decentralisation of all basic services from the national government to the grassroots level; build and strengthen community capacities and skills to participate in the country's socio-economic development for the attainment of sustainable development and poverty alleviation; efficiently disburse and monitor development funds aimed at poverty reduction (Regional Development Fund, Empowerment Fund and Community Poverty Reduction Fund); coordinate the implementation of the regional multi-sectoral HIV AIDS response and strategies; establish mechanisms to develop, coordinate and disseminate information on regional and tinkhundla activities and programmes; and undertake research that will inform local economic development planning.

REFERENCES AND USEFUL WEBSITES

13.1a   Government of Eswatini www.gov.sz

13.1b   Women in national parliaments. Inter-Parliamentary Union http://archive.ipu.org/wmn-e/classif.htm

13.1c   Parliament of Swaziland http://www.cpahq.org/cpahq/core/parliamentInfo.aspx?Committee=SWAZILAND

13.2a   Constitution of Eswatini www.gov.sz/images/stories/Constitution%20of%20%20SD-2005A001.pdf

13.2b   Urban Government Act 1969 http://faolex.fao.org/docs/pdf/swa12415.pdf

13.2c   Decentralisation Policy 2006 www.infocenter.nercha.org.sz/sites/default/files/DecentrPolicy.pdf

13.3a   2007 Census (page 6) and 2019 population estimate (page 20) http://ccm.org.sz/documents/reports/hiv/Population-Projections-Report-2007–2030.pdf
13.3b   Ministry of Housing and Urban Development www.gov.sz/index.php?option=com_content&view=article&id=272&Itemid=975.

13.3c   Ministry of Tinkhundla Administration and Development www.gov.sz/index.php?option=com_content&view=article&id=505&Itemid=430

13.4   Elections and Boundaries Commission www.elections.org.sz

13.5   Mbabane City Council www.mbabane.org.sz

13.6   Eswatini Local Government Association www.ealga.org.sz

13.7   No reference for this section

13.8   No reference for this section

13.9   Based on figures for local government expenditure in table 13.2a and for total government expenditure in national government's 2014/15 and 2018/19 budget speeches www.gov.sz/images/Health/budget speech 2015.pdf and http://www.sra.org.sz/documents/1551337162.pdf

13.10   No reference for this section

13.11a   World Population Prospects 2019 https://population.un.org/wpp/Publications/Files/WPP2019_DataBooklet.pdf

13.11b   UN statistics surface area http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf

13.11c   Commonwealth Local Government knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub

13.11d   UNDP HDR Eswatini country profile http://hdr.undp.org/en/countries/profiles/SWZ

Annex 13a Summary of service provision in different spheres of government in Eswatini

Services	Delivering authority			Remarks
	National government	Urban councils	Tinkhundla	
GENERAL ADMINISTRATION				
Police	⬛			
Fire protection	⬛			
Civil protection	⬛			
Criminal justice	⬛			
Civil status register	⬛			
Statistical office	⬛			
Electoral register	🟦	🟦	🟦	
EDUCATION				
Pre-school (kindergarten and nursery)				
Primary	⬛			
Secondary	⬛			
Vocational and technical				Private
Higher education	⬛			
Adult education	⬛			
SOCIAL WELFARE				
Family welfare services	🟦	🟦	🟦	
Welfare homes	⬛			
Social security	⬛			
PUBLIC HEALTH				
Primary care	🟦	🟦	🟦	
Hospitals	⬛			Private
Health protection				
HOUSING AND TOWN PLANNING				
Housing	🟦	🟦	🟦	
Town planning		⬛	⬛	
Regional planning				
TRANSPORT				
Roads	⬛			
Transport	⬛			
Urban roads	🟦	🟦	🟦	
Urban rail	⬛			
Ports	na			
Airports	⬛			
ENVIRONMENT AND PUBLIC SANITATION				
Water and sanitation	⬛			
Refuse collection and disposal		⬛	⬛	
Cemeteries and crematoria		⬛	⬛	
Slaughterhouses		⬛	⬛	
Environmental protection	🟦	🟦	🟦	
Consumer protection	⬛			
CULTURE, LEISURE AND SPORTS				
Theatres and concerts				
Museums and libraries	⬛			
Parks and open spaces		⬛	⬛	Private
Sports and leisure facilities	🟦	🟦	🟦	
Religious facilities	🟦	🟦	🟦	
UTILITIES				
Gas services				
District heating				
Water supply	⬛			
Electricity	⬛			
ECONOMIC				
Agriculture, forests and fisheries	🟦	🟦		
Local economic development/promotion	🟦	🟦	🟦	
Trade and industry	🟦	🟦	🟦	
Tourism	🟦	🟦	🟦	

⬛ sole responsibility service   🟦 joint responsibility service   🟩 discretionary service