

CONSOLIDATING DEMOCRATIC GOVERNANCE IN THE
SADC REGION:
SWAZILAND

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THE SADC REGION:
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EISA is a non-partisan organisation which seeks to promote democratic
principles, free and fair elections, a strong civil society and good governance
at all levels of Southern African society.

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PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme 'Consolidating Democratic Governance in the SADC Region', has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinionmakers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to

other relevant research and policy advocacy institutions in the SADC region and beyond; and

- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.

The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on one hand; and on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule. The study is predicated upon thematic areas organised into four broad clusters as follows:

Cluster I: Representation and accountability

- The executive branch
- The legislative branch
- The judiciary
- The public service
- The security establishment
- Parastatals (public enterprises)
- Local government and decentralisation
- Traditional institutions of governance
- Gender equality in public institutions
- Leadership and governance
- Political parties
- Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

Cluster II: Citizen participation

- Civil society organisations
- NGO legislation
- Human rights culture (social and economic rights and political rights)
- Political participation
- Voting behaviour
- Political culture
- Political representation
- Elections
- Election administration
- Electoral system
- Election management body
- Gender and political participation

Cluster III: Local governance

- Nature of decentralisation
- History of local government
- Relations between central and local government authorities
- Local governance legislation
- Local governance institutions
- Local government elections
- Local government capacity (finance, human resource, infrastructure)
- Gender issues in local governance

Cluster IV: Economic management and corporate governance

- Development strategy
- Economic policy (macroeconomic framework)
- Social policy (social welfare strategies)
- Poverty reduction strategies
- Corruption and anti-corruption strategies
- HIV/Aids epidemic
- Budgeting
- External resource flows
- Public-private linkages
- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

On behalf of EISA, I would like to extend our profound gratitude to the Swedish International Development Cooperation Agency (SIDA) in Harare, Zimbabwe as well as to the Embassy of Denmark in Pretoria, South Africa for

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This series of research reports is dedicated to three colleagues who passed away during the course of this programme, namely Dr Joshua Mzizi of the University of Swaziland, Professor Alfred Chanda of the University of Zambia and Nixon Khembo of the University of Malawi. These researchers played an important role in the evolution of this programme at various stages of its implementation – may their souls rest in peace.

Dr Khabele Matlosa

Regional Programme Coordinator and Series Editor

March 2007

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LIST OF ACRONYMS

AGM	Annual General Meeting
AGOA	African Growth Opportunity Act
AIDS	Acquired Immune Deficiency Syndrome
AUDP	African United Democratic party
CANGO	Coordinating Assembly of Non Governmental Organisations
CBOs	Community Based Organisations
CDC	Constitutional Drafting Commission
CEDAW	Convention on Elimination of Discrimination Against Women
CMA	Common Monetary Area
COMESA	Common Market for Eastern and Southern Africa
CPI	Consumer Price Index
CRC	Constitutional Review Commission
CSOs	Civil Society Organisations
EISA	The Electoral Institute of Southern Africa
FBOs	Faith Based Organisations
GDP	Gross Domestic Product
GSP	General System of Preferences
HBOs	Home Based Organisations
HIV	Human Immune Virus
IMF	International Monetary Fund
INM	Imbokodvo National Movement
IR	Industrial Relations
IRIN	Integrated Regional Information Network
MDGs	Millennium Development Goals
MISA	Media Institute of South Africa
MP	Member of Parliament
NGOs	Non Governmental Organisations
NNLC	Ngwane National Liberatory Congress
OAU	Organisation of African Unity

OECD	Organisation for Economic Cooperation Development
PS	Principal Secretary
PUDEMO	People United Democratic Movement
RSA	Republic of South Africa
SACU	South African Customs Union
SADC	South African Development Community
SFL	Swaziland Federation of Labour
SFTU	Swaziland Federation of Trade Unions
SIBS	Swaziland Broadcasting and Information Service
SIDC	Swaziland Industrial Development Company
SIPA	Swaziland Investment Promotion Authority
SMAWU	Swaziland Manufacturing and Allied Workers Union
SNA	Swaziland Nurses Association
SNACS	Swaziland National Association of Civil Servants
SNAT	Swaziland National Teachers Union
SNL	Swazi Nation Land
SPEED	Smart Programme on Economic Empowerment Development
SPS	Special Preference Sugar
STBC	Swaziland Television Broadcasting Corporation
SUF	Swaziland United Front
SWANAFRO	Swaziland National Front
SWAYOKO	Swaziland Youth Congress
UNDP	United Nations Development Programme
USA	United Swaziland Association
WFP	World Food Program
WLSA	Women and the Law in Southern Africa
WTO	World Trade Organisation

EXECUTIVE SUMMARY

This is a commissioned study by EISA whereby different research teams within SADC try to compare their political, economic and corporate governance policies/practices with the view to find out if the differences are justified and, where they are not, find out solutions on how they can be harmonized for adherence to principles of fairness, accountability, transparency and social justice.

Swaziland remains the only state in SADC with sovereign monarchical powers. It is a unitary state country with minimal involvement of citizens on the socio-economic issues and on other matters of interest to them. The structures instituted for people's participation at regional level are not yet workable due to constraints of minimal understanding of the role of these structures in enhancing their participation, limited autonomy to express their concerns without the potential of being labelled to be "unSwazi", and many other associate problems. The Monarchy's power is construed as too dominant over that of the silent majority who hardly challenge the status quo for fear of victimization in exercising their rights. Hence, people's rights are suppressed and their interests suffer. Political activists are banned and as such group representation by political parties, the main structure under which people with diverse views could express their views without fear of personal intimidation, is discouraged. Even unions, NGOs/CBOs are strongly suppressed from challenging government on political issues a factor that has slowed down the democratization process¹. Rather, the system of governance encourages individualism in a collective society a factor that may negate against the values and ideals of the Swazi society. As a result of suppression, the country has not progressed much towards the democratization process.

¹ Unions, CBOs/FBOs, and vocal representatives have on several occasions been summoned for interrogating some of the political issues, some of them have been detained without trial. When ever they have meetings they need to get permission from the Commissioner of Police.

Problems of transparency and corruption are rife. As a result, special commissions have been recently appointed to address these major issues of concern, leading to the inaction of the Anti-Corruption Bill (2006). Other major issues of concern are the codification of mixed laws/policies and structures; re-institutionalising or developing new institutions that sufficiently address the key challenges raised, and aligning these institutions with the socio-economic interests of the people. The civil society, the media and other interests groups are expected to play a major role to stimulate changes but they are also constrained by the lack of common agenda, limited capacity to engage state and institutions, not proactive but reactive, competing agendas that impair their capacity to mobilise broader citizens and have a weak capacity to create or open spaces for policy influence.

Despite the dilemmas, the regional integration and globalization challenges forces the country to reform its practices to be aligned with regional world practices, otherwise its socio-economic developments will remain threatened. The pressures internally and externally are somehow forcing the country to reform its practices towards the democratization processes. But there is no political will to release the power from the rulers as this will jeopardize their status in terms of gains and privileges enjoyed.

Thus the main response to the pressures has been the development of the country's Constitution in 2005 which became operational in February 2006. This has been some how a positive response given that Swaziland has no bill of rights and that situation is perceived to have exposed citizens to greater suppression by authorities². The new Constitution has instilled some level of hope to the majority of the citizens even though there is greater scepticism that the whole arrangement is a window dressing exercise in response to the pressures experienced. The fears emanate from its exclusionary nature, the

² Gathered from the pilot study and the elite survey.

lack of understanding of the process by the majority and; the lack of a supportive environment when submissions were made. Thus its positive effects if any, are yet to be seen, but one cannot expect much change, unless the key concerns are addressed and there is separation of powers of the government organs; the monarchy, the executive, the legislature and the judiciary³. Additionally, there is a need to revamp the political structures so that they would be responsive to the interest and needs of the people they ought to represent, should there be a democratically oriented dispensation. If not, the country is unlikely to make progress politically and economically, more so because corruption, fiscal indiscipline, unaccountability and injustice prevail⁴. These phenomena, in turn, deter inward investment and therefore exacerbate problems of poverty and unfair distribution of the limited resources.

The results revealed how the unitary system of governance benefits the few at the expense of the majority of people whose interests are neglected. Hence, the country faces critical challenges of political transition from the unitary to a pluralist state. It can also be inferred from the findings that Swaziland is expected to deal with its current form of governance and has a challenge to separate powers of the government organs for improved representation and accountability. All the key parties: civil organizations, the media, the judiciary, legislature and the other government organs are challenged to work together to build a better democratic state for all. This requires working on the political environment that is perceived to be a major constraint in instituting changes, and perhaps reaching compromise and consensus on certain critical areas for the democratization process. For instance, from expert survey results, it may be surmised that the Judiciary has a role in making the necessary institutional reforms for effective implementation of the New Constitution, 2005, enhancement of accountability and transparency of the system of governance,

³ *Ibid.*

⁴ Concern also raised by the Deputy Prime Minister's office.

creation of institutional framework for the involvement or integration of the different civil organizations and other relevant players, including political parties that have a role to drive forward the new political dispensation necessary for the democratic state. Consolidation of Swaziland's system of governance with common practice in the rest of the countries regionally and beyond is an imperative. The executive also need to enhance the government institutional capacity in tracking down issues of corruption, addressing issues of poverty, and ensuring effective integration of women and other minority groups in the process. There may also need to reform the power structures (the *Tinkhundla*) at regional level so that they are best equipped to respond to the specific socio-economic needs of the society that they intend to serve because it is perceived to be entrenching the existing system of governance. The legislature should evolve with changes in the environment. The legislature needs to work towards the country's legislature enhancement and minimize the potential of draconian laws⁵. Overall, this will help fulfil its core mission and the values of SADC, which are to create a democratic region with just electoral systems, fair representation and accountability, transparency and improved socio-economic development that, in turn, is expected to promote political stability in the region. This requires swift changes accompanied with the will to change; otherwise it remains evident from these developments that the country will remain far behind in the democratization process within the region. On a positive note though, the country is committed to major political, institutional and economic reforms as evidenced by the New Constitution 2005, the vision contained in the National Strategy 2022 (2002), the development of the Investor Road Map (2002), the Investment and Industrial policies (2005), the Export Policy Document 2006, the Anti-corruption Bill 2006 and the many other related projects, including the review of the Constitution 2005. These are new developments whose results are yet to

⁵ Draconian laws are those passed over night to suppress political activists or are intended to criminalise the existing country laws which ended up leading to the collapse of the rule of law.

be seen. In the end, it will be interesting to see how these new developments would contribute to the democratization process of Swaziland and its system of governance to eventual consolidation with common practice in the SADC region. As noted earlier, most of these countries have moved forward in the democratization process. Swaziland remains the only country with little or no regard for group representation through political parties).

1

INTRODUCTION AND BACKGROUND

COUNTRY CONTEXT

Swaziland remains the only SADC country with strong active monarchical influence in the governance of the country. It has often been criticised by other leaders in the SADC region for its undemocratic practices. This is one of the reasons why the research team embarked on this study to compare the systems of governance of different countries in the region and see if there are potential areas for consolidation. This is particularly because of the strong diplomatic and trade ties among these countries. Such ties, along with global developments, have necessitated that countries harmonise their practices for greater competitiveness and acceptance in the global context. If the countries' practices are not in harmony, there may be greater potential for divergence than convergence, a factor that may hinder the effective functioning of the regional partnership.

The Kingdom of Swaziland is a small, landlocked country that is located between the Republic of South Africa and Mozambique. It is the only country in the region that has been maintaining a monarchical-authoritarian system, within the context of mono-party elections. It has also been under substantial domestic and regional pressure to democratise. As a result, the country is in a state of uneasy political flux as the demand increases both externally and internally for the country's authorities to open up the political space for greater participation of the citizenry in line with regional trends towards democratisation.

It is approximately 17,000 square kilometres in area. It has an estimated population of 1.1 million people, made up largely of indigenous Swazi population and a very small population of foreign nationals. The country was

granted independence by the British on 6 September 1968. Since then, Swaziland has seen a struggle between pro-democracy activists and the totalitarian monarchy.

Swaziland is a unitary State with a central government. It has four regional local government headquarters which are administratively decentralised, but reliant on the central government's policy directives. The form of administrative decentralisation adopted is the *Tinkhundla* system of government with 55 *Tinkhundla* (constituencies) in the country governed by a traditional administration which, within each region appoints members to constitute the regional administration.

The head of state is King Mswati III. In 1986 he succeeded his father King Sobhuza II, upon the latter's death in 1982. King Mswati III reigns along with his mother (the *Indlovukati*). As the monarch, the King not only appoints the prime minister – the head of government – but also appoints the cabinet on the recommendation of the Prime Minister and his Advisory Council. The Parliament of the country is bicameral: the Senate consists of 30 members, while the House of Assembly (lower house) has 65 seats, 55 of which are occupied by elected representatives.

POLITICAL DEVELOPMENTS SINCE INDEPENDENCE

The independence Constitution was the supreme law of the land. It provided for the protection of human rights, the courts were the guardians of the Constitution and further established democratic institutions allocating powers to those institutions. Worth noting in the Constitution, according to legal experts, is that it maintained the duality – traditionalism and modernism – of the system (dual legal system, dual functions and roles of the monarchy and dual legislative process). The effects of the system were to later impact on all aspects of Swazi socio-political and economic life.

Little of significance happened in Swaziland between 1968 and 1972. However, the first post-independence elections of 1972 drastically changed the Constitutional landscape of the country. The Ngwane National Liberatory Congress (NNLC) won one out of eight national constituencies. The Imbokodvo National Movement won the remaining seven constituencies. For the first time in Parliament there would be political opposition; and that was unacceptable to the ruling regime. On 12 April 1973 the incumbent monarch, King Sobhuza II, repealed the independence Constitution with the 1973 Proclamation to the Nation ("1973 Decree"). The 1973 Decree set the scene for the development of an environment in which politics became a taboo and placing those who transgressed under the threat of severe sanction, including indefinitely renewable periods of detention without trial¹. In addition, dissent with the views of those in power and open debate on governance matters became illegal. The King assumed supreme power; all legislative, executive and judicial powers were vested in him. Political parties and similar formations were banned. Chapter II of the 1968 Constitution which recognised and protected fundamental human rights and freedoms was repealed. This heavy atmosphere of intimidation as well as the arrests and attempted deportations that followed created a fear that insidiously eroded political activism amongst the Swazi people. The accumulation of forced silence and fear in Swaziland since 1973 has seen the development of a populace that is largely politically illiterate at best and apathetic at worst. Consequently, the contribution of the populace in whatever little space offered by the Constitutional reforms has been very shallow, which in part has been reflective of the political ignorance that is exacerbated by the suppression of political freedom.

A semblance of broader political activity was restored in 1978² when the *Tinkhundla* system of government³ was introduced. However, even in this instance political activity was only allowed in the *Tinkhundla* centres where participation was on individual basis not on political ideology or party basis.

A new electoral process using electoral colleges to elect members of Parliament was established. King Sobhuza II also initiated the first Constitutional review and drafting process that was later inherited by his heir⁴ and concluded in July 26 2005 with the Constitution of the Kingdom of Swaziland Act of 2005.

In 1992, after several consultations headed by the King's brothers and senior princes, a new electoral order was instituted. The Establishment of Parliament order of 1992 and the electoral law of the same year sought to change the electoral system; making the elections of parliamentary representatives more direct. The Electoral College was abandoned and people could elect members of Parliament directly from their constituencies into Parliament. Civil society pressure, particularly labour⁵ through the Swaziland Federation of Trade Unions (SFTU), combined with some of the submissions received in the consultations called for a new political - Constitutional - order in Swaziland. This led to the setting - up of a Constitutional Review Commission (CRC) by the King in 1996. Despite the new Constitution, political parties are still suppressed, a factor that has caused controversy with the new Constitution.

The CRC's major objectives were to review the prevailing Constitutional order in the country with the aim of drafting a new people-centred and popular Constitution reflecting the interests and identity of the entire Swazi population. This process took about six years when the CRC presented its report - and not a new Constitution as per their terms of reference. The King in 2002 then established the Constitutional Drafting Committee (CDC) chaired by the present Minister of Justice and Constitutional Affairs. The task for the CDC was to draft a Constitution for the country. The draft was presented in May 2003 and given two months to debate and civic education conducted on the Constitution. In February 2006 a new Constitution came into force in the country. It is not as yet clear to the majority Swazis if the new Constitution ushers in a new and more democratic order in Swazi politics or merely

confirms the status quo. The political developments and contemporary situation in Swaziland have had significantly negative implications on the country's economy. Foreign Direct Investment (FDI) has been on a steep decline since 1994. The impact of the decline in investment on the provision of social services and welfare has been severely negative as evidenced by continuous complaints about the health services and the level of unemployment.

THE ECONOMY

The Swazi economy is greatly susceptible to external shocks because of its small strongly exported-oriented economy. The economy is mainly agro-based with limited high-level industrial activity. As a result, the country's imports exceed exports. For instance, in 2005 export earnings⁶ increased by only 1.7% while imports increased by 7.9%. A similar pattern was observed in the previous years. Consequently, the trade surplus has also been narrowing and the balance of payments has also been adversely affected while the trade deficit also broadened⁷. Any economic growth is to a large extent attributed to the favourable world economic performance, e.g. world prices, exchange rate and growth of Swaziland major markets⁸. The major sources of revenue⁹ are SACU receipts (58%), Income taxes (PAYE and Company Tax: 24%), Sales Tax (14%) and user charges/fees and others 4%. Total expenditure¹⁰ (E5.95 billion) has not reflected the very slow economic growth rate and dwindling revenue and grants (E5.3 billion) resulting in an increasing budget deficit of 4.5% of Gross Domestic Product. Net Budget Deficit has been on the increase since mid last decade. The economic growth rate of 2.1% (2004) has consistently been below the Southern African Development Community (regional) growth rate of 3.5% (2004) yet 58% of Total Revenue comes from the unreliable and threatened South African Customs Union receipts.

Most of the high-level economic activity is in the hands of non-Africans, but ethnic Swazis are becoming more active. Small entrepreneurs are moving into

middle management positions. 70% of Swazis live in rural areas on Swazi National Land (SNL). SNL is land held by the Crown in trust of the Swazi nation. About 800 000 Swazis live below the poverty line as a consequence of drought and a resulting food crisis. The past few years have seen wavering economic growth (growth rate of 2.1% in 2004), which has been exacerbated by the economy's inability to create new jobs at the same rate that new job seekers enter the market¹¹. This is a consequence of a slump in the manufacturing sector, negative global trading policies and many other factors including in part the country's population growth rate. The country's ability to provide adequate social services such as a good health care system and proper education has been severely negated. In 2004, Swaziland became the country with the highest HIV/AIDS prevalence rates in the world, with over 40% of adults infected with HIV. The Prime Minister has declared a humanitarian crisis due to the combined effect of drought and land degradation, increased poverty, and HIV/AIDS¹².

The balance of the 70% SNL is privately owned land. The question of land use and ownership remains a very sensitive in the country. For Swazis living on rural homesteads, the principal occupation is either subsistence farming or livestock herding. Culturally, cattle are important symbols of wealth and status, but they are being used increasingly for milk, meat and profit.

Swaziland enjoys well-developed infrastructure such as road links with its neighbouring countries particularly its largest trading partner, South Africa. The sugar industry, based solely on irrigated cane, is Swaziland's leading export earner and private-sector employer. Soft drink concentrate (CONCO, a U.S. investment) is also among the country's largest export earners, followed by wood pulp and lumber from cultivated pine forests¹³.

The industrial capital is located at the industrial estate at Matsapha near Manzini. The growing industrial sector at Matsapha also produces garments,

textiles, and a variety of light manufactured products. The Swaziland Industrial Development Company (SIDC) and the Swaziland Investment Promotion Authority (SIPA) have assisted in bringing many of these industries to the country. Government programs encourage Swazi entrepreneurs to run small and medium-businesses. Tourism also is important, attracting more than 424,000 visitors annually (mostly from Europe and South Africa)¹⁴. From the mid-1990s the country often ran trade deficits. South Africa and the European Union (sugar and beef) are major customers for Swazi exports¹⁵. The United States is a significant market for textiles as Swaziland is a beneficiary of the African Growth Opportunity Act (AGOA). Swaziland, Lesotho, Botswana, Namibia, and the Republic of South Africa form the Southern African Customs Union (SACU), where import duties apply uniformly to member countries. Swaziland, Lesotho, Namibia, and South Africa also are members of the Common Monetary Area (CMA) in which repatriation and unrestricted funds are permitted¹⁶. Swaziland issues its own currency, the lilangeni (plural: emalangeni), which is at par with the South African Rand.

Linked to poor economic performance is the extent of corruption that has recently been identified by the King, the Minister of Finance and the International Monetary Fund as a serious national problem that has a negative impact on the country fiscals. The King himself is often strongly criticized for living so lavishly in a nation that is afflicted by the world's highest HIV/AIDS infection rates. Swaziland's unemployment rate is estimated at 29% of the population and has a very low Human Development Index score¹⁷. In addition to state corruption, the country's human rights records ranks equal to countries such as Zimbabwe and Uganda in the African continent.

Until the coming into force of the new Swaziland Constitution in February 2006, common law and statutory law ensured some basic rights of Swazi

citizens, for example, the presumption of innocence until proven guilty of suspects, the right to an attorney and so forth. The problem with such sources of human rights is that it was availed to only the few who were aware of such, specifically practitioners in the legal field, whereas the non-lawyers and masses generally were left ignorant. Secondly, the state managed between 1973 and 2006 to enact laws that prevented implied protection of rights by common law, for instance the non-bailable offences Act, the detention without trial law and may other related forms.

In 2005, the Human Rights Association reported¹⁸ increased incidence of:

- torture and subsequent death in police custody;
- sex in exchange for jobs in some corporate institutions; and
- sexual abuse of children and minors

Nonetheless, Swaziland's international record in terms of ratification and non-ratification on important international law which should be the source for human rights law in Swaziland and its foreign policy is pleasant. However, according to interviewed legal experts and international relations specialists at the University of Swaziland, the domestication thereof of such international conventions by Swaziland is very poor. As a matter of fact no protocol, convention or declaration ever ratified or acceded by Swaziland has been domesticated¹⁹.

Swaziland is signatory to a number of international conventions and a very active member of a number sub-regional (SADC, COMESA etc.), regional (A.U.) and global international organizations. Its record on maintaining membership of international organizations is outstanding; it is one of the few countries in the continent to have paid their subscriptions to the OAU in advance. Swaziland does not have a good record, however, in domestication of international agreements. Even though it is signatory to a plethora of

conventions, the process of domestication of international conventions in Swaziland has always been hampered by the duality of the government system and the insistence of the political structure in maintaining its uniqueness.

When government commits the country to certain international expectations and obligations; the implementation of such commitments are hampered by the fact that it may contradict Swazi law and Custom. For instance, in October 1995 Swaziland ratified the Convention on the Rights of the Child (CRC)²⁰ but the major stumbling block to its domestication has been the fact that the definition of a child or youth has always contradicted that of Swazi law and custom especially with regards to when that child becomes old enough to make a wife.

Secondly, the country's reliance on common law illustrates that it has not yet domesticated all human rights conventions to which it is party. Even though Chapter 3 of the Constitution deals with the "Protection and Promotion of Fundamental Rights and Freedoms", legal experts expressed typical statements that:

first, the derogations and practice so far (since the Constitution came into effect) has not illustrated a culture that is espoused by the Constitution; and second, it fails to comply with ratified international instruments²¹.

In addition, Swaziland is not part of the about 16 out of 53 African states²², that have acceded to the African Peer Review Mechanism (APRM). The APRM is a very comprehensive document in the evaluation of state behaviour - looking at corporate, political economic and social governance. It has a component which provides for civil society to participate in the process. Civil Society predicts Swaziland is not likely to accede to the APRM.

ORGANIZATION OF THE STUDY

The work is divided into eight chapters. Chapter 1 is the introductory chapter providing a brief background to Swaziland and its process of democratization. The second chapter outlines the methodology of the study, its strengths and weaknesses and makes recommendations for future similar studies. The literature review and conceptual framework form Chapter 3.

Chapter 4 provides an analysis of the extent of citizens' representation and accountability of the system of governance in Swaziland. Representation and accountability are key components in the attempt to create a democratic society. Swaziland is still in the initial stages of such an evolution. Expert opinion suggests that Swaziland still has a long way to go. They raise questions on the separation of powers between the traditional three arms of government, including a fourth arm in the form of the institution of the monarchy. However, the state or government is not perceived to be the main actor in the democratization process. Actors which have assumed an active role in this process are organized and non-organized civil society including the labour, media and non-governmental organizations.

Chapter 5, on citizen participation, begins by interrogating the legal framework that should facilitate the interaction that is non-existent between the state and non-state actors. It follows with an investigation of the prevailing function of the non-state actors. The interaction between state and non-state actors - as defined in the fifth chapter - has been hindered by the question of power, especially its dissolution to all levels in society.

Power in Swaziland, *de facto*, is centralized. Constitutionally, rhetorically and theoretically, power in Swaziland has been decentralized. A complete analysis of local governance and traditional authorities in Chapter 6 is carried out in order to investigate what may be misconceptions between what happens in

practise and what obtains *de jure* in terms of democratising decision-making powers in Swaziland.

The economy; who manages it, investment trends, and the type of economic system, is a significant determinant of the political direction of the country. Whoever controls the economy holds the political power and the direction the process of democratisation should take. This is particularly important if that system is in transition such as that of Swaziland. Chapter 7 focuses on the management of the economy and good corporate governance.

The last chapter, Chapter 8 contains the main conclusions of the country report. In each area, the major conclusions are highlighted and recommendations are offered.

2

METHODOLOGY

Primary and secondary sources of data were used as per the specification from EISA. Each country was expected to first conduct desk research using a standard research instrument A, followed by the expert opinion survey instrument B. Both research instruments extensively covered diverse areas of research, namely:

- Representation and accountability- that contained issues on the political system, the executive and the judiciary system in Swaziland;
- Citizen participation;
- Local governance, and traditional authorities; and
- Economic management and corporate governance.

For the secondary data, diverse information sources such as The Statistical Bulletin, Economic Review, Swaziland Constitution, Reports on political status in Swaziland, International Monetary Fund Reports, Swaziland Central Bank Reports and many other information sources from the internet, library and the other relevant reports from the various government ministries were used. The secondary reports were complemented by elite interviews to verify, clarify and substantiate the information from the secondary sources. This was common where there appeared to be some contradictions in the data presented or where the information on recent statistics was missing.

Primary data was useful for providing broader perspective to the various subject areas and was used as supportive or complementary material to the secondary sources of information. It also helped in the identification of information gaps in the different areas of research. Primary data was obtained using the expert opinion research instruments. However, because of limited information on democracy in Swaziland, the Swazi research team conducted a

small sample survey to enlist perceptions on the democratisation process in Swaziland covering all the key critical dimensions of democracy as a pilot study to get brief views of the different people at grass roots level. The small sample helped the team in getting insights on what the people other than the experts think about the democratisation process. The information obtained was not used in the analysis except where supported by the expert results.

Three qualified research assistants who have good research backgrounds and are university graduates with qualification in the relevant research areas were utilised for the pilot survey and one was utilised for the expert opinion survey. Overall, four research assistance were used: two of which have the economic and management background while the other two have a legal background. Over and above being qualified, they were trained and coached on how to go about the process by the principal researchers who were also involved from inception in the overall research process except in the initial consultations with EISA.

THE EXPERT SURVEY

For relatively informed opinions on the democratisation process in Swaziland, it was perceived necessary to get information from diverse experts who share different perspectives and who may have greater understanding of the core issues involved in the democratisation process. Thus an expert survey was conducted to verify some of the information contained in the secondary data and to try and assess information gaps and to help find out further developments on the democratisation process and economic management and governance issues in Swaziland. The cross examination approach in evaluating issues is arguably useful in improving reliability and validity²³. Hence, in this research it was considered necessary to get direct responses from those affected by the issues or those handling them. This view is also endorsed by other researchers²⁴.

For the expert survey, initially a larger sample was proposed and that workshops were going to be conducted for the purpose of soliciting responses on the various areas. But because of the loss of some country co-coordinators, the time constraints, the length of the questionnaire and the complexity of issues involved combined with the difficulty in obtaining responses of this magnitude, it was later agreed that a total of 25 experts will suffice for the purpose. Interviews had to be conducted and that meant abandoning the seminars. Reducing the size of respondents was a rational idea in Swaziland because of the country size and there are limited all-rounder experts in the proposed areas of research. Other than that, there were immense problems experienced because of the prevailing system of governance where by fear of the unknown is the norm. Further problems relates to the sensitive nature of the questions, the size of the questionnaire, and the manner in which it was organised. Most of the selected respondents work in various ministries in government, as a result they were reluctant to participate in the survey, hence some of the respondents initially selected on the list of experts refused to respond for fear of victimisation. They felt that their positions will be in jeopardy if they participated. To counteract the problems, the interviewers assured them about the confidentiality of the exercise and that their names will not be in any way implicated. This assurance did not help much. Nonetheless, some were very free and happy to have such a forum for venting their concerns and gave quite elaborate responses. The constraints experienced led to the replacement of some of the government representatives thus the initial list of candidates selected for the purpose of this research was greatly modified. The re-organisation of candidates did not in anyway compromise the quality of information as evident in the responses obtained from them. What further enhanced the information obtained on the various aspects of the project is that there are immense developments aimed at economic development, dealing with corruption and enhancing corporate governance. Furthermore, there are lot of initiatives intended to activate the democratisation process and to improve the judiciary, hence more recent up-

to date information could easily be obtained from recently published sources such as the New Constitution of Swaziland, 2005 and the IMF Reports (February, 2006). The reports on these aspects were a result of series of consultation with diverse stakeholders including those in government authority. Thus even though some respondents were reluctant to confirm certain issues with us, some of the views had recently been freely expressed to the IMF experts, hence already endorsed in the IMF reports and the Constitutional and Judiciary Commission Report that are cited.

The expert respondents were mainly academics, politicians, economists, employers' representatives, representatives from non-governmental organisations (NGOs), community and faith-based organisations (CBOs/FBOs), some of which are members of the civil society. Most of them gave extensive and qualitative responses. The interviews nevertheless were long and tiresome. It was also notable that the economists were good in responding to questions on economic management and corporate governance, while those in politics did well on the other aspects of the questions. Where respondents wished not to pursue questionnaire segments that were not directly in their fields of interest, they were replaced by more appropriate respondents within the same organisation. Others when requesting for a substitute, would tell you not to interfere with their staff.

DATA ANALYSIS

The expert questionnaires were analysed qualitatively against the core themes of research. The information obtained was used on the basis of the critical issues answered by such responses from the experts. Thus summary comments were made on the bases of categories of information sought. Some of the variables generated from diverse responses were merged for ease of comparison.

Summary information was prepared against each question and sub-themes. Responses from all the respondents were extracted and collated. As noted, information obtained was intended to complement the secondary data. The information from the different sources was compared. There were no major differences; instead there was a large measure of coherence in responses. This indicated the reliability of the results.

None-the-less, there is need to minimise the problems encountered in conducting studies of this magnitude. The research team suggests that for expert opinion, it can help to separate the information sought on the basis of relevant expertise in a particular area. For instance, if the information sought relates to economic issues, a separate interview schedule be developed. Likewise, if it is of a political nature or relates to legislature, that information should be sought from the relevant information sources. This can also help in reducing the length of questions that were very bulky and discouraging to the respondents. Other respondents were of the view that questionnaires of this magnitude, particularly the expert opinion one, should have been accompanied with special incentives. This means people in future may be reluctant to share information without a price.

3

LITERATURE REVIEW

Literature on democracy and democratization processes is now extensive. Therefore a brief and selective review here is attempted for purposes of conceptualizing the study.

DEFINING DEMOCRACY

There are various debates on the meaning of democracy²⁵ and the processes of democratization, particularly on the African continent²⁶. This discussion begins from the premise that there are universally accepted fundamental principles of democracy as well as institutions that need to be created and established by any society if it is in the process of democratization.

A democratic country by definition is the one that reflects the interests of the people to which it is supposed to serve. A bottom-up change facilitated by a highly politicized civil society especially the proletariat, academia and students, is most the most desirable method for creating a democratic society. It should be a negotiated change between the governments, civil society representing the population and the owners of means of production²⁷. When done on the back of Constitutional development; all parties are able to negotiate the type of government that should be put in place, ways of allocating national resources, the country's legal system, the type of elections and many other relevant matters that may affect their lives²⁸. Outside the above, democracy in Africa has either been defined according to Western expectations of what democracy should be like or subjected to the biased intentions of African leaders and the elite²⁹. Shimbira (2002) says The reasoning, by some African opinion makers, is that certain cultural, economic and political obstacles have worked against the democratisation process in the continent. She continues to state that these people have even gone so far as to

say that democracy is an alien concept, one that has been imposed from outside. However, she concludes, African values, cultures and traditions are not incompatible with democracy in its various aspects.

Democracy is not an alien concept, many people in the pre-colonial Africa, for example, experienced a measure of democracy even in their own local villages as well as in the broader communities in which they lived. Many of these communities were found to have embraced democratic values and practices such as the consultative process, a measure of accountability, procedures for ensuring social justice, and other related processes. This point has been well documented by historians and others working in this area.³⁰

As a matter of fact, Africans fought for an independence driven and motivated by African values, traditions and cultures; and these same values, traditions and cultures are grounded on democratic principles.

The fundamental principles of democracy are transparency, accountability, rule of law and other basic freedoms, such as freedom of expression and association³¹. But accountability, transparency, and the rule of law cannot thrive nor be guaranteed where the majority of the people are ignorant of these principles. From most discussions on democracy, it can be inferred that it is mainly when the masses define their preferred change, reflective of their uniqueness to the rest of the world, that they can have the sort of democracy they want and further influence the process and possibly its duration³². Therefore, for sound democracy, and a conflict free process of transition, it is necessary to recognize all aspects and ways of life of the people it hopes to transform. Ake (2000) argues the above is only achievable when the people define the democracy they want, particularly if it embraces the basic fundamental principles discussed.

The institutions which inform democracy vary in time and space. Conceptually it can be examined in three major stages: democracy as value, as a social process and as a political practice³³. The continent in general is now in the third and evolving stage of democracy – democracy as a political practice. Swaziland, on the other hand, whilst also in transition as the rest of the continent, is at a different stage to the rest of the continent. Swaziland is yet to create the environment where these democratic institutions can be established. That is, Swaziland is still grappling with the intricacies of adopting and establishing these democratic values in her political culture. From the struggle for Independence until immediately after Independence, many countries on the continent went through the first major stage; the stage where democracy is an ideal all aspire to and are willing to fight for. The first stage results led to the second phase of the democratic process whereby a deliberate social process aimed at creating this democratic model began. This social process has been completed or achieved by most African states. This means African peoples know what a democratic state should look like and what it should provide in terms of governance. The continent has therefore moved on to the third stage; of organising and exercising power in accordance with the universal democratic norms and principles. These norms and principles include: a sense of ownership (or legitimacy) in the governance of the country, the respect of the rule of law, accountability and transparency. This is a stage of consolidation. If Swaziland is still in the initial stage; it is therefore at least 30 years behind the rest of the continent in the democratic project.

CONSOLIDATING DEMOCRACY AND THE PROCESS OF DEMOCRATIZATION

Ake (2000) says the sense of ownership achieved by the people in defining what their democracy should be will make the process of democratization (such as the first election) much easier and meaningful. The hypothesis is, get the basics right – maximize support of the highest possible majority in the

beginning – then all the resultant elements will fall into place. The failure of the second election³⁴ in most African states cannot only be attributed to the bad intentions of the incumbent leaders wanting to retain power but that the majority just does not feel part of the process. The sudden responsibility of voting, a new experience to the majority, is an overwhelming change for the majority voters in the election. Overwhelming change refers to the shift from a system where decisions are made exclusively – dictatorship, authoritarianism – to one where people are made to exercise a choice regarding who their leader should be; constrained choices in most cases. This experience unfortunately puts at risk the second election especially when the expectations of the first election are not met. In addition, the first election comes as a surprise to many in the sense that they probably did not expect that sought of change to happen due to a number of reasons (loss of privileges and disappointment), they will either not participate in a process they originally were not part of or sabotage it. Describing a similar phenomenon about large-scale changes in Latin American political systems, Hirschman concludes,

“In the context of most Latin American societies, many of us are concerned with bringing about large scale change to be carried through in a fairly brief period of time. But ordinarily the cards are stacked so much against the accomplishment of the large scale change that when it happens, be it a result of revolution or reform or some intermediate process, it is bound to be unpredictable and non repeatable event, unpredictable because it took the very actors by surprise and non-repeatable because once the event has happened everybody is put on notice and precautions will be taken by various parties so that it will not happen again”³⁵.

Other parasitic problems such as ethnic conflicts will also become non issues when the democratization process is mass or popular driven as expected in this instance.

There is general consensus amongst democracy theorists that the process of democratization and consolidation of democracy requires functional and healthy institutions³⁶. Institutions such as courts, legitimate government, human rights and gender commissions and an apolitical security force are fundamental in ensuring a smooth democratization process. These institutions are equally important in consolidating democracy through: interpreting the Constitution, ensuring the rule of law, protecting the freedoms and rights of the people and finally defending the Constitution and the institutions of the state. In addition, decentralization of government structures is important in order to legitimise the process of democratization. There should be a separation of powers between the different branches of government. An independent and vibrant civil society and a free press ensure the maturity and effectiveness of these institutions³⁷. Clearly these are stages Swaziland is trying to deal with. The process of constitutional development was not inclusive therefore the creation and/or rehabilitation of these institutions will be hampered.

The real challenge though, whatever the method and mode of democracy chosen by the citizens, is with rehabilitating the institutions that will sustain the democracy. Post the independence struggle, most institutions are either functionally crippled or non-functional at all. The process of setting up new political institutions is not an “overnight process”³⁸. It requires a great deal of resources . “Creating a new political institution is neither quick nor easy and ultimately success must be measured not in years, but in decades”³⁹.

Sandbrook (2000) articulates the problems that countries in Africa are facing and will face with regards to time and institutional rehabilitation (even though, at this stage, most countries lean more towards the creation of new institutions than towards rehabilitation). With the drafting of the Constitution complete, collectively, the government, civil society and all other stakeholders work on consolidation of democracy through institutional rehabilitation or

reformation. Civil society educates the masses on their rights and freedoms; the press takes responsibility in keeping government on track by providing a voice for the masses. The academia also plays a major role in raising issues through debates, publications and importantly forms itself as the unofficial think tank of the country. This is the re-socialization stage where attitudes that have developed over a long period of time are being de-socialized and re-socialized at the same time, and this will take time⁴⁰. This collective process is possible when the mass population is part and has been part of the democratization process from the initial stages. If the people were not part of the process in the beginning, as is the case in Swaziland, there should be attempts at being inclusive in the late stage of creating, rehabilitating or consolidating the democratic institutions. It is common that where the transition is not genuine, the collective responsibility of creating, rehabilitating or consolidating these institutions fails, and thus the democratization process collapses.

The underlining principle is that the transition should be inclusive so that the political move from a highly interventionists state (authoritarian) to a Constitutionally democratic system where institutional rehabilitation and consolidation can take place if feasible.

SEPARATION OF POWERS

The concept of the separation of powers is derived from the understanding that a major role of government is to protect individuals' rights. However, acknowledging that governments have historically been the major violators of these rights, measures such as the concept of separation of powers were developed to reduce the likelihood of government violating peoples and individuals rights. The premise behind the concept of the separation of powers is that, when a single person or group has a large amount of power, they can become dangerous to the citizens. The separation of powers is

therefore a method of removing/reducing the amount of power in any single groups hands (branch of government) making it difficult for to abuse⁴¹.

Historically, the concept of separation dates as far back as ancient Greece. Over years, the concept has been refined to influence the establishment of the three branches of government in national Constitutions. Aristotle favoured a mixed government composed of the monarchy, aristocracy and democracy, seeing none as ideal, but the three useful by combining the best aspects of each. In 1656, James Harrington refined these ideas and proposed systems based on the separation of power. John Locke, almost 40 years later, developed his position by equating the people as constituting agents with the legislative power, and then arguing that since people cannot tie their own hands when it comes to judging those to whom they entrust executive power, therefore, the executive and legislative power should remain forever separate. In his 1690 Second Treatise, he separated the powers into the executive and the legislature. Montesquieu in 1748 expanded Locke's notion adding the judiciary. There has been great movement in the continent in ensuring the separation of powers between the branches of government. This became a natural progression for those African states that adopted popular Constitutions that are reflective of the people. The progression has not been natural, but fraught with problems such as the dominance of one branch over the other, for other countries such as Swaziland because the process of Constitutional development was not popular. The dominance of the traditional institutions - such as the institution of the monarchy - in the Constitutional development process has led to this 'fourth branch' of government to have limitless powers. There is therefore no clear separation of powers of the executive, legislature and judiciary *vis-à-vis* the powers of the monarchy.

The debate of this concept on the ground, with the masses, has taken the form of criticism of the concept rather than refining it to reflect the peculiarities of

the Swazi political framework; i.e. that there are four branches, not three. Criticism of the concept, it could be argued, is based on inappropriate interpretations of the concept. The concept has been criticised or accused:

- Of producing deadlocks or stalemates in government – without the monarchy taking centre stage or being central; the three branches are likely going to reach deadlock. It is important therefore that the monarchy should have overwhelming decisive powers.
- Of dividing powers from responsibility – if the King is not central, then who is responsible for the state, country and nation? A separation of powers is likely to thinly spread power so that no one branch can be held responsible for its exercise of its powers!
- Of preventing leadership – with a separation of powers, there would be no leadership. The argument is that only an individual or, in this case, the institution of the monarchy can take leadership and that person or institution should be above (in terms of power) all the branches.
- Of “simply being an out-of-date 18th century device utterly unsuited to the needs of modern government”⁴².

From the prevailing situation, it appears that the interpretation of the concept of the separation of powers is that it “equates the three branches of government”. This equality is in terms of powers of the judiciary, executive and legislature. Rather the concept, as articulated by contemporary political philosophers and at least what the framers on the American Constitution had in mind – was constitutional limitations to the powers of the three branches of government, or in simpler terms; it is a system of checks and balances. It is a mechanism to guarantee the independence of each of the powers in the legislature, judiciary and executive: “Each power corresponding precisely to its own sphere – provided for by an organ strictly distinct from other organs i.e. its own function, without any interference”⁴³. For example, “the executive

cannot intervene...in the judiciary by pressure, not only can no minister be responsible to the legislature, but also no member of the legislature can, in his personal capacity, assume judicial functions"⁴⁴.

In Swaziland, this concept is particularly important as it raises questions on the 2005 Constitutional dispensation, which is integral to the tentative democratization project. Key questions that arise from it are: Where does ultimate power lie? Does the Swazi Constitution ensure such a separation in powers? Can it be safely claimed that the four branches of government, namely the executive, legislature, judiciary and monarchy are autonomous, and based on the Constitution, without any mutual interference?

4

REPRESENTATION AND ACCOUNTABILITY**INTRODUCTION**

The electoral process⁴⁵ in Swaziland is supposed to be free, fair and most importantly ensure representation of all sections of Swazi society. After all, the Swazi parliamentary electoral system uses direct elections -- Swazis elect their representatives directly from the electoral constituencies or *Tinkhundla* into Parliament. Direct elections are supposed to ensure that people elect individuals who will best represent their interests and needs in government. The individual elected is expected to possess the qualities to best represent those who elected him/her into government. Furthermore, the individual is expected to be responsible to the electorate where his/her mandate is derived. In any case, if some sections in society are not represented, such as women, the youth and the disabled, through the open process, the Head of State is therefore Constitutionally obligated to make his parliamentary appointments from these sections in order to ensure representation in the legislature and executive. The above is what should be happening in a perfect society where all things are equal, *ceteris paribus*. However Swaziland, at present, falls far short of this requirement.

Representation in Swaziland should be looked beyond the electoral laws that are supposed to ensure representation, argues elections experts in the academia. Representation should consider the legitimacy of the whole political process and/or system. This includes the capacity of representatives; the effectiveness of representatives in representing the interests and needs of the population. By extension, it also requires an investigation of the interactions between the four branches of government. An analysis of the separation of powers will then highlight the issues of accountability and transparency⁴⁶.

POLITICAL SYSTEM

Autonomy for the Swazis of Southern Africa was guaranteed by the British in the late 19th century as a Protectorate territory. Swaziland gained formal independence on 6 September 1968 through a negotiated transfer of authority from Britain to a fully independent country.

Swaziland is a unitary State with a central administrative government. It has four regional local government headquarters which are administratively decentralised, but reliant on the central government's policy directives. The form of administrative decentralisation adopted is the *Tinkhundla* system of government with 55 *Tinkhundla* in the country governed by a traditional administration which, within each region, appoints members to constitute the regional administration.

According to section 80 (3) of the 2005 Constitution, the *tinkhundla* units or areas, inspired by a policy of decentralisation of state power, are the engines of development and the central pillars underpinning the political organisation and economic infrastructure of the country through which social services to the different parts of the Swazi community are facilitated and delivered.

Politically however, the country operates a dual government structure incorporating a traditional leadership structure headed by a dual monarchical structure of King who serves as Head of State and the Queen Mother in a supporting role superimposed over a western Parliamentary political system headed by a Prime Minister who serves as the Head of Government. A complimentary traditional government with the primary purpose of handling the traditional institutions and customs is headed by the *Indvuna Yenkhundla*, also appointed by the King in his traditional capacity.

The system of a dual traditional and Westminster government has blurred the role of democracy in government due to issues of responsibility,

accountability and transparency in government. The concept of separation of powers, therefore, does not apply in this system as, first, the Head of Government is appointed by the Head of State (King) and accordingly not accountable to the electorate but to the Monarchy and, second, the tenure of the Head of Government is at the pleasure of the Monarch.

Further, within the context of a lack of a codified Swazi tradition and custom template, the grey area of governance and accountability comes into play at every turn of government. The subjective application of law and the supremacy of the Head of state and traditional structures over the Constitution do not conform to the tenets of democratic government. The system absolves state leadership of any accountability and responsibility to his subjects in their public will and expectations while removing its appointees from similar criticism. The resultant lack of access to information has created an opaque curtain on state and government affairs.

The influence of the Monarch on the functioning of the state has led to numerous instances of undue influences on the various arms of government, most notably the Judiciary and the Parliament where traditional interests gloved by the name of the King have subverted justice and development and compounded and escalated corruption as well as significantly weakening institutions of government. For instance, in Parliament it is common for members not to debate matters that may be perceived to touch on the interests and authority of the King. In 2003, the King threatened to dissolve Parliament unless the Speaker was removed. The Speaker was illegally removed and the reasons were not stated.⁴⁷ This followed an incident where the Attorney General and heads of the security forces met with judges of the High Court to prevent it from deliberating on a matter that directly touched on the personal interests of the King⁴⁸.

Tackling corruption remains a real problem as the relationship between corrupt personalities and state leadership is not differentiated. In addition, the

Monarch has so far not acted against his cronies (seen as corrupt in the public opinion) consequently the Government is unable to act decisively and effectively on issues of corruption.

CONSTITUTIONAL ORDER AND HUMAN RIGHTS

The King has ruled by decree in a State of Emergency (12 April 1973) since the repeal of the Independence Constitution of 6 September 1968.

A Constitutional reform process was initiated in 1996 to canvass the opinions of the Swazi people on what they considered a truly representative Constitution that captured their aspirations. After nine years and numerous alterations to the mandate of the review teams a new Constitution was finally endorsed by the King in 26 July 2005 and became effective in February of 2006.

There were a number of concerns with the process⁴⁹ of Constitutional consultation with the nation. These included the facts that:

- The process was exclusionary and did not involve a wide representation of the diversity of interests in the country.
- The consultation team was appointed by the King based on individual merit rather than representative capacities.
- Prohibition of organised group submissions especially in the absence of civic education.
- A lack of civic education programmes to sensitise the populace on the role of the process and the value of their submissions.
- The environment was one that did not guarantee freedom of expression and association to enable free speech on aspirations of the people of Swaziland

Various stakeholders including women's activists, the media, students, trade unions, human rights lawyers, civic organisations, international organisations,

and States have identified various flaws in to the newly adopted Constitution. These challenges have addressed a number of issues, specifically the power of the monarchy and its supremacy over the law of the land; the bill of rights especially those concerned with the rights of women and other minority and vulnerable groups; political affiliations and parties; the role, nature and sphere of influence of the arms of government *vis-à-vis* issues of governance in government and traditional settings etc.; land rights; the role of religion in the nation's psyche; and the general perception of a token Constitution that entrenches the present status quo instead of availing opportunities for democratic development⁵⁰.

The political system in Swaziland underwent a fundamental change with the repeal of the Independence Constitution by the King in 1973. This changed the nature of the system from a vibrant and competitive multiparty system to a no-party system with no parliamentary elections and the introduction of the *Tinkhundla* system of administration.

The banning of political parties in 1973 and the consolidation of state power in the traditional structures brought about unrest from all quarters of socio-political stakeholders in the forms of violence, strikes, sanctions, voter apathy, and withdrawal of development support by donors. This brought about an acknowledgement of a national problem by the King after fourteen years and a Constitutional process commenced.

For over thirty years since the 1973 decree, there has been constant pressure externally and internally for Swaziland to reform. It is internal pressure though, from labour particularly, that has resulted in the acknowledgement of the existence of political formations (parties), even though they remain banned, and the need for a Constitutional government where power relations between the various arms of government are clear and explicit.

FACTORS THAT HELPED EFFECT POLITICAL CHANGE⁵¹

Swaziland's political environment has been faced by a number of challenges from various stakeholders, partners, and the country's constituents. All of these have triggered in one way or another some form of political change. Pressure from the regional and continental partners to adopt a Constitution that reflects the ambitions of the Swazis and Africans in line with signed conventions and memoranda in recent years has been a major cause of political change. The struggle between local custom and tradition versus western styles of government and culture also led to political changes in favour of a local way of doing things.

Swaziland has over the last ten years also been faced with withdrawal of donor cooperation, international criticism for its policies on human rights and political freedoms, trade barriers, mass resignation of its judicial officers, internal strife such as strikes, riots and border barricading all to draw attention to the political environment and to instigate political change with varying levels of success.

These stakeholders have notably been the local trade unions representing a vast majority of the employed forces, concerned civic organisations, non governmental organisations (NGOs) and the banned political parties and associations. University students and women have played a major role in activating democratic changes in the country.

Internationally, the International Labour Organisation, and States including USA, Britain, Sweden, Denmark, and Norway have effected sanctions on the country and cut back diplomatic support while constructively assisting the country to progress politically into a democratic state. The United Nations Development Programme has also been decisive in influencing the country

towards a new dispensation contributing towards the Constitutional process and the codification of Traditional Swazi Law and Custom.

Notably, the support of politically inclined associations within the country has not increased internally due to the paradox between tradition and political progressiveness which labels any political progression as an affront on the culture of the Kingdom. Thus, the influence of internal dynamics has been more effective outside the country where lobbying foreign partners has had better results for the stakeholders while further alienating them from Swazis who view such lobbying as smear campaigns directed at their culture and the Monarchy.

The press has recently been a strong force in the education of the public on the inherent weaknesses of the current system and has suffered considerably for such advocacy notably a decree banning the press from commenting on the King and his activities especially regarding his family and expenditure. The influence of the press has been strengthened by technical and political support offered by regional and international media advocacy from organisations such as the Media Institute of Southern Africa, Transparency International and Amnesty International, especially in addressing issues of corruption, abuse of power by leaders and the State, the plight of women and children, and HIV/AIDS. This has raised the profile the role of the media as a major stakeholder in the affairs of the country even though effective information sanctioning still pervades the day to day business of the government.

Despite the international pressure, African countries and Asia as well as Arabic countries have continued to be allies to Swaziland. Thus, Swaziland has been slow to ratify regional, continental and international agreements condemning practices found in the country. South Africa has snubbed Swaziland and has not demonstrated any sign of embracing the country that

is the only monarchy in the SADC region and considered a blemish in the regional integration efforts due to fundamental differences compared to similar rogue states as Zimbabwe which is considered as having a temporary situation. Further, South Africa's situation in the Kingdom is compounded by the purported role of Swaziland in the Apartheid Government's attempt at purging the country of ANC cadres which saw the hiding positions of such people given up as State policy.

Other factors have also forced political change in the country including globalisation and trade requirements to enter preferred markets, donor conditionalities, global economic conditions that forced liberalisation of trade unions and markets and the increasing competition for markets and foreign direct investment. Continental and regional integration has also forced adoption and compliance with the standards of such partnerships.

The impact of political change in Swaziland has enabled a more transparent government as well as a more strengthened civil society which has been able to engage in constructive dialogue with government and the monarchy. Popular participation in decision making is still at an infant stage as it has not been fully integrated into the political culture of the citizens. However, the present structures of public participation such as Parliament have been strengthened to compel government to function in a more accountable nature. Support to capacity building and institution strengthening of Parliament by UNDP has "empowered the latter to effectively perform its oversight role over Government operations." It is for this reason that issues such as corruption within the system is becoming more apparent as monitoring and reporting on government fiscal activities becomes more transparent and State information is accessible in the public domain.

Therefore, whilst Swaziland still remains in the clutches of an authoritarian power structure, democratic governance is encroaching in. A resultant effect

of the Constitutional process is expected to be the empowerment and education of the public on their rights in the governance of their country and the reciprocal obligation of the government to deliver on the wishes of its people.

GOVERNMENT RESPONSE TO CHANGE

Since the last decade, the government has initiated programs aimed at responding to the calls for change in the country. These initiatives have turned out to be responses aimed at correcting the economic and social ills of the country. Attempts at responding to the political problems and calls for political changes have been faltering. The constitutional development process was criticized and found to be too exclusive and centralized. The final product of this process, the Constitution, is also being challenged⁵² as being flawed and not representative of the interests of the Swazi population.

On the other hand, there are several initiatives, programs and government responses aimed at dealing with socio-economic problems faced by the country. These include long-term strategies mapping out the road plan for the in issues of human development and development in general. There are also plans on speeding-up service delivery, increasing investment interest in the country and reducing high levels of unemployment and poverty. Other short-term initiatives are aimed at dealing with a rise in corruption and propaganda to deal with the negative image of the country. The government, according to expert opinion, seems to think that the more they launch programs and national initiatives, the more responsive, transparent and accountable it is.

According to the *National Development Strategy 2022* of 1999 Swaziland intends to be “in the top 10% of the medium human development group of countries founded on sustainable economic development, social justice and political stability”. The Vision of the Government is “To build a truly Twenty-First

Century Kingdom of Swaziland, culturally united, integrated and stable, economically prosperous and socially well organised with equal opportunities for all, irrespective of gender, and responsibility from all”⁵³.

In line with the Vision, the mission of the Government of the Kingdom of Swaziland is “To provide a climate and infrastructure that will progressively maximise the quality and security of the life of the people of Swaziland and make the best use of the country's natural and human resources”⁵⁴.

The Prime Minister further states that such a vision can only be met through short medium and long term programmes. Through the Smart Programme on Economic Empowerment and Development (SPEED), government intends to achieve the mission of the Government within “the next three to five years”⁵⁵, by implementing components that will facilitate such achievement and create opportunities for the fulfilment of the State’s vision. The programme details clearly the challenge areas and suggests policies and programmes to mitigate these challenges and spearhead a sustainable economy, expand the private sector, improve global partnerships for national and regional development. These policies and programmes will address such issues as HIV/AIDS, poverty, unemployment and job creation, small and medium enterprise growth, good governance and corruption as well as fiscal discipline and accountability.

These objectives are in congruity with the needs of the Swazi citizenry and meeting them will offer lasting solutions to the needs of the citizenry. However, they are poorly communicated to the public domain and remain complex policy issues due to poor civic education of the citizenry and lack of accountability and transparency by the government for the benefit of the public. The public are considered subjects rather than participatory citizens and government is not held accountable for failure to deliver on these promises.

However corruption has been an important and topical issue that government has been unable to ignore. The Prime Minister has been vocal in his stance on corruption and the swiftness and effectiveness of his methods on curbing corruption especially at high levels of government. Still, cabinet members have been associated with corrupt activities without consequence. The renewed vigour of the Prime Minister in his fight against corruption has not been met with the same enthusiasm by his cabinet. As a result, no significant actions have been taken or threatened against corrupt officials in the present cabinet so far save for a cabinet reshuffle for underperformance of two officials implicated in corrupt procedures and a dismissal for insubordination. Nonetheless, the code of conduct of government officials prescribes such consequences as removal from office and legal action including criminal charges and a prison sentences with fines.

The executive is accused of losing forty million Emalangeni per month in corrupt practices⁵⁶. For instance, the Central Bank of Swaziland in its recent report also noted how government or civil service corruption “is on the high side”; a view that is also expressed by The Economist Intelligence Unit (2002). According to the report, there are over 10,000 ghost employees in the civil service, and regular abuse of overtime and other allowances occurs. Further, large government contracts are particularly vulnerable to corrupt practices. According to a report by the Institute of Security Studies (2005), corruption in government is highest, especially in procurement which manifests itself in the forms of price inflation and collusion between domestic or foreign companies and local officials.

Prominent cases of corruption in Swaziland are yet to be presented before the Judiciary. These are currently dealt with through commissions of enquiry and internal hearings. However, there is nothing to demonstrate that the Judiciary, if corruption cases were to be brought before courts, it would fail to effectively deal with such cases of corruption. The previous Attorney General

in 2003 has been accused of corrupt practices in dealing with court cases, specifically presenting a weak case for the state in a corruption case involving government officials and benefiting materially from the resulting loss by paying out significantly more damage fees in return for a cheap car deal. Investigations to the payment revealed an accounting error on the part of the Attorney General⁵⁷. New anti-corruption legislation was passed by Parliament in early 2006 replacing old legislation that had been found unconstitutional in 2004.

The Anti-Corruption Commission is a creation of the Prevention of Corruption Order No. 19 of 1993 as amended. Its mission is to fight and prevent corruption in both the Public and Private Sectors, by utilizing investigation, prevention and public education strategies; and thereby creating a corruption-free society that is yielding to investor confidence. Furthermore, it promotes good governance that is in compliance with the priorities of the National Development Strategy. It has been recently reconstituted in July 2006 in line with the country's Constitution; however, it has historically not proven effective as it did not have the independence of authority to pursue cases without consideration of political consequences, thus, its poor record in eradicating corruption.

Most of the strategies adopted by the Commission in fighting corruption were preventive in nature. A strategic unit called the Investigation Directorate was set up to undertake investigative duties. Corruption detected and reports received are investigated and appropriate cases forwarded to the Director of Public Prosecutions (DPP) for instituting legal proceedings.

SEPARATION OF POWERS AND ACCOUNTABILITY

The executive branch of government has been accused of disregarding the relations of independence and authority of the other arms of government.

Thus, due to the acts of executive branch, issues of crises of the rule of law, accountability and transparency in Parliament especially on matters of fiscal responsibility, corruption, resource allocation, and development policy appear as a part of the political scene in the country rather than exceptions to the norm and are not addressed. The oversight role of the other arms of government is therefore a fulfilled objective.

Political parties play no role in the government of the country due to the political structure and the Constitution which do not formally acknowledge political parties. However, system renegades have been incorporated into the cabinet before in their individual capacities rather than political affiliations.

Policy formulation of the executive branch of government has no formal stipulations on citizen participation⁵⁸, particularly because service delivery is through the *Tinkhundla* system. However, the role of Parliament as a form of popular participation in policy formulation is a more sophisticated participation system. Through this, fiscal and budgetary issues, legal and social policy issues are assessed and deliberated upon before the executive can proceed with them. The Parliament, according to expert opinion, has thus far borne mixed results on its monitoring function over government, being considered a toothless dog in some instances whilst in others receiving commendations for stemming the excesses of the executive and demanding accountability and transparency on state processes. The overriding conclusion reached by political commentators is that the role of the King's family and their friends is apparent in parliamentary discourse which has reduced the House to a rubber stamp for the government's ambitions.

Notable cases however dispel this conclusion as there are instances which display the will of parliamentarians to rubber stamp executive decisions. The refusal of the House of Assembly to approve the King's purchase of a private jet in 2003, the standoff between both houses of Parliament on Constitutional

matters in 2004 and the scrutiny of the House on the Crown budget and expenses in 2003 as well as calls for enquiry into corruption in the government gained favour with most of the population. The Parliament however falls short in budgetary matters mostly approving government budgets without reservations including supplementary budgets especially when their interests are reflected, such as salary increments. Parliament has been condemned for its inability to control government's spending and the lack of pressure to pursue corruption allegations in government.

The extent to which the influence of the executive is apparent in Parliament can be measured, for example, by the number of cabinet members who double as parliamentarians and use their numbers to favour government submissions. This has so far not been flagged as an issue by civil society or political commentators. The Parliament regularly summonses the government to explain its activities and through the Government Portfolio committees, regular interaction with government on policy and implementation is guaranteed. The Public Accounts Committee is renowned for its watchdog role over government finances; however the consequences of its role have been minimal, only regularly questioning procedural anomalies without effecting sanctions.

There are a number of parliamentary standing and portfolio committees whose major functions include the conducting enquiries into the activities and administration of government ministries and departments. Their composition reflects as much as possible the different opinions and interests found within the Parliament including gender and tradition as well as business. Most notable are: the Public Accounts Committee which assesses government's expenditure and audits these to ensure that government revenue is effectively utilised and summons the government to explain any discrepancies in such accounts; and the Gender Caucus, composed of women parliamentarians who spearhead gender issues in the discourse of Parliament's daily debates and

ensure gender mainstreaming in legislation and policy issues. UNDP training on international human rights instruments and gender mainstreaming for Members of Parliament resulted in the decision to establish a Parliamentary Standing Committee on Human Rights, and the Parliamentary Women's Caucus. Others include the Government Portfolio Committees in each chamber generally composed of five or six MPs who discuss and liaise on matters arising from each Government ministry including the Prime Minister's Office; Senate Sessional Committee and the Senate Government Assurance Committee which is responsible for determining outstanding issues by each Ministry; especially those issues whose action seems to have taken a longer time than could be reasonably expected. It also scrutinises statements and promises made by Ministers in the Chamber during debates and make a follow up on the commitment to such utterances. It brings such issues to the attention of the Minister of the affected Ministry with a view to addressing them; the difficulties encountered and reason for delays, if any.

The *Tinkhundla* system of government results in a cyclical system of policy making and monitoring as the MPs from the *tinkhundla*, which are decentralised centres of development, are able to monitor locally the implementation of policy and report back on shortcomings. MPs however, as role players in development have been accused of corruption in collusion with civil servants in a number of *tinkhundla* in recent times especially as regards fraud of development funds from the Regional Development Fund and the Empowerment Fund. As development officers (policy implementers) MPs then intrude into the executive terrain thus leading to them being accused of not respecting the principle of separation of powers. MPs are supposed to legislate (facilitate policy making) and leave implementation to the government and the civil service.

Due to the nature of the electoral system which does not recognise political associations and recall of members of Parliament, there is very little that the electorate can do to ensure accountability of its representatives, except

through the 5 yearly election. Thus, service delivery is monitored more through the *Tinkhundla* system from which Members of Parliament are nominated and to which they belong as do the constituents. Through weekly discussion forums, the citizens are able to present issues that affect them and demand actions from any unit of service delivery, either the Inkhundla or the MP.

The public perception⁵⁹ of Parliament is that of a powerless institution but also one that is corrupt. This is especially apparent in Parliament's refusal to implement the will of the public in constitutional debate in 2005 where clauses not favoured by various public interest groups were approved almost without reservations to meet the deadlines set by the King. Parliamentarians also refused to permit the dissolution of Parliament to allow the new dispensation ushered in by the Constitution without resultant financial compensation. They colluded with the Executive in approving of salary increases for select high ranking civil servants and parliamentarians when the country is facing financial constraints and unable to pay salaries in 2004.

According to chapter 9, Section 139 of the 2005 Constitution, the administration of justice is conducted only by the Judiciary which is independent and subject only to the Constitution. The independence of the judiciary is explicitly stated in the 2005 Constitution against undue influence from the Crown and the Legislature. This independence extends to issues such as exercise of judicial powers, financial and administrative functions. This emphasis stemmed from the crisis of rule of law instigated by the Crown in its refusal to comply with court rulings in cases that implicated and sentenced crown executives as well as returned unfavourable judgements against the Executive and the traditional structures in two rulings that the King had no power to overrule the national assembly.

Judges of the high court refused to sit or set dates for hearings, and the resulting mass resignation of the country's Court of Appeal judges in

December 2003, as well as forced resignations of the Director of Public Prosecutions, demotion of a High Court judge and a strike by members of the legal profession the following year, in 2004. The same year in 2004, there were strikes and other actions by unions and civil organisations and strong condemnation by international partners and organisations led to very negative sanctions against the country.

All this action, including the external pressure from the international community, forced the cabinet (executive) to reconsider the independence of other government branches, by admitting that the judiciary is independent and its decisions (court judgements) ought to be respected.

The judicial system is notorious for its case backlog for a number of reasons. Primary among those is the lack of human resources. Only towards the end of 2004 did the high court appoint a full court of appeal and judges of the high court. The lower courts suffer the same lack of qualified personnel to adequately carry out the functions of the courts. International judges do not consider the country a preferred employer due the rule of law crisis and well documented cases of judicial insubordination by the Crown. The cost of recruitment and salaries is also beyond the financial abilities of the Judiciary.

The Judiciary lacks the financial resources to maintain its assets and buildings. The majority of the country's lower courts are in a dilapidated state and the offices and courts do not have the basic equipment including furniture, storage, office space and computers.

These problems are interpreted by legal experts as deliberate efforts by the executive to weaken the judiciary with the aim to reduce its independence as the third arm of government. It has been argued by some commentators that a weakened Judiciary may allow the Executive to do as it pleases without fear of sanction in cases where the rights of citizens might have been infringed.

LAW ENFORCEMENT AND THE RIGHTS OF THE DISADVANTAGED

The police force in Swaziland is inadequately trained to deal with crimes against women and children. A children and women's domestic crimes unit has been created in the police forces to improve the services offered to the victims of these crimes. The police are not yet gender sensitive in cases of rape at the police stations and police posts but measures and capacity building training is taking place across the country to ensure the protection and sensitivity required is observed. However policing is relatively effective with fair rates of crime prevention and above average conviction rates. While the rate of crime remains an escalating reality due to social, political and economic factors, the police are equally improving their services for the protection of the public⁶⁰.

Law enforcement in the grey areas of politics and labour rights as well as other social and political rights issues remains an issue of concern for civil society⁶¹. The police and military interpret the law to suit the interests of the Crown. Thus police torture, and other police confession techniques and other inhumane treatments are meted out to the public with complete disregard for human rights and the law. The police are currently in an image crisis after a number of police force induced deaths and other cases of ill treatment against detainees (Institute of Security Studies, 2005). Local civil and International human rights organisations have come out strongly to condemn such police brutality which is most apparent in cases of political association and organised crime. The admissibility of information obtained through such methods is questionable in court but has yet to be publicly commented upon by the Judiciary.

The armed forces and paramilitary feature in the enforcement of the law as a deterrent to legitimate protest by citizens rather than an active law enforcer in Swaziland. Their visible presence is seen as allegiance to the monarch and

represents an abuse of state resources in that it prevents public participation processes such as demonstrations and other protest action. Thus peaceful marches and demonstrations against the crown are turned into national security threats warranting the engagement of the country's armed forces. The message is one of enemy of the Monarchy; a propaganda tool that discourages the public from supporting such activities as they are unSwazi. For instance the collaborative trade union border blockades by the SFTU and COSATU in 2005 were reported by the media as unSwazi and due to foreign influence of labour.

GENDER ISSUES

Political, economic and social power in Swaziland vests in men. Swaziland is a patriarchal society. In Swaziland, patriarchy is institutionalized - in terms of Swazi law and custom - and reinforced by policies of public and private institutions, for instance access to loans for women, etc. Men dominate in all areas of life with nonexistent women participation or very limited women power⁶².

Since the Fourth World Conference on Women, in Beijing China, September 1995, women's issues were propelled into national headlines in Swaziland. The way in which the women's issues were received by the public at large and the process in which they were forced onto the national agenda has not been debated as yet. Gender commentators argue that, Swaziland representatives to Beijing drew from St. Paul's biblical principle - "*that whoever spreads the good news and however the good news is spread; the important thing is that the people receive the incorruptible good news*"⁶³. Women used every opportunity to raise issues of women's rights such as access to resources, access to education, negative traditional practices and so on. Initially the response was very cynical, especially from the claimed traditionalists and to a large extent the Christian church.

The problem that has prolonged the negativity towards women's issues and has sustained the societal resistance is that women's issues were not introduced as a gender problem but a sex problem – men dominating women! Naturally the extreme feminist argument in the sex problem fostered resistance from the receiving public⁶⁴ while giving the impression that women wanted a sudden radical change. Inferred from these arguments is that, sudden and radical change would have been superficial and unsustainable as it would not have dealt with the root causes of the problem such as socialization, tradition and public and private national and institutional policies. However the positive that can be drawn out of the manner in which these issues were introduced is that they immediately formed part of the national agenda.

It has taken a while to initiate programmes and policies for gender reform at both government level and also at the level of organized civil society⁶⁵. In addition, the programmes and policies have had very little success. The reason for the low success rate in the programmes and policies is due to the fundamental flaw inherent, first, in the presentation of women discrimination as a women's problem and not a gender problem. Secondly, it is in that this fundamental flaw still persists in both the state and its institutions and at the level of organized civil society.

Therefore, unless women's issues are presented as a gender problem – that is to say an argument is made to the effect that over half the population (women) is either under utilized or not utilized because of sexism. Therefore, unless this problem is dealt with, it will persistently affect the broader national productivity. If the gender problem continues to be presented as women attempting to wrestle power from their male counterparts; the success rate of such gender policies and initiatives might not change⁶⁶.

Women participation in political decision making organs has not changed much. The change of political executives has yielded little improvement in

women participation. For instance, in the 2003 elections five women were elected into Parliament compared to two in the previous elections of 1998. This, according to the women's movement, "was less than expected, especially after an extensive 'Vote for a Woman' campaign run by the civil society group Learn"⁶⁷.

Table 1: Women Representation in Parliament 1997 - 2005*

Women in Parliament	1997	2005
Elected	3	5
Appointed by the King	5	13
Total number of Women	8	18

Source: WLSA, 1998; Government of Swaziland, 2005.

* Parliament has 95 members in total

However, in 2003 the lower Parliamentary chamber, the House of Assembly, elected a woman as Deputy Speaker. In the upper Parliamentary chamber, the Senate, a woman president was also elected in early 2006. The voter's register, according to the Electoral Commissioner's Report (2003), talks of an increase in the registration of women voters, albeit without mentioning the rate of increase; it reflected a total of 228,616 voters, of which 109,258 were males and 119,358 were females (48% and 52% respectively).

Table 2: Women Representation in Cabinet 1997 - 2005

Cabinet Ministers	Women	Men	Total
Ministers in 1997	0	17	17
Ministers in 2005	3	11	14

Source: Government of Swaziland, 2005.

Section 85:1 and 2 of the draft Constitution states that "The people of Swaziland have a right to be heard and represented by their own freely

chosen representatives in the government of the country. Women and other marginalized groups have a right to equitable representation in Parliament and other elective public structures." This extends to the traditional structures such as the *bucopho* or executive committee of the *inkhundla* being subject to popular vote.

A significant redress of previous imbalances is secured by guaranteeing previously disadvantaged and marginalized segments of society a right to participate in the formulation of policies of the government of the day. Thus, "in the event that female members do not constitute 30% of the total membership of Parliament, the two chambers of Parliament shall form an electoral college and elect four women on a regional basis"⁶⁸.

Appointment of women at the level of Principal Secretary (PS), an equivalent of Chief Executive Officer in a private enterprise, in ministries has changed. In 1997 there were four female PSs in a total of 18 PSs. In 2005 the number has been reduced – through retirement/resignation from government of one former female principal secretary; there are now three female PSs.

Swaziland has not yet met the revised Southern African Development Community's (SADC) 30% (revised to 50% in 2004) women representation in all decision – making positions for all its members.

The private sector, including public enterprises, has also started to appoint women into powerful decision making positions. In 2003, the Federation of Swaziland Employers and the Chambers of Commerce appointed a female Chief Executive Officer – the first in its history. In 2005, the Ministry of Enterprise and Employment hosted the first Business Women of the Year Award where leaders of the industry in both public and private sectors competed. Even though there is an Entrepreneur of the Year award, hosted

annually by the same ministry and open to all sexes, the special recognition of women leaders in industry is important.

In 2004/2005 the Judiciary, for the first time in the history of the Judiciary of the Kingdom of Swaziland, appointed a female judge of the High Court on an acting basis. This appointment was to be confirmed within a year.

In terms of education, school enrolment has consistently been skewed towards women since the mid 1990. Since the late 1980s, the University has averaged 52% female enrolment. It has also consistently registered and graduated an increasing number of students in the tertiary institutions in the last two decades⁶⁹.

The Ministry of Home Affairs, the administrative hub of state gender policy and also hosting the National Gender Office, has since 1998 been pushing for the establishment of gender offices in every government department. Women and the Law in Southern Africa – Swaziland Chapter continues to be in the forefront in the advocacy and lobbying for women's issues. Other civil society organizations such as the Human Rights Association of Swaziland (this appears to no longer exist since 2002), Lawyers for Human Rights (from a Constitutional perspective), Umptapo waboMake Women's Resource Centre (through its Issues of Democratic Governance – What's your role in national governance? program) and lastly CANGO (through the Gender Consortia) have also contributed to the push for the reform of gender based discrimination.

The "major victory in 2004-2005" according to CANGO, was the ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (CANGO Annual Report 2004/2005). The challenge now is to network and mobilize to set in motion the process of domestication of the CEDAW into Swaziland legislation.

Generally the debate has always been on the numerical representation of women. How many women are in decision making positions for instance in Parliament? This has gone to the extent that, in Swaziland, the increased number of appointed women by the King is applauded. Appointments have been received without the careful scrutiny of who the King appoints; what ideology or whom they represent; will they best serve the women 'cause' in whatever position they occupy.

CONCLUSION

From the overall developments discussed it is clear that the Swazi system of governance under represents the majority's interests and needs; rather the minority interest prevails in the name of the King. This situation has an adverse effect on representation and on accountability of those who purport to be representing the masses' interests even though at times parliamentarians do challenge certain issues with success. The problems contributing to this situation are multi-fold and the section explored the issue. For instance, policy formulation of the executive branch of government has no formal stipulations on citizen participation especially as service delivery is through the *Tinkhundla* system, however, the role of Parliament as a form of popular participation in policy formulation is a more sophisticated participation system. Through this, fiscal and budgetary issues, legal and social policy issues are assessed and deliberated upon before the executive can proceed with them. The Parliament has thus far borne mixed results on its monitoring function over government, being considered a toothless dog and rubber stamp in some instances whilst in others receiving commendations for halting the excesses of the executive and demanding accountability and transparency on state processes.

A case in point to support some of the assertions is the judicial crisis of 2002-2005 that was attributed to a lack of clearly defined roles for the Executive,

Legislature and the Judiciary. The government accused the judges of being under external influence and refused to execute court judgments; a clear disregard to the principle of separation of powers.

5

CITIZEN PARTICIPATION**INTRODUCTION**

Free and fair elections, an active civil society and any other legitimate means by the population to influence state decisions on policy direction, expenditure and resource allocation (the openness and responsiveness of the government) and the process thereof are the true measure of citizen participation.

Until 8 February 2006 when The Constitution of the Kingdom of Swaziland Act No: 001 of 2005 came into force, Swaziland remained a non Constitutional state without a bill of rights, a situation which exposed its citizenry to abuse from the governing authorities. All executive, legislative and judicial state powers are vested primarily in the monarchy; before the Constitution and confirmed by the new Constitution.

Three electoral pieces of legislation espouse citizen participation at two levels; in the formation of Parliament and in the formation of the government of the day. These are the Elections Order, the Establishment of Parliament Order and the Voter's Registration Order; all legislation of 1992. However the electoral process in this country serves only to elect parliamentarians who conduct developmental functions primarily and legislative functions secondary. In both functions, parliamentarians remain submissive to the King's powers. In this context the parliamentary elections are not considered to be an exercise in democracy that the governed in a state traditionally utilize. Elections in Swaziland are not an exercise of determining just utility of power and equitable distribution of resources.

The role of tradition in the government of the state plays a predominant role in Swaziland⁷⁰. A definition of the Swazi state presents a conundrum of two

contrasting authorities (modern vs. traditional) without clearly demarcated parameters of operation creating an overlap and blur of governance and its structures. However in his analysis of the political economy of Swaziland and tradition, Mzizi reaches an interesting conclusion:

I have underscored the national significance of this event [Incwala], and deliberately downplayed and deconstructed the prevailing notions that it is meant to consolidate kingship. Swazis do not worship kingship, but in kingship they find their true identity as a nation. Kingship not only defines their national aspiration, but cements human relationships within the circle of human existence. The Incwala thus is not an elevation of kingship as though kingship is always in dire need of elevation. It is the celebration of communal life, the life in which ancestors interconnect with the living in an egalitarian fashion⁷¹.

Mzizi's downplaying of the *Incwala* event ignores the fact that the Incwala had, in the beginning of the decade, 2000, been used by the King to make national policy statements and, on more frequent occasions, the King has also used it as a platform to lambaste political opponents in the form of organized labour. The state media and other conservative formations have politicized the event. The media consistently links the numbers attending such events with the support the King enjoys. Therefore, those who do not attend these national ceremonies are either not in support of the King; not Swazi or do not love their country.

Consequently, the politicisation of the *Incwala* and other traditional and cultural events/celebrations provides a new meaning of such events in the domestic politics of the country. Such events, since the beginning of the 1990s, are now occasions used to show support for the Kingship, to prove 'Swaziness' and also to demonstrate patriotism. Accordingly, the case of

accountable and traceable governance cannot be measured within this environment (traditionalism and modern government).

FREE AND FAIR ELECTIONS

Swaziland has conducted elections under four election laws since the first elections in 1964. The pre-independence elections and the first two post-independence elections were determined through the First-Past-The-Post system, by a simple majority electoral system and with political parties competing to run the government. The winning political party chose the government of the day. However, the consequences of the second post colonial elections of 1972 presented the traditional structures of government with a crisis of sustained control of power. Incidentally the government of the day had won the elections by clear majority but for the first time had lost three parliamentary seats to the opposition. In response the monarch attempted to amend the Constitution in favour of his interests as represented by the winning party (government), resulting in the repeal of the Constitution and adoption of decree laws for government.

Through a Royal Proclamation dated 12 April 1973, King Sobhuza II proclaimed:

- “That the Constitution has failed to provide the machinery for good government and for maintenance of peace and order;
- 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; and
- 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”.

The Proclamation prescribed that:

- “The Constitution of the Kingdom of Swaziland which commenced on the 6th September 1968 is hereby repealed;
- All political parties and similar bodies that cultivate and bring about disturbances and ill- feelings within Swaziland are hereby dissolved and prohibited;
- 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 their riotous assemblies which may disturb the peace or otherwise disturb the maintenance of law and order; and
- 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”.

The vacuum created by the repeal of the Constitution permitted a complete wrest of democratic power from the citizens by the traditional monarch, resulting in entrenching the interests of the elite of that segment of society. This exercise denied the governed any form of control in the determination of the mandate of the government and instituted an apathy towards government leading to alienation and delegitimisation of the functions of the state. This

condition which prevails in today's society was secured through a dissolving of Parliament, banning of political parties and adoption of government through rule by decree.

The peculiarities of this state of government were compounded in 1977 when the parliamentary system was abolished and the tinkhundla system of authority, a traditional caucus arrangement, was adopted in 1978 as the official state provision for administration and the electoral system. Parliamentary elections brought some semblance of western political democratic structures. However these elections were not entirely aimed at establishing these democratic structures. Instead the elections were also used to legitimise the monarchy's absolute rule of the country.

The political context within which national elections had previously been regularly conducted (every five years), has been static since the repeal of the Constitution. Any dynamics have been superficial in the application of representative government. The national elections confirmed that credibility was not an issue in its assessment of the elections because no elections can be credible if they are for a Parliament which has no power and there are no political parties⁷².

The ban on political parties expounds the effects of a flawed Constitution whereby the fundamental human right of association, to which the citizens of a state are entitled, are not recognized and/or protected by the fundamental laws of the country. The power of the franchise as a check mechanism against tyrannical power is lost.

POLITICAL PARTY ACTIVISM

Contemporary Swaziland is characterized by a sustained effort by the ruling elite to maintain the status quo concerning power relations in the face of ever-

increasing internal and external pressures to reform – an analysis of the new Constitution can attest to this. Swaziland’s economic, legal, and political developments have been directed by this need.

The most contentious and persisting issues for the country are the need to develop a culture of accountability by the government, respect for the independence of the three arms of government by the executive, discipline in the management of the fiscals and the need to open the political field for a more pluralistic system.

Internally, the pressures to reform have come primarily from organized civil society including the Swaziland Coalition of Concerned Civic Organization, an informal alliance of organizations such as the National Constitutional Assembly, the Labour movement, Employer’s Federations and Ecumenical movements. Pressure has also come from some traditional supporters of the institution of the monarchy such as Sive Siyinqaba Sibahle Sinje Cultural Organization. All these organizations are advocating democratic reforms through the Constitutional process.

From 1973 to 8 February 2006 (when the new Constitution came into effect) political parties remained theoretically banned in Swaziland. Despite being banned for over thirty years since 1973, parties were formed and operated underground and illegally during this period. From February 2006, parties can be formed. However competition for power still cannot be on party basis. The Swaziland Constitution Act, 2005, states that Swaziland is a democratic kingdom. Swaziland subscribes to a “democratic, participatory *Tinkhundla*-based system”⁷³. The *Tinkhundla*-based system of government is a unique democracy peculiar to the people of Swaziland. This system, it is argued, allows willing participation of citizens at grassroots level in the process of decision making which affect them. However the principle of democracy is not defined.

Additionally, the Constitution precludes the operation of pluralistic or a multiparty political system. This is not done expressly, that is to say, there is no one clause or article in the Constitution that unequivocally states political parties are not allowed.

The Bills Of Rights protect the freedoms of expression, assembly and association (sections 24 and 25). However, Section 79 emphasizes the continued operation of the *Tinkhundla* based political system whose fundamental feature is the election of people into Parliament on individual merit. Section 79, as argued in the expert opinion survey, indirectly closes the competition for public office on a political party platform. This closure in-effect disallows pluralism. De facto, therefore, Swaziland remains a non-party state. However, *de jure*, it is yet to be tested in a court of law⁷⁴.

There is consensus in the expert opinion survey that the effectiveness of the Constitution on a number of issues, including the multiparty issue, is yet to be tested. The type of judicial officers, including judges and attorneys at law, will significantly determine the interpretation of the Constitution and therefore the political direction of the country. An activists' judicial system, it is argued, may be inclined to interpret the Constitution as permissive of a pluralistic dispensation. A conservative judiciary, on the other hand, may interpret the document more differently towards the maintaining the status quo.

Seven out of the 13 parties listed below are active. These parties hold public demonstrations, some members of the parties have stood for elections in the national parliamentary elections and host regular party conventions and general meetings. Their *modus operandi* vary drastically based on their legal status – whether registered or not – and also their political ideological lineage.

Table 3: List of Political Parties in Swaziland since 1973

Political Parties	Status ⁷⁵	Estimated Membership
African United Democratic Party	Active	+/- 6 000
Inhlava Forum *	Active	Majority Members of Parliament (claimed)
Imbokodvo National Movement (INM)	Unknown (suspected active)	N/A
Ngwane National Liberatory Congress (NNLC)	Active	N/A
People's United Democratic Movement (PUDEMO)	Active	+/- 20 000
Sive Siyinqaba – Sibahle Sinje Cultural Organization **	Active	+/- 60 000
Swaziland Democratic Party	Inactive	N/A
Swaziland Independent Front	Inactive	N/A
Swaziland National Front (SWANAFRO)	Active	Figures presented not conclusive.
Swaziland Progressives Party	Active	Figures presented not conclusive.
Swaziland United Front (SUF)	Inactive	N/A
Swaziland Youth Congress (SWAYOCO) ***	Active	N/A
United Swaziland Association (USA)	Inactive	N/A

* Not registered

** Registered as a cultural organization not a political party

*** Youth arm of PUDEMO

Source: Interviewed leaders and members of the political parties in 2005.

Profile of the remaining active political parties⁷⁶

The following listing provides an outline of the profiles of those political parties that remain active in Swazi politics.

Ngwane National Liberatory Congress (NNLC)

The NNLC went underground immediately after the 1973 decree with its leader, Dr. Ambrose Zwane, going into exile thereafter. Dr Zwane returned from exile in the 1990s under very strict conditions where he then died in 1997. The NNLC used his death (and funeral) to relaunch itself – ignoring its illegal status – by setting up an interim government and effecting a new Constitution in November 1998. The NNLC is Pan-African in spirit.

Peoples United Democratic Organization (PUDEMO)

The party was formed in 1983 during the upheavals caused by the interim Liqoqo regime (after the death of King Sobhuza II in August 1982). The support of PUDEMO came from mainly the youth and labour force. PUDEMO is a more socialist democratic party.

Both parties perceive the present political system as undemocratic, discriminatory, nepotistic and oppressive. Whilst PUDEMO blames all atrocities on the *Tinkhundla* system; the two organizations make no mention of the institution of the monarchy per se as a symbol of unity for all Swazis. It would seem that they perceive this institution as a major obstacle, if not a challenge, but would not commit them on how they would transform it in order to conform to the democratic ideals both organizations espouse.

PUDEMO, in its language, is more revolutionary than NNLC. The NNLC has gradually moved towards the centre left and presents a more moderate argument.

Sive Siyinqaba Sibahle Sinje

This is a relatively new organization formed in 1996. It was ostensibly formed to counter the growing anti-monarchy sentiment allegedly propagated by the trade union movement. Sive Siyinqaba registered as a cultural organization, but did not hide its political intentions should party politics be legalised in

Swaziland. The organization has over the years shifted from being the shield of the status quo to being a quasi-political and uncompromising stronghold that is not afraid to comment on sensitive political developments. The support base of Sive Siyinqaba is wide, and includes members of the most conservative cadre in the traditional mainstream. The organization provides a middle-right voice by appealing to the traditional sensibilities of most Swazis. It is conformist, geared to protecting the monarchy and all its institutions against the ridicule and contempt of some progressive elements. However, the politics of the organization has shifted more to the centre, carefully criticizing the government and the monarchy in a reconciliatory tone.

African United Democratic Party (AUDP)

This is a new and unregistered party – it declared itself on 2 October 2005. It claims a membership of over six thousand members. The majority of members are middle class professionals. Propelling the AUDP into national headlines and public scrutiny is that it is the first organization that has challenged the government in the courts thus testing the new Constitution. The AUDP applied to be registered as a political party citing the relevant Constitutional clauses however using the Section 21 of the Companies Act of 1912 and the Protection of Names, Uniforms and Badges Act of 1969. The Companies Act has a very broad definition (debated below) of what sort of entities can be legitimately registered by the Ministry of Justice and Constitutional Affairs as organization. The Register of Companies Clerk refused to register the party claiming the legislation is inadequate and/or does not include political parties as organisations that can be registered. The AUDP is challenging this in the courts.

The AUDP claims to be a liberal party with centre left objectives. Whilst pluralist in view, it wants to create a welfare state where all national resources are justly “utilized to develop the entire Swazi nation indiscriminately⁷⁷” It borrows its party slogan from African National Congress Military Wing. The

AUDP slogan says; “Umkhonto weSive – The Spear of the Nation” suggesting that it is willing to engage, other than non-violent means, to facilitate change in the country. Its Constitution sees the present status-quo as untenable and in need for radical change. It seeks to create a Constitutional state however the role of the institution of the monarchy left unattended in their Constitution as it does not explain what is to happen to the monarchy in their type of state.

Inhlava Forum

This is a new organization formed in April 2006. Inhlava proclaims itself as a democratic movement. It is led by a former minister of health and social welfare, who was fired by the Prime minister for challenging him in the courts after taking a decision to suspend the minister from international state travel. Before being appointed minister of Health and Social Welfare, the leader of the group was a very popular, and suspected influential, backbencher in Parliament for two consecutive terms. He has returned to being an ordinary member of Parliament after being fired from his ministerial position.

Inhlava is not a registered organisation and it does not have a Constitution. Guiding Inhlava as a movement are its 5 objectives stated in membership cards received after joining the group upon registration. Inhlava illustrates contradictory behaviour by not defining itself as a party yet seeking to influence state decisions and competing for public office through the parliamentary elections. Its leader says they are a think tank at the same time acting as secretariat to its members, a majority of whom are Members of Parliament. Because of its fluid definition, the leader of Inhlava argues that there is no need to register as a political party or any form of institution. This is until political parties are allowed to register or when members decide the form the organizations should register as; whichever comes first.

With the exception of the new Inhlava, all the organizations have well-written Constitutions which define their aims and objectives, including the line of

command from specialized constituencies such as the youth and women, to branch and regional structures and eventually to national executives and congress or conventions. The combined membership of these organizations is estimated at about 140,000⁷⁸, about 10% of the national population. In the absence of political parties, organized civil society, primarily labour, has assumed some of the functions that would otherwise be the purview of political parties.

ORGANIZED CIVIL SOCIETY

When citizens are able to associate with one another and further organize in order to keep the state and its institutions in check, responsive to society's needs and accountable to the citizenry, we can claim the existence of civil society. This ability to organize "requires that citizens enjoy independent access to the means to organize, and therefore, to resources"⁷⁹. The primary function of civil society is to successfully give a voice to the indigent and poverty stricken. In order to achieve this, civil society has to effectively portray in permanent form the needs, choices and preferences of the poor. The challenge therefore is how to effectively organize, capture and then express the needs, choices and preferences of the poor. This is where organized civil society comes in - to be the channel for the citizens to challenge the state and its institutions for the citizens to express their need and choices.

However, civil society organizations are not a substitute for citizen participation in the processes of policy influencing and formulation⁸⁰. This means that 'consultation' of civil society by the government for policy direction and formulation cannot be a complete true reflection of the needs and choices of the indigent and poor. The responsibility is also for the government and its democratic institutions to consult beyond organized society to reach consensus.

Democratic institutions, state institutions and political parties cannot be substituted by organized civil society; nonetheless civil society complements these institutions. In the event one or the other institutions, i.e. political parties, are ineffective or in the extreme do not exist as is the case in Swaziland; civil society organizations can exploit the vacuum by raising issues that would otherwise be the purview of political parties (as noted in the section above).

It is important to highlight the fact that the relationship between civil society and the government should be of mutual benefit – government needs civil society to be effectively responsive to the needs of the citizenry, while “to protect its freedom to associate and implement the will of the people civil society needs government”⁸¹.

Non-governmental organizations (NGOs) including; Faith Based Organizations (FBO), Health Based Organizations (HBO) and Community Based Organizations (CBO) are but dimensions of civil society, but are not in themselves civil society. The collective - organized and unorganized civil society - represent civil society. The pluralistic nature of civil society also ensures it is representative of the masses. Therefore, civil society is the collection of organizations, independent of the state and its machinery however continuously interact with it without seeking political power.

Civil society organizations in Swaziland

The Swaziland Government National NGO Policy of 2004 (adopted in late 2005) has a broad inclusive definition of non-governmental organizations; NGOs are “...legally formed, autonomous organizations (locally or internationally affiliated) that are voluntary, not for profit, not self serving and whose primary motivation is to improve the well being of the people”⁸². The process of registration of NGOs as it stood by the mid-2000s and the inclusive definition of an NGO as articulated in the policy has serious

implications on the nature and definition of civil society organizations vis-à-vis NGOs, CBOs, FBOs, HBOs, etc. and the regulation of civil society organizations in the country. The government definition is inclusive in the sense that it does not distinguish the type of civil society organization. Meaning, for the state, any organization that claims to satisfy the six conditions - legality, autonomy, voluntarism, non-profit making, egalitarian and people oriented - can register as an NGO. Consequently, 'NGO' for the state ranges from faith based organizations to community based income generating associations.

The most serious problem with this definition is in the process of registration of NGOs. Civil society organizations in Swaziland are under the administrative ambit of the Ministry of Home Affairs; however they register with the Ministry of Justice and Constitutional Affairs. Registration is done through two statutes; Section 21 of the Companies Act of 1912 and then the Protection of Names, Uniforms and Badges Act of 1969⁸³. Both statutes are also used in the registration of private companies and or profit making institutions and herein lay the problem of regulation.

In investigating the total number of NGOs, CBOs, FBOs, HBOs that were registered with the Ministry of Justice and Constitutional Affairs as of January 2004 to October 31, 2005, the Register of Companies Clerk in the Ministry of Justice and Constitutional Affairs gave a figure of 141 entities⁸⁴. The 141 are entities registered under Section 21 of the Companies Act of 1912 which includes private profit oriented companies or businesses. The Clerk argues that the entities are not separated by type "precisely because private companies fall under my definition of NGOs - including CBOs, FBOs and HBOs - as these are autonomous institutions from the state" (Register of Companies Clerk, 2005). "Besides, the Coordinating Assembly of Non-Governmental Organizations (CANGO) is responsible for the non-business entities"⁸⁵. This suggests that for every non-profit and/or business oriented

entity registered with the Ministry of Justice and Constitutional Affairs, the expectation is that it will voluntarily continue to register itself with CANGO. Inherent in the Clerks definition is the problem of regulation. The question arises: If the registration statutes are the same for private companies and civil society organizations, how then do you legitimately administer these institutions as separate entities? The 141 entities registered under Section 21 of the Companies Act of 1969 between January 2004 and 31 October 2005 spread as follows:

- Of the 141 entities registered in this period, there are 16 entities who further registered with the Protection of Names, Uniforms and Badges Act of 1969⁸⁶.
- Of the 16 entities; 10 include Faith Based and Community Based (income generating) Organizations. None of the 10 FBOs and CBOs registered with the Ministry of Justice and Constitutional Affairs between 2004 and October 2005 continued to register with CANGO.

The Ministry of Home Affairs has no definitive figure of registered NGOs, CBOs, FBOs and HBOs from 2004 until October 2005. The Ministry of Home Affairs is dependent on CANGO for the exact number of CSOs that exist. CANGO, on the other hand, only registers CSOs as members if and when they meet CANGO's Constitutional requirements, including the payment of annual membership fees⁸⁷.

The Swaziland Government National NGO Policy of 2004, alluded to, changes the registration process for NGOs, separating it from private profit oriented entities.

CANGO has a total of 70 members or effectively 68 fully paid voting members⁸⁸. However, the CANGO statistic cannot be relied on as a national statistic of civil society organizations for reasons that include:

- Not all statutory registered CSOs at the Ministry of Justice and Constitutional Affairs continue to register with the Ministry of Home Affairs.
- Similarly, not all registered NGOs, FBOs, and HBOs, after registering with the Ministry of Home Affairs, continue to join CANGO as members.
- CANGO membership fluctuates depending on the payment of membership fees to the Assembly, for instance in 2000⁸⁹ CANGO had a total of 87 affiliates. In 2004-2005 CANGO had 68 affiliates.
- CANGO has a limited affiliation in terms of type of CSOs. CANGO membership can be categorised as follows: Health; Women; Advocacy; Social Welfare; Income Generation; Environment; Youth; Education; Agriculture and Traditional (such as *Lutsango LwaboMake*). Labour movements and the other so-called conservative organizations do not affiliate, nor are they members of the CANGO. A majority of *micro* community based income generating organizations cannot, logistically, affiliate with CANGO.

Labour

Labour has been the most organised and broadly representative of many sections of society compared to other organized civic society.

All industries and sectors – agriculture (e.g. sugar and pulp), manufacturing (e.g. textile) and commercial (e.g. banking, retail etc) – in Swaziland are unionised. However, the most prominent labour unions and federations in Swaziland today are: the Swaziland Federation of Trade Unions (SFTU), Swaziland Federation of Labour (SFL), Swaziland Manufacturing and Allied Workers Union (SMAWU), Swaziland National Association of Teachers (SNAT), Swaziland National Association of Civil Servants (SNACS) and Swaziland Nurses Association (SNA). The SFTU is the largest federation in the country with its membership from the agricultural and manufacturing

industries. The SFL is the second federation in the country with its membership drawn from the commercial industry, specifically the banking sector.

The activist history of organised labour in Swaziland can be traced as far back as pre-independence in the late 1960s. The marriage between opposition parties and labour unions effectively led to the Constitutional crisis of 1973 when the opposition party won three seats in the first 1972 post independence national elections⁹⁰. The 1973 Proclamation to the Nation of April 1973 alluded to in the introduction saw the first serious attempt at silencing civil society. The Proclamation was directed at the emerging opposition to the dominant conservative monarchical Imbokodvo National Movement⁹¹, also referred to as the King's Party. The lull in industrial labour activism was an unintended consequence of the banning of political parties (or freedom of association) that lasted until the mid-1980s when the Swaziland National Association of Teachers led by the late Deputy Prime Minister, Mr. Albert Shabangu, led the teachers through a historic industrial strike that shook the status quo. The consequence of the 1980's teachers strike was the subsequent targeting of union leaders for incorporation into government by the state – a common solution adopted by African heads of state to silence civil society and organized labour in particular⁹².

Organized labour re-emerged very strongly again in the early, reaching a climax towards the second half of the decade. Public administration and industrial labour experts interviewed in the study argue that the resurgence of organized labour was a result of two factors, namely; the weak leadership in the government and the allowing (conducive) legal framework.

Prior to the assumption of power by Dr Sibusio Dlamini as Prime Minister of Swaziland in July 1996, Prince Mbilini was Prime Minister of Swaziland from November 1993 to April 1996. Prince Mbilini, even though a former cabinet

minister, had very weak leadership skills. In addition, Prince Mbilini inherited a very combative labour movement from Obed Dlamini, a former trade unionist who had led the government as Prime Minister from July 1989 to November 1993. It is in Obed Dlamini's government that the resistance and activism of trade unions (including the self un-banning of otherwise banned political parties) thrived. By the time Prince Mbilini assumed power in November 1993, the activism of organized labour had already taken root.

Further radicalizing organized labour in the later part of the 1990s, beyond the weak leadership in government, was the labour laws of the country. One such bad labour law was the Industrial Relations Act of 1996, enacted under Prince Mbilini's leadership. The IR Act of 1996 criminalised industrial action. In fact, the Act held the leadership of unions personally accountable, for instance, for destruction of property during strike actions. Leaders could be fined or confined to jail. The consequence of such a bad law was a very defiant and resistant organized labour.

When Dr Sibusiso Dlamini assumed power in July 1996 he was faced with a very organized and well established labour that, for him, would require more than tough legislation to control. Indeed the strong-handedness - including the brutal use of force against unarmed individuals - of the regime played a very significant part in the suppression of organized labour leading to the lull since late 1998.

Another method adopted by Sibusiso's regime was that of issue linking. Issue linking⁹³ is a concept used in international relations where states link issues to concerns that are otherwise not related (e.g. linking foreign direct investment to decreased social service spending), in order to gain some advantage. This government would link industrial action with the rates of investment or levels of foreign direct investments in the country. The regime argued that a resistant and active labour discourage foreign investment in Swaziland. When

the new IR Act of 2000 was finally enacted giving organized labour the right to protest as opposed to the IR Act of 1996, the regime employed the Generalized System of Preferences (GSP) and the Africa Growth and Opportunities Act (AGOA) as bargaining tools against any form of industrial action.

The third instrument to control labour and any form of dissent used by the regime was the Internal Security Act of 2002. The Internal Security Act of 2002 was a direct upgrading of a colonial statute used by the colonialists to control the natives called the Public Order Act of 1963. The Internal Security Act of 2002; later deemed unConstitutional by the Swaziland High Court, prevented meetings without the approval of the High Commissioner of Police, including workers meetings, under the pretext of ensuring security.

Labour experts in the survey conducted propose a fourth and even fifth reason for the lull in labour activism. The fourth reason is the over-politicisation of the labour movement. They argue that politicisation of labour is a normal and common African phenomenon. However the problem begins when labour begins to align itself with specific movements/parties instead of certain ideologies and neither being critical of the groups they align themselves with. The downfall for labour in Swaziland is that the leadership took certain political sides, without the popular support of its members, which eventually alienated most of its membership. Lack of consensus on the political positions (one that reflects the leaders' interests and one that reflects their members' interests) taken by the leadership resulted in the subjugation of labour issues and the interests of workers to the extent that labour was now perceived as a political movement thus losing national legitimacy.

The fifth reason for the decline in labour activism is that of tensions within the labour movement and personality driven issues. The masses tended to play the man instead of the ball so that the ideas pursued by the people could not

stand on their own in the absence of the powerful personality. In the researchers opinions, ideas need to have an internal, consistent logic and appeal to the greatest number of people, and must be effective, then you will not run out of people to champion those ideas.

Issues in the movements were driven by personalities so that in the absence of these personalities, these issues did not or could not form part of the national agenda and therefore did not deserve national attention.

The consequence of all these policies combined outlined above, and the length of the period in which these policies were strongly enforced, weakened the labour movement as evident today.

Media

There are broadly two media types in Swaziland – print media and electronic media.

1. *Print media*

In the print media there are both state owned and privately owned print media houses, namely:

- *The Times of Swaziland: The Times*, as it is commonly referred to, is privately owned. *The Times* is a daily circulation and it includes weekend papers; the *Swazi News* (Saturday) and the *Times Sunday*. *The Times* has become the most critical and arguably influential newspaper in the country. It enjoys the highest circulation⁹⁴ in the country.
- *The Swazi Observer: The Swazi Observer* is a state owned daily and weekend newspaper (*Weekend Observer* – Saturday only). It is funded through Tibiyo Takangwane. Tibiyo Takangwane is a royal business enterprise with massive investment in the country and equally immense income.

- *Other print publications:* There are other print media that do not have as much circulation as the two newspapers noted above. These include the *Nation Magazine* – a periodical news magazine, the *Voice* – fortnightly newspaper and a few others. The *Nation Magazine* is led by a young ferocious former *Times* newspaper editor, Bheki Makhubu, who has made significant effort to raise the profile of the magazine. It is also worth noting that South African print newspapers enjoy a significant circulation in the domestic market. These are the newspapers *Sowetan*, *Mail and Guardian*, *The Sunday Times* and the daily *The Star*, as well as the rest of the usual Sunday newspapers.

2. *Electronic media*

The electronic media can be divided into three groups, namely radio, television and the internet.

- *Swaziland Broadcasting and Information Station (SBIS):* The *SBIS* is wholly state-owned. The *SBIS* enjoys the largest coverage in the country thus is the most important and primary source of information for the majority Swazi population. The state has recognized this fact and has a very tight control on the content of *SBIS*. It is divided into two services; the siSwati service and the English service.
- *Swaziland Television Broadcasting Corporation (STBC), commonly referred to as Swazi TV:* *Swazi TV* is also wholly state-owned. It equally enjoys very stringent government control. The television station enjoyed complete monopoly of this sort of media until late 1990s when another television station, *Channel Swazi*, was allowed. *Swazi TV* is one of the worst performing government public enterprise as it is consistently on the brink of closure due to insufficient funds. Because of the highly controlled content, the programming is focused on non-sensitive and therefore not newsworthy material. The focus for the station is to present itself as an entertainment station.

- *Channel Swazi*: This is a new television station. The owner of the station is also an employee of the state television station – its direct competitor. The owner is also the senior reporter of royal events and trips, and director of the King’s mobile television unit. Since inception, the station has become the royal defender and instrument for royal propaganda.
- *The internet*: Internet Café’s have mushroomed in the two capital cities and major towns without as much attention as expected from the state. Despite that it is as yet an under-utilized medium. The internet has availed news information that the state is not pleased with. In 2003, *The Sunday Times* (RSA) reported some serious peculiar incident affecting the royalty. Before mid-morning of that Sunday, *The Sunday Times* had been removed from the shelves of all possible stocking outlets. It was not banned completely from the country; however the removing of the newspaper from shelves illustrated the willingness of the government to limit access to some information. However, removing *The Sunday Times* from the shelves did not prevent the accessing of the paper electronically and eventually that is how the ‘contagious’ story was accessed by a majority of ‘connected’ Swazis. This illustrates the potential of the internet.
- *Other electronic media*: There are two other radio stations. These are the Voice of the Church; an international strictly Christian radio station that has a more or less specific target group. The other is a small community radio station in the Lubombo region of the country. This is a small station with an equally limited coverage. The success of this radio station – evident in the HIV/Aids content – has shown that community radio stations might have potential.

In terms of a legal framework, the media are tightly controlled by the Ministry of Public Service and Information. However, the media, like the CSOs or NGO sector, still have no policy. In the beginning of this year, 2005, a proposed media council – a body representative of all concerned stakeholders

- was mooted. This was going to be a council formed after the media policy⁹⁵ had been established. It was to be formed by the end of 2005 with the financial support of the British High Commission. According to the Director of Swazi TV, the idea of the Council has suddenly disappeared from the media agenda. Therefore, in terms of a regulatory legal framework the media operates in a near-vacuum. In addition to the operation in a vacuum, the media have expressed serious reservations about their capacity. In a survey conducted for the Preconditions for Elections Programme for Southern Africa (PEPSA) – Swaziland Situation this year (PEPSA – Swaziland, 2005), and supported by the public and expert opinion surveys, the media raised two significant challenges that affect their efficiency:

- Inaccurate reporting by the media: this is a result of a skills-investigative shortage within the fraternity; and
- Lack of critical analysis of political, economic and social issues by the media.

CONCLUSION

An outline of the challenges for the non-state sector in governance serves as a conclusion. The challenges illustrate the levels of citizen participation, nature of civil society in the country and the potential for organized civil society to influence the national political transformation process. The primary condition, however, to the success of civil society in Swaziland is that it has to reform.

Challenges for the non-state sector in governance

The major internal challenges hindering the effectiveness of organized civil society, the media and so on are broadly financial, human and skills capacity. There is a general problem of the lack of skills and high staff turnover in CSOs and the media. Beyond skills shortage is the general human capacity shortage; there are just not enough people willing to do “NGO” work. There is also a

problem of unreliable financial support. Few civil society organizations have developed significant and sustainable domestic income generating programmes. A vast majority of CSOs are, at the least, 85% (CANGO AGM Report, 2002-2003; Save the Children Director, 2004) dependent on external or international donor support. This external dependence not only creates an environment of competition, especially within same agenda NGOs, but is also has an unstable effect on the programmes and therefore general effectiveness of the CSOs sector.

There are about four major external challenges for civil society organizations in Swaziland:

1. *Lack of a common agenda – existence of competing agendas*

Organized civil society in Swaziland is realizing the benefits of a parsimonious agenda for civil society. It is becoming increasingly important for organized civil society to acknowledge the fact that competing agendas have a detrimental effect on their efficacy as representatives of the indigent and poor.

2. *Capacity to engage the state and its institutions*

The capacity to engage the state and its institutions contains a number of aspects: (a) the resource aspect (human, skills and financial resource shortage), (b) how to engage the state and its institutions (not as antagonist but as complementary institutions) and (c) when to engage the state (when civil society has sufficiently mobilized the masses). The second aspect is an extension of points 2 and 3. It is important to engage the state and its institutions not only when problems in the system are identified. It is necessary for civil society to engage them even when the system is performing very well in order to complement the successes of the state. Organized civil society in Swaziland is failing in both aspects.

3. *Weak capacity to mobilize and involve broader citizenry*

Typified in the Constitution case study is exactly the weakness in organized civil society to mobilize and involve the broader population. The competing ideas and agendas of civil society have a negative consequence on the ability of civil society to mobilize. Combined with too individual and occasionally contextually irrelevant agendas, organized civil society fails to appeal to the broader citizenry.

4. *Weak capacity to create or open-up spaces for policy influencing*

The exploitation of the little space provided by the IR Act of 2000 by labour movements – the freedom to associate and protest – best illustrates the potential of organized civil society given the capacity to (a) identify the little space that can be exploited for policy influencing and (b) create – in the present situation – their own space to influence policy. For instance, the Ministry of Finance, since the beginning of 2000, has adopted a process of engaging the public in what is referred to as the creation of *the people's budget*. Organized civil society – including specialized association such as the Economic Association of Swaziland (ECAS) – has not responded to the little space opened by the Ministry of Finance. Mzizi (2002:215) concludes; “*The status quo has successfully used the strategy of individualism as more supreme than organized voices to emasculate civil society*”. From the developments discussed, it can be inferred that Mzizi is correct in his conclusion.

Therefore, unless organized civil society realizes this and unless organized civil society mobilizes – for political education; the relevance, effectiveness and efficiency of organized civil society is doubtful and citizen participation through organized civil society will be impossible.

6

LOCAL GOVERNANCE

In this chapter, it is posited that local government in Swaziland constitutes the first tier in the hierarchy of government as it pertains the participation of people from diverse backgrounds in the provision of communal services and in matters that touch and concern them on a daily basis. Put differently, local government is that branch of government and administration that is most intimately concerned with the lives of ordinary people and with matters that are closest to them in their daily experience and their basic needs. Local governance in Swaziland as manifest in the form of local councils or municipalities is perceived as a cornerstone of contemporary democracy as it promotes autonomy on matters which intimately affect a locality. Although local government provides for a wide variety of communal services, it is a relatively new phenomenon in contemporary Swaziland. One of the main objectives of local governance as spelt out in section 218 of the Constitution is to promote tinkhundla based democracy and participation in local affairs. In accordance with the principle of cooperative government, the central government is required to assist the municipalities to manage their affairs and in the performance of their functions and exercise of their powers.

The Constitution of the Kingdom of Swaziland Act No. 1 of 2005 provides for the existence of local government authorities in chapter 13, and in particular section 218.

- Section 218 (1) provides *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, hierarchically organized according to the volume or complexity of service rendered and integrated so as to avoid the urban/rural dichotomy.*

- Section 218 (2) states that *The primary objective of the tinkhundla based system of government is to bring government closer to the people so that the people at sub-national or local community level progressively take control of their own affairs and govern themselves.*
- Section 218 (3) states that *Local government shall be organized and administered as far as practicable, through democratically established regional and sub-regional councils or committees.*

Local governance is a relatively new phenomenon in Swaziland. It was only after independence that Swaziland set up a coherent system of local government through the enactment of the Urban Government Act, 1969. Through the Urban Government Act, local government was meant to address communal issues in urban as opposed to rural areas. According to the Swazi Administration Act, 1951, chiefs were given powers to address matters of local government in the rural areas. This arrangement has not been without its problems as traditional leaders are not trained in matters of local government and by virtue of the powers they wield, are not the best people to preside over issues of local government. From a reading of section 218 of the Constitution, it is clear that the local sphere of government is made up of municipalities which must be created for the whole of Swaziland. The Constitution ensures that local government is an autonomous level of government. This autonomy is however restricted to the regulation of affairs falling within the municipality's area of jurisdiction. Legitimate supervision and necessary interdependence by Central government do not infract or erode the autonomy of local government. In fact, such supervision is necessary to ensure effective government and the co-ordination of local affairs in the area so demarcated as a municipality.

In practice however, the autonomy of local governments is adversely affected, if, these local government authorities do not have the required technical expertise and infrastructure to fulfil the functions and powers accorded them.

In principle, however, as many apposite powers and functions as possible should be devolved on them in accordance with the principle of subsidiarity.

As can be seen from the wording of section 218 (1), the existence of local government authorities as provided for in the Constitution is expected to be effected by Parliament within five years of the commencement of the Constitution. The Constitution is formally said to have become effective on the 8 February 2006 even though this position is subject to debate, considering that the Constitution was published in the government gazette on 26 July 2005. The Constitution making process was not inclusive as civil society and other organized formations were barred from making their submissions by Decree No. 2 of 1996. The net effect is that the Constitution is considered by the majority of people as a “Royal Project” that serves to cement the *status quo ante*. As can be seen from the POS, at present, 47.5% of the people report poor quality service from government while only 0.8% report to central government officials. From this premise, it may be concluded that if local government is now going to be centralized albeit with central government playing a major role, the people will be more reluctant to deal with “central government officials” under the guise of decentralization as provided by the Constitution. At present the existence of local government authorities is not so much governed by the provisions of the Constitution as it is by the Urban Government Act No. 8 of 1969 read with the Urban Government (Elections) Regulations, 1969. The Constitutional provision on the other hand, envisages the creation of a “wall-to-wall” uniform local government structure for the whole country. The Constitution further stipulates that local government will be decentralized to the various localities. Decentralisation is indispensable in any state in which there are diverse interest groups and communities. Decentralisation facilitates efficient administration and the use of resources and also makes possible a genuine participatory democracy. The Urban Government Act regulates the creation and function of municipalities within the urban as opposed to the rural areas. Local governance in this context does

not include rural areas as these areas are under the direct leadership of chiefs. As would appear from the results of the findings for this exercise, a majority of people do not report poor quality service from government to chiefs mainly because chiefs do not play an important role on issues of government as they only exercise delegated authority to regulate traditional issues within their chiefdoms.

LEGISLATIVE FRAMEWORK

The Urban Government Act, 1969 does not provide for tiers of local government. It deals with the existence of local authorities in towns and cities. There is no provision for the existence of local government in the rural areas. The Constitution 2005, in section 218 seeks to rectify this anomaly. The Decentralisation Policy, 2005 reaffirms the need to take local government to all people irrespective of their location. Decentralisation is indispensable in a democracy that operates in a country where the interests of the people are diverse. In this context, decentralization has both technical and ideological virtues. The technical virtue has to do with the facilitation of efficient administration and the use of resources while the ideological virtue is concerned with making possible a genuine participatory democracy. The Constitution envisages the existence of a “single country-wide system of local government” composed of the urban and rural areas. It is submitted that the Constitution calls for a restructuring of the local government in Swaziland. One hopes that provision can be made for an orderly process of incremental transition from the present system of urban local government to a new one encompassing rural areas as well.

The Constitution provides that local government must ensure that areas under its jurisdiction are managed and developed and where applicable, local government must consult local traditional authorities. Provisions relating to local governance are expected to come into effect within five years of the

commencement of the Constitution (Section 218 (1)). Matters of maintaining and protection of life, public property, the improvement of living and working conditions, the promotion of social and cultural life of people are some of the matters delegated to local government by the Constitution. Local government is also given the mandate to raise the level of civic consciousness, preserve law and order within its area and also preserve the rights of the people who are under its jurisdiction. Put differently, municipal authorities have an obligation to uphold the Bill of Rights. Municipal authorities further have the responsibility of enforcing compliance with the statutory and Constitutional obligations owed to them by the other sphere of government. Section 221 of the Constitution is instructive on the matters pertaining the function of local government in the new Constitutional dispensation.

Local government authorities shall determine, plan, initiate and execute policies, taking into account national policy or development plan.

Local government further has power to organize and promote popular participation and cooperation in respect of political, economic, cultural and social life of the area under its control (Section 221 (4) of the Constitution. From this provision it can be said that local government authorities must play a critical role in respecting, protecting, upholding and fulfilling such rights.

Lastly, a local government authority may oversee the performance of persons employed by the government services and the implementation of government projects in the area of that local government authority.

The constitutional provisions are “about things to come” in so far as matters of local government are concerned. The Constitution provides that the creation of a new structure of local government merging the urban and rural areas will only become effective five years from the commencement of the Constitution. The Constitution is revolutionary in matters of local governance.

It provides that local government will be clothed with power to “raise the level of civic consciousness ... promote popular participation and cooperation in respect of political, economic, cultural and social life” (Section 221 (4)). This is a far cry from what is happening at present where people do not feel free to discuss improvement issues on matters concerning their participation in public affairs. It is envisaged that once the “spaces” are created by the Constitution and people are made aware of their entitlements in matters of local governance, this institution will be all the more democratic for all.

Section 222 bestows on local government the power to raise revenue for the general upkeep of the area(s) concerned. This is an ambitious provision. At present, many of the able bodied people who drive the Swazi economy through their labour are dying in large numbers as a result of HIV/AIDS. The tax base into which local government may be expected to tap on is shrinking at a fast rate as such, when the provision becomes effective, local government may have nobody to tax given the high level of unemployment. Swaziland has not had any meaningful direct foreign investment in a long time. This, coupled with massive retrenchments from mostly the textile industries has meant that more Swazi people are getting poorer and may not be in a position to rates and taxes as provided for in the Constitution.

At present, local government’s duties and powers are regulated by sections 55-59 of the Urban Government Act, 1969. Under the Act, local government shall:

- control, manage and administer the municipality;
- maintain and cleanse all public streets and open spaces vested in the Council or committed to its management;
- abate all public nuisances;

- safeguard public health, and provide sanitary services for the removal and disposal of night soil, rubbish, carcass of dead animals and all kinds of refuse;
- establish or take over and maintain, subject to the extent of its resources, any public utility service which it is authorized or required to maintain under any law and which is required for the welfare, comfort or convenience of the public;
- develop, control and manage any land vested in, owned or leased by the Council; and
- generally promote the public health, welfare and convenience, and the development, sanitation and amenities of the municipality.

The powers of municipalities are restricted to the urban areas by the Enabling Act, 1969. The Urban Government Act does not apply to the rural areas and yet the people in the rural areas are just as needful of these services as those who live in urban areas.

A municipality must therefore strive, within its financial and administrative capacity, to achieve these aims. It is submitted that in order for the municipalities to be able to fulfil these democratic and developmental objectives in areas that are economically deprived requires the sustained support of central government within the framework of co-operative government.

The Minister of Housing and Urban Development has power to enlarge and to restrict the exercise of powers contained in the provisions of the Act. This is stated in Section 56 (2) and (3) of the Urban Government Act, 1969.

Local government may enter into contracts and call for tenders for any purpose not preclude by law and in furtherance of duties of a municipality. This is contained in sections 58 and 59 of the Act.

The Constitution makes provision for local government authority to promote popular participation in respect of political, economic, cultural and social life of the area under its control (Section 221 (4)). The supreme law however fails to put in place mechanisms for ensuring popular participation, accountability and transparency of local governance. In a limited sense though, citizens resident within the city or town concerned are enjoined to vote for Councillors within their cities or towns. That is how far their right to participation in matters of local government goes. The right of voters to participate in the elections of local government is regulated by the Urban Government (Elections) Regulations, 1969. Local government affords opportunities for grassroots democracy to operate and to be politically effective. Grassroots democracy means that there must be effective mechanisms to ensure accountability at this level of government, particularly in areas where the leaders lack skills and experience. Although local government institutions are the smallest institutions within a state they are capable of providing a balance to the concentration of power at other levels of government. In this way, they are able to constitute an important check and balance, which is so essential for a system of participatory democratic government.

POPULAR PARTICIPATION

From the outset, it is important to highlight that Swaziland is in a type of “interregnum” where the new has been conceptualized but not yet implemented in matters concerning popular participation. At present there are no mechanisms at regional and local level to ensure participation in policy making and budgetary allocations. Local government authorities receive a subvention from government on a yearly basis. The subvention is not necessarily sufficient for the needs of each municipality. Local government has power to make by-laws “for the good order and government of the municipality”⁹⁶. One way the citizenry may participate in respect to section 77

is that Council is obliged to “publish in the Gazette and at least one newspaper circulating in the municipality a notice of its intention to make a bylaw and by such notice invite representations in writing from any person who objects to the making of such bylaw...” The Council is also obliged to display in a prominent place at or near the main entrance to its offices the intention to make bylaws pertaining issues of good order and government of the municipality (section 79(a) and (b) of the Urban Government Act).

Once a bye-law is passed, it shall, “at all reasonable hours be open to public inspection without payment.” Effectively, this means a municipality may adopt and administer bylaws for the effective administration of matters which it has the right to administer. Only members of a municipal council may introduce bylaws, and such laws must be passed by a majority of the council’s members. The proposed law must also be published in a manner which gives the public a chance to make representations.

With the advent of the new Constitution and its concomitant, the Decentralisation Policy, the above position is likely to change. The Policy makes provision for the creation of a new body, the Regional Chiefs Council whose function among others would be to “debate and approve Regional Development Plans and Budgets.” It is submitted that regional development plans and budgets would also include those of local governance. If traditional Chiefs are considered people’s representatives, it may be argued that for the first time people will participate in the making of local government budgets. However, the reality is that traditional Chiefs are appointed by the King and therefore may not be elected, held accountable, or dismissed. In the latter sense, the *status quo ante* remains intact and the citizenry will still be unable to participate in matters affecting them.

On the other hand Chapter 5 of the Constitution of Swaziland, Section 58(1) provides that “Swaziland shall be a democratic country dedicated to the

principles which empower and encourage the active participation of all citizens...and in the conduct of public affairs, the State shall be guided by the principle of decentralization and the devolution of governmental functions and powers to the people at appropriate levels..." In order to realize the process of decentralization and devolution of state power, the Decentralisation Policy states that specific laws like the Local Government Planning, Budgeting, Finance and Audit Bill will have to be passed. It is this law that would ensure full participation of the citizenry in matters affecting them at the local government sphere.

The Constitution provides for the creation of the Commission on Human Rights and Public Administration (Section 163). It would appear this Commission would have the power to investigate complaints concerning the functioning of local government authorities and that would include their failure to "achieve acceptable delivery of services or equitable access by all in the recruitment to those services or fair administration by those services" (Section 164). The Commission does not have express power to order, the Local government authorities to allow the citizenry to participate in policy making and budgetary allocations. It may be argued however that the function of the Commission to "promote fair, efficient and good governance in public affairs" (section 164 (h)) would include the power to enable the people to participate in policy making and in matters of budgetary allocations.

CIVIL SOCIETY IN LOCAL AND TRADITIONAL GOVERNANCE

Civil society in Swaziland is weak, fragmented and largely unable to access and influence decision making procedures both at national and local levels. This can largely be attributed to the nature of the *Tinkhundla* system of government that the country operates under. *Tinkhundla* is an anathema of political pluralism and by extension discourages the promotion of a vibrant civil society. Even though civil society is organized under one umbrella body-

CANGO, the voice of civil society is still too weak to influence national and local government policies and issues. Coupled with this problem is the innate aspect of the system of government to deprive the citizenry the right to information. This has meant that public officials and parliamentarians refuse to give information at their disposal by virtue of being public servants because they are not accountable to the people. It is only on very few occasions that the media has challenged certain public officials in court and succeeded in denying the people the right to public information.

LOCAL GOVERNMENT ELECTIONS

Local government elections are regulated by the Urban Government (Elections) Regulations, 1969. Swaziland has two cities and seven towns that hold elections for councillors to serve in the local authorities. By notice published in the Gazette, the Minister must divide a municipality into territorial wards, in the case of a municipality or town which has not been divided, the whole area of such town will be taken as one ward (Section 6 of the Act).

A natural person who is 18 years and above and has resided within the area of the municipality for a period of not less than six months may register to vote in local government elections. The same is true of a juristic person who owns or occupies premises within any ward (section 3 (1) & (2)).

Before the voting process begins, the Minister of Housing and Urban Development issues a notice in the Gazette stating the date of commencement and duration of the registration period for voting in local government elections. The local authority under which elections are conducted is enjoined in law to prepare an voters' roll containing full particulars of registered voters, the area where the property giving entitlement to vote is situate and the voter's number in the roll (Regulation 7). As soon as the voters roll has been

prepared, the Town Clerk through a notice published in newspapers circulating in Swaziland and one posted outside the office of the elective authority, shall state that the voters roll is open for inspection and objections. The voters' roll remains open for inspection for a period of 14 days from the date of first publication in the newspapers. If an objection has been lodged, the Returning Officer determines the objection and notifies the person of the decision (Regulation 8 (2)).

After all claims and objections are attended to, the Returning Officer certifies the voters roll, the effect of which is that the voters roll becomes operational on the date of certification. It is only then that it is deposited at the office of the elective authority and is open to inspection by the public during office hours (Regulation 11). The Town Clerk, or any person so designated by the Minister is responsible for the conduct of local government elections (Regulation 14).

It is the duty of the returning officer to publish by notice, in any newspaper circulating in Swaziland and such places he deems conspicuous for the purpose to state the day the election will be held and the hours between which polling will take place (Regulation 15 (a)) and specify the place within the municipality or town where the nominations will be received.

A voter is qualified to stand for election as a councillor of an elective authority (Regulation 16 (2)). Nomination of a candidate for election is made on a specific form that must be completed and signed by not less than ten supporters who shall be voters of the ward for which he is a candidate. The form must also show that the candidate voter accepts the nomination. A candidate may not be nominated for more than one ward, nor may a husband and wife be nominated as candidates at the same election (Regulation 17). Each candidate should deliver his nomination form to the Returning officer and the latter shall publish at the office of the elective authority a list

containing names of candidates duly elected and the names of those whom a poll will be taken in terms of the Regulations. Any candidate may withdraw his or her candidature by notice on the prescribed form duly delivered to the returning officer.

Elections at local government level are by secret ballot. Each polling station is staffed by presiding officers who are appointed by the Returning officer. In the event of a tie between two candidates, the Returning officer will have the final say on the winner. Put differently, this means the Returning officer has a special “casting vote” in the determination of the winner. It is an important aspect of local government elections that individuals are elected on individual merit as opposed to political party membership. This is because the *Tinkhundla* system of government does not allow for the operation of political parties in Swaziland.

Local government elections differ from national elections in material respects. First, national elections are regulated by the Establishment of the Parliament of Swaziland Order, No. 1 of 1992, and are administered by the Electoral Officer who is assisted by a number of officers in conducting the elections. The Electoral Officer is assisted by the Deputy Electoral Officer, electoral officers, registration officers, returning officers, presiding officers, counting officers and polling officers. Both the Chief and Deputy Electoral Officers are appointed by the King, while all other officers are appointed by the Chief Electoral Officer (Section 59). In performing their functions, the electoral officers are required to be impartial.

National elections occur at three levels: community (*umphakatsi*) or primary level, constituency (*inkhundla*) or secondary level, and House of Assembly level. At the community and constituency levels, would be voters are required to register as voters in terms of the Voters’ Registration Order, 1992. A number of other requirements relating to age and residence must also be met.

The franchise is regulated by sections 9 and 10 of the Parliament Order, 1992, which excludes the following categories of people from voting in Swaziland: non-citizens, persons not registered as voters, person of unsound mind, persons under the age of 18 and persons under the sentence of death.

At the House of Assembly level, the franchise is restricted to members of the House (section 14 (2)). The House of Assembly elects 10 members of the Senate while the King appoints the remainder. Qualifications for membership of the House of Assembly and Senate are stipulated in sections 19 and 20 of the Parliament Order, 1992.

At present, elections begin at the community level (primary elections). Each *inkhundla* is divided into four or five communities. The winner in each community is presented for election at the constituency or *inkhundla* level (secondary elections). At this level, the election of members of the House of Assembly takes place. The candidates are permitted to campaign but only on specified developmental issues. The winners of the secondary elections then become Members of Parliament. After the 55 Members of Parliament have been elected, the King appoints ten members of the House of Assembly, bringing the total membership of the House to 65.

The final phase of the electoral process in Swaziland is at the House of Assembly level. Once the House has been constituted, its members meet to elect 10 members of the Senate. The candidates for this election are drawn from members of the general public. Worthy of note is the fact that the candidates are nominated and elected in absentia.

REPRESENTATION AT LOCAL GOVERNMENT LEVEL

Local government is not broadly representative in so far as it does not include people who reside in rural areas. In that sense, a large percentage of Swazi

people are not involved in local government. For a long time, the Minister responsible for local government was responsible for appointing councillors to serve in city councils. It was only in the 1980's that full effect of the Urban Government Regulations was realized through allowing people to participate in electing councillors into office.

At present, the local sphere of government is made up of municipalities which have been established for the two cities and less than seven towns in Swaziland. The executive and legislative authority of a municipality is vested in its municipal council. The Minister must be updated on Council's activities and at times he may override Council's executive and legislative authority. A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to the relevant national laws. In this limited sense, local governments have a limited measure of administrative autonomy. Ideally, local government should be an autonomous level of government in the sense that they are able to regulate affairs falling within their constitutionally demarcated jurisdiction. The majority of local government functions and powers in Swaziland are largely derived from enabling laws passed by central government.

In Swaziland the autonomy of local governments is adversely affected because these local governments do not have the required technical expertise and infrastructure to fulfil the functions and powers accorded to them. Budgets and planning of City Councils are not obliged to give priority to the basic needs of the communities nor are they obliged to promote social and economic development under Statute and under the Constitution.

Central government gives subventions to local government authorities but not substantially and fails to meet the needs of the people serviced by the different municipalities. Central government is not obliged to support and

strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

TRADITIONAL AUTHORITIES

The traditional structure in Swaziland is made up of the King in his capacity as *iNgwenyama*, *iNdlovukazi* (the Queen Mother), *Ligunqa* (Princes of the Realm), *Liqoqo*, *Sibaya*, *Tikhulu* (Chiefs), *Umntfwanenkhusi Lomkhulu* (Senior Prince) and *Tindvuna* (Royal Guards). The Constitution makes provision for traditional institutions in chapter 14 and in section 227.

iNgwenyama is the traditional head of the Swazi State and he performs such functions as are outlined under Swazi law and custom (section 228 of the Constitution). *iNdlovukazi* is traditionally the mother of the *iNgwenyama* and the symbolic grandmother of the nation (section 229 of the Constitution). She has such powers and performs such functions as Swazi law and custom assigns to her. She largely plays a moderating advisory role on *iNgwenyama* (section 229 (5)). *Ligunqa* (*Bantfwabankhosi*) are princes of the realm, the paternal uncles and half brothers of *iNgwenyama* who exercise functions of a Chief over some area and whose mothers were given authority to oversee and exercise jurisdiction over an area accorded by *iNgwenyama* in accordance with Swazi law and custom (section 230). The membership of this body includes the *indvuna* and some members of *Emabekankhosi* (kingmakers) determined in accordance with Swazi law and custom.

Ligunqa ranks above *liqoqo* and is convened by *iNgwenyama* or the *iNdlovukazi* when she acts as Queen Regent. *Ingwenyama* consults this body from time to time on important or sensitive matters or disputes including matters of succession connected with the monarchy. *Ligunqa* will also advise *iNgwenyama* and the *iNdlovukazi* as Queen Regent where that advice is necessary in the national interest to ensure the stability and continuity of the

Monarchy. *Liqoqo* is an advisory council whose members are appointed by *iNgwenyama* from the membership of *bantfwabenkhozi* (*emalangeni*), Chiefs and persons who have distinguished themselves in the service of the Nation. Where necessary, the members of *liqoqo* may be appointed by the *iNdlovukazi* as Queen Regent. *Liqoqo* traditionally advises *iNgwenyama* on disputes in connection with the selection of Chiefs, boundaries of chiefdoms and any other matter *iNgwenyama* may assign for their advice in confidence.

Sibaya (the Swazi National Council) is the highest policy and advisory council of the nation. It is made up of all adult citizens, *Bantfwabenkhozi*, the chiefs of the realm gathered at the official residence of the *iNdlovukazi* under the chairmanship of *iNgwenyama* who may delegate this function to any official. *Sibaya* functions as the annual general meeting of the nation but may be convened at anytime to present the views of the nation on pressing and controversial national issues (section 232)

Tikhulu (Chiefs) are the footstool of *iNgwenyama* and the latter rules through them. *iNgwenyama* has power to appoint any person to be chief over any area. The position of the Chief as a local head of one or more areas is usually hereditary and is regulated by Swazi law and Custom. A Chief is not allowed to take part in partisan politics (section 233 (6)). Powers and functions of Chiefs are in accordance with Swazi law and custom or may be conferred by Parliament or *iNgwenyama* from time to time.

Umntfwanenkhozi Lomkhulu (Senior Prince) is a paternal uncle of the King selected and appointed in accordance with Swazi law and custom (section 234). He holds fort together with the Queen Regent at the demise of the King.

It would appear that traditional authorities in the context of Swaziland are the extension of the institution of the Monarchy. All the traditional institutions are replete with members of the royal institution or are wholly composed of

members of the royal family. It is small wonder therefore that traditional institutions as envisaged in the Constitution would not serve to promote and cement democratic ideals as long as they remain an extension of the institution of the monarchy instead of being “owned” by the Swazi nation. The *Tinkhundla* system of government has succeeded in transforming the King of Swaziland from being a king who was accountable to the people to one who is now absolute and whose word may not be questioned.

Tindvuna are governors who are in charge of the regiments and royal villages. *Tindvuna* assist in the traditional government of the country by carrying out certain decisions and advising *iNgwenyama* or *iNdlovukazi* in various respects (section 235). *Tindvuna* hear cases, give judgements and advise on the temper of the nation in addition to organizing labour for the royal fields. They also ensure that the royal kraals and villages are periodically repaired. The appointment of *Tindvuna* is not above reproach as the process is shrouded in mystery and is not transparent. *Tindvuna* are appointed into office by the King and remain in such office at the pleasure of the King.

Democracy and traditional institutions

Traditional institutions in Swaziland largely ensure that democracy is stifled in large measure. First, the King in his capacity as *iNgwenyama* exercises unlimited power over the people and as a “mouth that tells no lies” may not be opposed in decisions taken which may impact negatively on people. He exercises a wide variety of powers over government and over the traditional institutions. The other institutions are largely there to buttress the will of the *iNgwenyama* and to ensure the perpetuity of the monarchy.

Traditional leaders are not accountable to their constituencies and as such no systems exist to hold them accountable to the people they rule. They do not consult their people. The clearest example of this occurred during the drafting of the Constitution. It is now accepted that the process is considered flawed in

so far as the “consultations” were nothing more than a rubber stamping by loyalists of the *status quo* through a tailor made consultative process.

Most traditional leaders are in office at the pleasure of the King and only at his displeasure can they be removed. As a result, no formal reasons are given when some of the traditional leaders are removed from office.

Institutional framework

The Constitution makes reference to the Council of Chiefs whose main function would be ensure that Bills introduced in Parliament seeking to amend or alter Swazi law and custom are scrutinized by them before they can proceed to the Second reading in the House of Senate (section 115 (2) (a)).

The King is an integral if not the focal point of both central and local government. This means traditional authorities and central government are interrelated although in recent times the former has appeared to overshadow the latter in the most crucial and sensitive matters.

An example is when the Executive arm of government was ordered by the traditional authorities to evict certain people from Macetjeni and KaMkhweli much against basic tenets of justice. When the courts of the land ruled that the people should be allowed to return to their land, this order was disregarded by central government on instruction from traditional authorities. The evictees who were finally allowed to return to their homes were those who followed the “traditional route” of apologizing to the King.

Local governance and traditional structures do not interface in so far as the former applies to people residing in towns and cities and the latter applies to people resident in rural areas.

Traditional authorities and representation

Traditional Authorities are represented in Parliament. However, traditional leaders are not allowed to stand for elections but are appointed by the King, on a rotational basis, to serve as members of Parliament. Traditional Leaders neither influence the electoral process nor are involved in the process of selection of government officials.

Traditional leaders do not have access to state resources in the nature of finances. The banned political party formations which are averse to the *Tinkhundla* system of government have, on many occasions, been denied audience with people resident in certain chiefdoms ostensibly because these formations do not comply with the status quo.

CONCLUSION

In conclusion, it can be said that the Constitution, read with the Decentralisation Policy, has revolutionised local government in Swaziland. In terms of the Constitution, local government is no longer merely a level of government exercising delegated legislative powers. Local government will now be sphere of government which in effect exercises original legislative and executive powers in line with the provisions of the Constitution and the Decentralisation Policy. The new Constitution accords local government greater powers than those it presently wields. The new Constitution further extends the boundaries of local government authorities to include rural areas that were previously not catered for. It should be noted that at present this is not the actual position as the Constitution is yet to be implemented – that is in 5 years' time.

It is hoped that the Constitution has levelled the ground for social, and to a limited extent the political and economic rehabilitation of local government in Swaziland. It is anticipated that local government will therefore co-operate

with central government to deliver the services that it is their Constitutional obligation to carry out. In this respect, the issues of democracy and accountability are of concern. It is local government authorities that afford opportunities for grassroots democracy to operate and to be politically effective. In this respect, effective mechanisms to ensure accountability at this level of government cannot be downplayed.

ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE

INTRODUCTION

Good management of the economy and corporate governance help promote economic prosperity and social cohesion. It strengthens democracy and human rights; reduce poverty; enhance environmental protection and the sustainable use of natural resources and; deepen confidence in government and public administration⁹⁷. According to this report, there is need to institute appropriate economic management and corporate governance policies if sustainable development is to be achieved. That is why the SADC team is reviewing each of the countries economic performance with greater emphasis on the need for corporate governance within the SADC countries. Different researchers have attributed the various countries' poor performance within the African continent to mismanagement and lack of good corporate governance⁹⁸. This has serious implications for improvement on these aspects if SADC is to enhance its competitiveness within the global context.

For economic improvements, the major economic drivers recommend liberalisation of trade through reduction in trade and competition barriers to "best practice" levels (the European Union (EU), the United States of America (USA) and the Organisation for Economic Co-operation and Development (OECD)). International trade and Investment are key channels for close economic integration and better material standards of living⁹⁹. Others have argued that reforming regulations restraining competition, especially in services, would contribute more to raising GDP than reducing barriers to trade and foreign direct investment¹⁰⁰. Therefore, there is need for continuous monitoring of world trade developments, trade and payments relationships between SADC countries and the rest of the world. This will enable the region

to institute integrated measures that are suited for enhancement for their economic performance in the globalised context.

Swaziland's economic performance remains relatively low compared to the economic progress made by the other countries within the region. This is a result of the numerous gaps affecting its economic development. Some of the constraints are beyond its control while others can be controlled through sound macro and micro-economic policies that address the following critical questions: Are trade and payment relationships between SADC countries and the rest of the world intact; and are fiscal policies on track? What policies are in place to boost job creation? What should be the conduct and operation of the monetary policies in the context of liberalised financial markets and price stability? What should be the role of the exchange rate in monetary policy formulation and the effects of monetary policy on the economy? How are revenues balanced against expenditure? How can improvements in public services and/or achievement of the Millennium goals given the declining inward investment, declining employment and revenues from taxes. How can product market competition be improved and what type of regulatory reforms are needed? How can these critical issues play a major role in improving Swaziland's economic performance?

These key questions will be explored in the subsequent chapters for improved economic performance and corporate governance. The questions raised also indicate how Swaziland faces key challenges for consolidated economic and structural reforms. These should address poor economic performance, linked to declining inward investment, and fiscal indiscipline, lack of transparency and integrity and the political system of governance that is construed to be undemocratic. Swaziland has to adapt some of the policies and "best practices" used in the region, such as in Botswana, if relevant to the country's economic needs. For economic recovery, the country has to stimulate direct investment inflows, design policies to boost job creation, improve the

conditions for innovation and growth; and modernise the public sector through the establishment of stronger fiscal institutions. Additionally, it requires improvements in its administrative procedures that will further facilitate uprooting of corruption and building of a strategy for rationalising government expenditure. The system of governance appears to have hampered a lot of developments in this regard.

If Swaziland was more democratic and thus more transparent and accountable to the people, it would have a great competitive advantage because of its small size and the greatest potential to benefit from the small percentage regional and global growth¹⁰¹. This is because of the multiplier effect from regional and global economic development. But because of fiscal indiscipline and poor adherence to other corporate governance principles, despite the economic growth globally and regionally, Swaziland's economy reveals a downward trend as reflected by the drastic economic decline in annual real GDP and the other economic indicators in Tables 4 and 5. For instance, an assessment of Swaziland's economic performance in a global context depicts the following picture in Table 4.

Table 4: Swaziland's Economic Performance (GDP) in the global context

Country	Percentages		
	2005	2006	2007
Swaziland	2.0	1.2	1.0
South Africa	4.9	4.3	4.1
Africa	5.2	5.5	5.7
Global	4.8	4.9	4.7

Source: Hansen, Paul. 2006. 'Swaziland Economic Performance', Presentation at a Breakfast meeting, eSibayeni Lodge, Swaziland.

This situation is not expected to improve due to the present system of governance, escalation of unemployment (34% in 2003), declining inward

investment (42% in 2005) and the high public spending that is not accompanied with improvements in productivity or revenue earnings as most of the government revenue comes from the South African Customs Union (SACU) receipts¹⁰². In the absence of this form of revenue, the country's economic situation may be far worse than depicted. In emphasizing this point, The Central Bank of Swaziland expressed that

prospects for FDIs will continue to depend largely on the political will to improve the image of the country... that can only be achieved, among other things, by formulating and implementing prudent macro economic policies, respecting the rule of law and the new Constitution, and by practicing good governance¹⁰³.

The country faces serious socio-economic problems as a result of these factors. According to the National Development Strategy 2022 (2002), the growth in unemployment and social tensions will persist, worsening poverty, HIV/AIDS and OVCs.

Thus urgent and aggressive reactions aimed at circumventing this situation are needed. On a positive note, government spending declined from 4% to 2% during the year 2006; Sugar production in tones and land cultivation for sugar continues to increase. The weakening of the currency could also enhance the competitiveness of the country's manufacturing and other export sectors such as tourism. Even though Swaziland has the highest rate in the World of HIV/AIDS (53%), 13, 000 patients are now reported to be receiving ARVs. Adverse to these positive developments, Swaziland inflation has risen as a result of more spending on consumer goods than industrial goods, and this is a reflection of the South African situation because of their close trade links, There have been two major hikes in interest rates for the year 2006, rising from 10.5 prime rate to 13%. A detailed discussion of these aspects is covered in the subsequent sections.

Section one presents the macro economic outlook in which broader macro economic variables affecting the country's economy are discussed. Issues discussed here include the country imports, exports, markets, revenue earnings, expenditure, external debt, cash flows and fiscal imbalances, HIV/AIDS and poverty issues.

Section two covers the role of the state in the economy with particular emphasis on corporate governance issues, bureaucracy, corruption and other malpractices at ministerial levels. The role of the state in economic policy formulation and in dealing with the macro and micro-economic issues is discussed. Key policy measures adopted by the government to restore fiscal indiscipline and to counteract the economic gaps are highlighted. Overall it is clear that government is committed to circumvent the adverse economic position and address corporate governance issues as evidenced by the structural reforms, job creation and other important policy development initiatives.

In section three, micro-economic trends are presented. Issues pertaining to income distribution and gender equality are discussed. There appears to be huge disparities that are perpetrated by the system of governance that benefits the few. Part of the problems emanate from the minority status of women even though the situation is expected to improve with the new Constitution. The minority status has always disadvantaged them in accessing key positions and crucial resources necessary for uplifting the livelihood of their families.

Linked to the micro-economic developments is the role of markets (private sector) in the economy which is discussed in section four and citizens' participation (discussed in section 5). Pertinent issues here include attraction of the most needed inward investment to revamp the economic situation, address the high unemployment levels, creation of a conducive environment

for private sector promotion, policy formulation to promote the private sector participation, the role of citizens in economic policy-making because the key to promotion of private investment lies in citizens participation. Overall, discrepancies are noted that hinder citizens participation in promoting economic development. Finally, the need to address gender imbalances for meaningful economic development is emphasized in the last chapter mainly because of the prevalence of outdated practices that suppress women who can be vibrant in driving forward the economy.

SWAZILAND'S MACRO ECONOMIC OUTLOOK

Despite the small population (1.1 million people), 49% of it is under the age of 15 years; 42% of the sexually active are HIV positive, and 34% are unemployed, leaving a meagre figure that is economically active¹⁰⁴. Thus the constant decline in gross domestic product (refer Table 5). The country has an agro-based economy with limited domestic markets. The agricultural sector employs about 80% of the population and contributes about 16% to the Gross Domestic Product (GDP). Industry and the services sectors contribute 50% and 34% respectively¹⁰⁵. As a result, the country's economic performance depends on export oriented industries and is influenced by global trends, commodity prices, capital and aid flow of about 45% of export products including sugar and citrus which are sold internationally, although these commodities are sold under intensified competition. Thus greater emphasis is also given to regional markets that include South Africa with its diverse consumer profile¹⁰⁶. Swaziland's relationship with South Africa is of greatest value as expressed in its membership in the South African Customs Union (SACU), which currently provides over half of the total revenue for the country. Swaziland is also a member in the Common Monetary Area (CMA). As a result, its currency is pegged 1:1 to the South African Rand. Since 1996, Swaziland has been enjoying a single digit rate of inflation and it continues to decline as it currently stands at 4.8%. The decline in inflation may be partly

attributed to the tight monetary policy stance taken by the South African Reserve Bank in collaboration with The Central Bank of Swaziland. Swaziland has always kept its inflation below that of South Africa. The aligning of Swaziland's monetary policies to that of South Africa limits Swaziland from developing its own independent monetary and trade policies, also making it virtually impossible to protect potential domestic industries through an independent exchange rate policy¹⁰⁷.

Additionally, the opportunities from the economic and political situation in neighbouring countries in the 1980's, and the economic sanctions against South Africa and war in Mozambique, encouraged the relocation of enterprises from these countries to Swaziland.

Consequently, Swaziland's manufacturing sector recorded significant growth rates through Foreign Direct Investment (FDI) and became more diversified. Food and beverages (soft drink concentrates), clothing and textiles, pulp and paper, engineering and metal industries, as well as plastics and chemicals were the main sub-sectors contributing to increased manufactured exports performance. The manufacturing sector accounted for about 35% of GDP, and approximately 26% of employment of the total work force of about 383,200¹⁰⁸.

Developments during the 1990's, notably the end of apartheid in South Africa and peace in Mozambique, stabilized the regional political and economic situation. This resulted in a significant drop in FDI to Swaziland, leading to a slowdown in industrial development and consequently stagnant economic growth. The unemployment rate increased from 22% in 1995 to 34% in 2003. The share of the population now living under the poverty line stands at around 70%¹⁰⁹.

Swaziland's economy is highly dependent on South Africa, importing about 83% from there and South Africa buys 74% of Swaziland's total exports¹¹⁰. The key economic drivers are the agricultural and manufacturing sectors,

with the manufacturing sector accounting for 36.2% of GDP; hence this sector is the largest revenue earner (The Central Statistics office, 2005). Revenue from the government sector is 16.2%, that from the agricultural sector and the wholesale, hotel, retails and restaurants is 11%. Other sectors are finance and, transport and communications. The mining sector, which is focused on coal for export, contributes a mere 1.8% to GDP and this activity has been declining in importance in recent years as other available deposits of minerals are not being exploited.

The main economic products are wood pulp production, drink processing, fruit canning, and sugar processing. Other important industries include manufacturing of refrigerators, Sweets and food processing. Swaziland's sugar industry consists of commercial and a large number of small-holder sugar cane farms, sugar processing sub-sectors, and related trade and service businesses. Sugar also constitutes the basis for the production of soft drink concentrates and other beverages, the largest exports of Swaziland, as well as ethanol and other derivative products.

While the sector per se accounts for about 15-20% of GDP and exports, it indirectly affects a much larger part of the national economy. Its top three exports in total value over the last five years are edible concentrates, sugar and wood pulp. Textile and apparel have also joined as leading export-oriented industries, although with high incidence of closures¹¹¹.

Heavy reliance on agriculture renders Swaziland's economic growth vulnerable to adverse world commodity price volatility and climatic conditions, most notably the recurrent droughts experienced by the sub-region. The decline in the demand for and the price of sugar and prolonged droughts has led to the decline of GDP from agriculture by 0.8% in the period 1997/1998- 2003/2004. Crop production on Swazi Nation land also shrunk by 9.3% and a similar pattern was observed in the mining sector during the period under review. There were numerous closures that included the

asbestos mine, the diamond mine and that of iron ore which were once major sources of revenue. These developments have heightened the scale of unemployment and have brought about economic instability, hence the persistent decline in the economic performance of Swaziland from 1996 onwards. The employment growth level also declined drastically during the period 1996- 2002 from 22.6-2.7% respectively.

Nonetheless, international and regional multilateral and bilateral agreements boost the country's economy to some extent, otherwise the country would be worse-off than the current situation. The country continues to be a member of socio-economic organisations and party to international agreements. These include: Common Monetary area (CMA); Southern African Customs Union(SACU); Common Market for Eastern and Southern Africa (COMESA); Southern African Development Community (SADC); African Caribbean Pacific States (ACP); General System of Preferences (GSP); African Growth Opportunity Act (AGOA); United Nations (UN); and World Trade Organisations (WTO). The African Growth Opportunities Act of the United States of America and the Everything but Arms Initiative of the EU allow preferential treatment of imports from Swaziland, which has led to strong growth in textiles production. Currently, Swaziland exports sugar to the EU under two preferential agreements: the Sugar Protocol (100-130,000 tons per year) and the Special Preference Sugar (SPS) (40,000 tons per year).

Lately though, the country has been experiencing immense challenges from the international trading environment that are adversely affecting the economy. For instance, the Multi-Fiber Agreement was abolished in 2005, leading to growing economic pressures on textiles factories some of which have closed down in the face of strong Asian competition, hence worsening the country's economic position. It is estimated that about 15,000 employees lost their jobs as a result of the companies' closures. The sugar industry also faced similar shocks following the recent change in European Union sugar regime. It is expected that the reform is likely to reduce the prices applicable

to Swazi exports by 36% over four years. It also opens the possibility of a higher export volume from developing countries including Swaziland to the EU, as the reform cuts the quotas for EU producers by 2.8 million tons. The loss of export earnings from the EU reform are estimated at €50 million over the 4-year period, but could be much more substantial and more imminent if the SPS access expires in 2006. In addition, tax revenue would be adversely affected; small-holder farmers and millers may face financial difficulties, aggravating rural poverty. The government is crafting strategies to address the sugar reforms and the key elements of the strategy are: to further reduce costs by providing training and financing for small-holder farmers; to seek higher access to the EU market for Swazi sugar; to address specific adverse consequences of the reform process, especially on small-holder growers and the environment; to move to higher value-added products and diversify export markets¹¹². Public investment in sugar-related projects would help. For instance, the Lower Usuthu Small-holder Irrigation Project could substantially increase annual net income of some 640 small-holder farms in the newly developed Komati and Usuthu river basins by reducing their vulnerability to drought.

Overall, if the adverse developments in the international trading environment continue, this is likely to worsen the dire economic and unemployment situation in a country with a youthful demographic structure, requiring fundamental and comprehensive structural changes to be crafted and implemented through collaborative efforts and cooperation between the private sector, the country's development partners and the government.

Other factors that are adversely affecting the economy are the appreciation of the exchange rate that has weakened external competitiveness, the elimination of textile quotas, and a persistent drought. A prolonged drought affected agricultural output, particularly maize, the main staple crop, and cotton. The real effective appreciation of the exchange rate of 24% in 2002-04 and high oil import prices hurt Swaziland's main exports (sugar, wood pulp,

and garments) and manufacturing activities. In addition, the removal of textile quotas in industrialized countries in January 2005 has led to factory closures and significant job losses in the garment sector, further worsening the unemployment rate (estimated at 30%). Other factors include a slow down in global economic growth, a decline in inward investments; a decline in South African economic performance and shrinking markets where the country exports its products (e.g. Asian and European markets). For instance, during the year 1993/94 FDI's declined by 10.5% to E4.585.3 millions. Manufacturing, the largest contributor to FDIs amounted to E3.334.4 millions, reflecting a decline of 6.2%. This problem has been compounded further by intensified competition and other unfavourable world market conditions that include rising prices of fuel, decline in prices of sugar which is one of the major exports and other related problems. Additional problems experienced have been linked to the impasse over the rule-of-law, although this was rectified in 2004. Further supportive information on the downward economic trend and the other developments discussed is as indicated in Table 5.

Table 5: Swaziland economic and employment profile 1996-2005

Economic factors	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Total GDP @market prices (Rmillion)	1563.7	1623.6	1676.2	1735.5	1770.9	1801.1	1851.2	1896.4	*16262.4E	-
% Annual real GDP growth	3.9	3.8	3.3	3.5	2.0	1.7	2.8	1081170	1104710	-
Population	929718	952431	977343	1003370	1029840	1056030	2.9	2.7	1.8	-
GDP per capita	6063	7112	7810.6	8607	9597.6	10531.7	11893.6	13339.6	15254.9	-
Inflation GDP (deflator %)	6.5	7.3	8.0	5.9	7.3	7.5	11.7	7.4	3.4	4.8
Consumption in % of GDP	95.5	93.1	85.5	90.3	91.6	84.6	78.8	-	-	-
Consumer Price Index (CPI)	-	-	-	-	-	149.20	166.65	178.86	185.0	-
Total FDI	2047.4	1978.1	2822.2	3423.0	4057.2	4301.6	5247.8	4787.2	5223.7	-
% Change in total FDI	4.8	- 3.4	42.7	21.3	18.5	6.0	22.0	- 8.8	9.1	-
% Investment to GDP ratio	20.5	20.6	23.1	19.4	20.7	24.9	19.8	-	-	-
% Private investment to GDP ratio	15.3	15.7	16.6	12.1	13.0	11.9	9.8	-	-	-
% Public Investment to GDP ratio	5.2	4.9	6.5	7.3	7.6	13.0	10.0	-	-	-
Interests (lending)	-	-	-	-	-	13.25	15.25	14.65	14.0	-
Budget deficit/surplus as a % of GDP	-	-	(1.8)	(1.6)	(4.8)	(6.7)	(5.0)	(2.9)	(3.6)	(4.5)
% Private sector employment	59.5	58.0	50.7	48.3	45.5	41.4	44.5	-	-	-
% Public sector employment	24.7	26.1	27	25.5	24.1	22.8	19.5	-	-	-
Total formal employment	84.2	84.1	77.7	73.8	69.6	64.2	64	-	-	-
% other employment (informal sector)*	15.8	15.9	22.3	26.2	30.4	35.8	36	-	-	-
% Employment growth rate#	22.6	2.4	3.9	7.4	9.3	8.7	2.7	-	-	-

Other employment includes proprietors, small traders and unpaid family workers

*E: Expected value

- Data could not be obtained

Sources: The Central Bank of Swaziland Annual Reports (2000-2005); The Economic Review and Outlook 2002/03-2006/07

The fiscal deficit has also increased to 4.3% of GDP, significantly higher than the original budget of 2.8% of GDP in the last two fiscal years, 2004/05. This is the case despite the gains from the SACU receipts and the removal of some tax exemptions. The wage bill and other current expenditures worsened the situation. Pressures have continued to rise in 2005/06, because of the full-year effect of the civil service wage increase granted in 2004, and further wage increases through a supplementary budget in the third quarter of the fiscal year. The deficit has been financed by external and domestic borrowing, drawing down of government financial assets, including the Capital Investment Fund (CIF), and an accumulation of domestic arrears.

As the budgeted obligations exceed inflows of revenues and available financing, the government is facing a serious cash flow problem¹¹³. The fiscal imbalances have led to losses of foreign reserves, which have declined to critically low levels. At the same time, the very high HIV/AIDS prevalence rate is exerting a heavy toll on society, food shortages persist in parts of the country, and poverty remains widespread.

There is also mismanagement of the economic resources. Despite having a clear monetary policy, generally the Minister of Finance fails to adhere to its fiscal policy and, to prioritise and manage projects as per the plans because of the Monarchy powers¹¹⁴. Resources budgeted for specific needs are easily diverted to priority areas as per special orders and the relevant Minister often finds it difficult to object (good examples are the Mbabane-Oshoek road and Sikhuphe airport).

As a result the GDP growth is estimated at 1.8 % in 2004/2005; less than the 2.9 average population growth rate and is expected to decline to 1.7% in 2006/2007, hence the declining standard of living¹¹⁵. What is also worsening the situation is the level of corruption and fiscal indiscipline which is rife in the various ministries. Thus the deficit continues to widen. The deficit/GDP

ratio was estimated at 4 % in 2004/2005 and is expected to increase to 10% in 2006/2007.

Swaziland has had to deal with a convergence of a multi-pronged set of challenges driven by persistent and unabating humanitarian crisis, arising from food shortages and the other problems discussed. While marginal improvements in food production were realized during the 2005 crop season, the World Food Program (WFP) still estimates that 227,000 people will need food aid by the end of the 2006 crop season. The country's poverty incidence has risen from 66-69% according to a recent Household and Income and Expenditure Survey (2004). The expenditure continues to increase as a result, creating an unsustainable fiscal trend and a decline in the country's foreign reserve holdings to historically low levels. The overall balance of payments position since 2000 has become negative, as a result of increased net capital outflows. It is clear that the situation will not improve for a while and people are even losing confidence in the government as a result of these problems. Typical comments from the expert opinion survey included such statements:

there is no hope for improvements as long as we have the prevailing system of governments that promotes fiscal indiscipline, corruption....the people in authority are the King's appointees who are ill-equipped and inexperienced. Some of them have a bad track record within their constituencies, hence, making the country ungovernable. We need a democratic approach for the economic recovery, otherwise we heading for disaster.

As a result of inefficiencies expressed, priority national issues are not accorded the attention they deserve as further evidenced by the responses gathered from a pilot survey in which serious national problems, perception on how government deals with the problems, the degree of confidence in

government and the perception on how government has responded in curbing the problems were assessed. A preliminary pilot survey¹¹⁶ in which the researchers wanted to get a feel of the perceptions of different people within the different regions in Swaziland reflected gaps in the manner in which government addresses the country's problems, hence exacerbating poverty problems, unemployment, HIV/AIDS, increasing cost of living, corruption, gender inequality, food shortage, human rights violation, crime, poor basic health services, declining standards of living and eventually widening the gap between the rich and poor. These concerns were also expressed in the expert survey 2006. However, the situation could be improved if government were attending to these concerns but seemingly the problematic nature of these cases emanated from the limited significance placed by the government on these important issues. As a result there were perceptions that people are losing confidence in government a view that was endorsed in the Expert Survey (2006). It can be inferred from the results that the less attention government gives to a problem, the more problematic is the issue and the less confidence the people have in the potential for government to address it. Even where it is making an effort to curb the problem (e.g. on HIV and food shortage) the attempts have not been fruitful due to other associated problems of increasing incidence of poverty, orphans and vulnerable children.

The government also instituted a "Poverty Reduction Strategy and Action Plan" in October 2004 through a consultative process. The strategy has the overall objective of halving the poverty rate by 2015 through multiple measures that include acceleration of economic growth based on broad participation, empowering the poor to generate their own income, and an equitable distribution of the benefits of growth through public spending. To ensure the effective implementation of the strategy, a poverty reduction monitoring unit within the ministry of Economic Planning and Development has been set up. However, little progress has been made toward this and

other Millennium Development Goals (MDGs), as evidenced by the declining living standards for peoples and the HIV/AIDS scourge¹¹⁷.

The problems that are experienced by the country are also caused by an increase in public expenditure that is not matched with an increase in revenues. As a developing country, the country uses substantial amounts on capital expenditures to help improve the country's infrastructure: roads construction and for other millennium projects. The government intends to reform the public expenditure management system using integrated financial system controls. It has been realised that weak expenditure controls, including at the line ministry levels, have contributed to the rising fiscal deficits and payment arrears.

With the Lilangeni pegged to the South African Rand, monetary developments have reflected those in South Africa. In line with interest rate reductions in South Africa, the Central Bank of Swaziland reduced its discount rate to 7% in April 2005. Market yields on treasury bills have moved downward and interest rate spreads relative to South Africa have remained small, as new issues of treasury bills have been contained to avoid incurring higher short-term borrowing costs, notwithstanding the government's large financing needs. Available data indicate that the banking system, which is dominated by South African banks, remains strong. In the face of shocks to exports and strong pressure to finance the fiscal deficit, gross international reserves (which include the Capital Investment Fund) declined from 1.9 month of imports at end-2003 to 1.1 months of at end-September 2005, the lowest level among members of the Common Monetary Area (CMA). In the meantime, public debt (excluding outstanding domestic payment arrears), which is mostly on non-concessional terms increased to 22% of GDP by the end of 2005, of which external debt accounted for 17% of GDP. Most of the public external debt is owed to bilateral and multilateral creditors, with maturities ranging from 15–20 years. The largest portfolio of debt is owed to

the African Development Bank. Since 2001, external debt has declined, falling from 25% of GDP. However, the decline is not the result of fiscal adjustment, but mainly reflects an appreciation of the exchange rate.

The World Bank analysis covered the years 1994–2004 and 2005–2010. The main assumptions are that, without policy reforms, annual real GDP growth would decline gradually from about 2.1% during 2004 to below 1% by 2010. The nominal exchange rate will depreciate by an average of 2.3% per year during the period. In line with developments in South Africa, the GDP deflator will increase by an average of 5%. Nominal external interest rate will average 9.7% during the period. Import and exports will maintain their trend growth of 3 and 2.6% per annum, respectively, while the non interest current account will average 1%.

The result of the World Bank analysis (1994–2010), reveals that public debt is expected to rise to 44% of GDP by 2010, and the external debt-to-GDP ratio to 24.2% in 2010. Gross external financing needs rose from US\$68 million in 2005 to US\$147 million or 4.6% of GDP by the end of the projection period. While in the historical period, the main driver of the debt dynamics was the exchange rate, variations in the interest rate, and the feedback from higher debt to higher interest payments are the key determinants of the outcome during the projection period¹¹⁸. According to this IMF report, under a scenario that assumes that the key variables are at their historical averages in 2005–10, public debt declines to 14.5% of GDP and external debt to 5.4% of GDP by end 2010. This reflects the recent deteriorations in the fiscal balance, and the fact that Swaziland's terms of trade were, on average, more favourable in 1995–2004. External debt appears most sensitive to a current account shock: the debt ratio increases to 35.1% by the end of the projection period, the highest under any of the stress tests. Changes in Swaziland's terms of trade can also have a significant effect on external debt – a deterioration in the terms of trade

of 5% could result in an increase in the external debt ratio of over 5% of GDP by end-2009.

The government has developed aggressive action plans to combat this situation. The aggressive actions have been observed with the 2005 job creation initiatives intended to promote the SMME sector. Generally, people resort to join the informal sector as a last resort because of the challenges and constraints encountered in this sector¹¹⁹. Other improvements have been made on revenue collection, primarily in taxes. However, the benefits derived from some of these initiatives may be eroded by the changes in SACU which accounted for the largest portion of total revenues. It is also making strides to attract and restore investor confidence through creation of a conducive business environment.

THE ROLE OF THE STATE IN THE ECONOMY

Swaziland pursues a non-interventionist approach when it comes to economic policy issues, meaning the government plays a minimal role in the way the economy operates. Enterprises are allowed to operate freely with government mainly playing a facilitative role in providing a conducive and an enabling environment through inaction of relevant legislature, ensuring laws' enforcement and provision of other necessary support structures. Sometimes though, it encounters problems in executing its mandate because of corporate governance issues, bureaucracy and corruption problems and, other malpractices within different ministries.

These factors constrain effective implementation of the economic and related policies. Other deterrents are the roads infrastructure, telephones, power supply and inefficiencies encountered in the provision of other essential services. Government has to also ensure fair or justified distribution of the

country's limited resources and/or facilitate access by all its citizens to the economic resources.

A discussion with the country's authorities revealed that recent assistance has focused on providing policy advice and conducting a range of analytical Economic and Sector Work (ESW), including the on-going Public Expenditure Review (PER), financial sector study, education sector reform analysis with strong emphasis on the effect of HIV on education of orphans and vulnerable children; reviews of the regulatory framework for public utilities and services; and PPIAF study on the railway regulatory framework with view of advising on concession strategy and model. Preparatory work is well advanced for a GEF-funded project for Biodiversity Conservation and Participatory Development (BCPD).

To reduce poverty, the country's authorities in relevant ministries have exerted effort to improve food security, extending the reach of anti-HIV/AIDS programs, and improving access to primary education. Progress has been made in improving the domestic food market by restructuring the National Maize Corporation and the New Constitution will open the possibility to lease Swazi Nation Land for 99 years, which would facilitate access to credit by small-holder farmers. The National Emergency Response Council reported that Swaziland will meet the target under the WHO's "3 by 5" initiative (providing at least 13,000 AIDS patients with antiretroviral treatment by the end of 2005), even though at times certain factions in the rural areas run out of supply. This can be dangerous because once victims start using them, they have to continue, otherwise this can worsen the immunity system. Even then, from the pilot survey conducted by the research team, there were perceptions that it is only a limited number of HIV/AIDS victims that have access to ARVs, which also at times run out of supply in the rural areas. However, these perceptions should be treated with caution as they transpired from a pilot study, a true picture can be obtained from the

recipients. The fight against the HIV/AIDS pandemic has also been hampered by rising turnover in the nursing profession with most of them leaving the country to go and work abroad. Despite the problems, slow progress is being made because the latest data, showed for the first time a decline in HIV prevalence for the 15-19 age group (from 32.5% in 2002 to 29.3% in 2004), suggesting that prevention efforts are beginning to take effect, though at a slow pace¹²⁰. Recently, a program to provide food and social support to orphans has been launched¹²¹. The pilot study also revealed that orphans and vulnerable children (OVCs) were receiving food aid and were getting assistance with school fees, although it was not accessible to all of them.

Even though government has realised the right to free primary education as endorsed in the new Constitution, and in the government's response to fund orphans, problems have been experienced in this regard. Government's response has been reactive, as a result, there is need to strategise on this issue because there are concerns that government does not honour its payment obligations to the schools, hence this is also another area that need improvements. To make further progress, there is a need to prepare concrete anti-poverty projects (including their costing) in line with the Action Program for the poverty reduction, so that these projects can be incorporated in the national budget or used to attract external funding. In addition, there is need to strengthen the implementation capacity to ensure efficient use of the \$20 million grant awarded by the Global Fund for the period of July 2005-June 2008.

The Ministry of Finance has also finalizing the 2006/07 budget, which focuses broadly on the following priority areas:

- revitalization of the economy and pursuing sound macro-economic management,
- poverty reduction and decisive action on the HIV/AIDS pandemic; and

- reverse the humanitarian crisis by dealing with the food security problem.

This is a government response strategy to the poverty level that has escalated enormously during the years 2002-2006. According to the IMF Report (2006), Swaziland leaders recognize that substantial and sustainable poverty reduction can only be achieved in the context of a growing economy requiring improved environment for conducive private sector investment that will create employment and further achieve diversification. Therefore, expectations on future growth will be anchored on focusing on key areas or pillars of the economy through pursuing fiscal and structural reforms, and supporting the key agricultural and manufacturing sectors, embracing good governance principles premised on transparent and accountable systems, and promoting human capital development.

The government is committed to fostering and facilitating a conducive environment for a private sector-driven economic recovery to take place. It plans to ensure that these efforts succeed, coupled with efficiency in the use of public resources, and better service delivery. Paramount to this effort is the deregulation and commercialization of some industries, especially communication, insurance, water and electricity sectors, which are expected to provide the much needed impetus for a comprehensive economic recovery.

The government held a Job Creation Summit in July 2005, where significant amount of money, totalling about E1.6 billion, was pledged for job creating activities and the country's leaders are making the necessary preparations to ensure that these pledges and investments support capacity building of the SMMEs and the informal sector, particularly in the area of business management as well as providing credit as start-up capital. It is expected that this initiative will contribute significantly to employment creation. The government's medium-term strategy is to continue with the ongoing

initiatives towards employment generation such as Lower Usuthu, Maguga Project, the Millennium Projects, roll-out of the SMEs policy and improve efforts at attracting FDI, amongst others. The country also remains committed to regional integration efforts and has been participating in a number of SACU-led international trade negotiations, which aim at creating new markets for the country's trade arrangements with the USA, EU and with other emerging markets in the Middle East and Asia. It is also committed to developing new export oriented industries and reducing traditional reliance on sugar and textile manufacturing sectors.

There have also been some improvements in the health and education sectors. According to the Ministry of Health, the HIV infection rate among women attending antenatal clinics increased from 39% in 2002 to 43% in 2004. While there have been modest improvements in the area of education, Swaziland's key social indicators compare unfavourably with those of other countries in the region. In addition, the Government, in presenting 2006/2007 Medium Term Budget Policy Statement (MTBPS), adopted an inclusive approach to generate comments and inputs into the budgetary process from the general public, civil society and politicians. The government realised that there are limited avenues to deal with the deteriorating economic situation other than steadfastly adopting a tight fiscal stance, persistently implementing a broad structural reform agenda aimed at improving the business environment and competitiveness. The government has clearly outlined these intentions in the recent Medium Term Budget Policy Statement, which aims at achieving a 2% budget deficit in 2006/07. This framework also envisages achievement of a balanced budget in 2008/09, through implementation of the following reforms: Civil Service reforms aimed at offering an early voluntary retirement for those civil servants who are 55 years and above in 2006. Furthermore, freezing civil service vacancies, and releasing about E250 million for other priority expenditures, stop creating new posts in the civil service and offer no cost of living adjustments for the remaining civil servants; cutting capital

expenditure by E200 million; and lowering the budget ceiling through cuts in recurrent expenditures and expenditure on goods and services of at least 5%.

There are expectations that this will result in an increase in the share of budget to the health sector by about 2%. The tight budgetary situation is going to be temporarily propped-up by a slight increase on revenue receipts from internal revenues and an additional E1.1 billion expected from SACU receipts for 2006/07. Though this SACU windfall will augment the country's revenue collection efforts, such flows are not expected in the near future and hence the commitment to an austere fiscal strategy.

To further consolidate these efforts, the government plans to establish a Revenue Authority in 2007 and also introduce a broad-based VAT in the medium term. It should be noted though that based on observations on the ongoing practice the attempts may be eroded by the continuous irresponsible spending pattern by the government. For instance, this month alone (June 2006) there are reports that government plans to purchase a new fleet of vehicles¹²² and there is a public outcry about the many delegates who went to China and Taiwan recently¹²³.

MONETARY, EXCHANGE RATE AND FINANCIAL SECTOR DEVELOPMENTS

Swaziland is involved in a broad-based financial sector reform exercise involving legislative reforms and modernization of the financial sector. Several pieces of legislation aimed at improving financial sector development were passed in Parliament in 2005, including amendments to the Financial Institutions Act and the Insurance Act. Additional legislation were expected to be passed in 2006, including the Anti-Money Laundering Act (AML/CFT), Securities Bill, Financial Services Regulatory Authority, and the National Clearing and Settlement Systems Bills.

There is a strong belief that the decision to maintain the peg of the local currency to the South African Rand has provided stability; helped usher financial discipline and facilitates trade and investment within the CMA¹²⁴.

While the 2005-2006 appreciation of the Rand against major international currencies undermined the country's competitiveness, they believe that the CMA arrangement has helped in keeping inflation low. However, as the exchange rate is beyond the control of Swaziland, the consequences of the real appreciation of the exchange rate and reduction of trade preferences needed to be addressed by other means. Swaziland's competitiveness has also been weakened by low investor confidence, cumbersome business regulations especially concerning trade licensing and entry permits, unreliable power supply and expensive telecommunications.

The importance of prudently managing the CBS's net domestic assets was stressed. Demand for the Lilangeni currency depends importantly on the public's confidence in Swaziland which is also further influenced by the ability of the Central Bank of Swaziland to maintain sufficient net assets and adequate foreign reserves. At present, the level of official reserves is inadequate; thus the need to increase the reserves to cover at least three months of imports.

Although Swaziland's corporate tax (30%) is comparable to that of South Africa and lower than the rates in neighbouring Lesotho, Namibia and Mozambique, Swaziland has too many taxes, some of which are difficult to collect, and the general sales tax is costly to the payer and the government. Efforts therefore will have to be made to boost labour productivity, reduce domestic costs, and improve the investment climate. Adjustment strategy in the important SME sector has been made and additional resources have been allocated (E50 million), notwithstanding the fiscal difficulties, for worker

training and other skill-enhancing programs following the Job Creation Summit in July 2005.

STRUCTURAL REFORMS

The 2005 Constitution is expected to usher the country into a new governance dispensation that will lead to political and legal reforms conducive to attracting investments into the country. Improvement of the business climate and reduction of the role of government in the mainstream of the economy are seen as key to the success of the proposed reforms¹²⁵.

To improve the investment climate and support fiscal consolidation, the government needs to press ahead with restructuring and privatization of the large number of public enterprises and make other related reforms to strengthen governance.

The government has already approved a Privatization Policy for Swaziland in 2004 and has submitted the Swaziland Railway Privatization Bill to Parliament. However, no public enterprises have been privatized so far. To speed up the public enterprise reform, progress needed to be made in identifying enterprises which could be privatized, developing the necessary regulatory frameworks, and establishing a concrete timetable for this process. The privatization of key utilities could enhance private sector development, help improve the competitiveness of the Swazi economy through lower costs of key services, and contribute to fiscal consolidation by lowering expenditures for goods and services supplied by these enterprises, as well as subsidies. However on the other it can be argued that privatisation may escalate costs of service to the end users because of the removal of subsidies and may thus be a disincentive to the investors. But this can be outweighed by the associated inefficiencies experienced in service delivery in the public and or parastatal organisations.

For greater competitiveness, transparency and improved corporate governance, an anti-corruption legislation and committee have been instituted. According to the IMF (2006), the government is determined to fight corruption and improve economic governance. It has recognised that misuse of public resources and corruption not only increases the costs of public services but also worsen the investment climate, deterring potential investors. Discussions with key government officials in the Ministry of Finance and the Ministry of Economic planning indicated that decisive actions will soon be taken on some major cases. It was also made clear that strengthening the relevant institutions would enhance the efforts to fight corruption, hence the suggestion that the Anti-Corruption Unit be empowered, through the draft Anti-Corruption legislation, to investigate and charge suspects, including senior officials. It was also recommended that the Anti-Corruption Bill, which has been approved by Cabinet, be enacted as soon as possible.

To increase transparency and accountability, periodic internal financial audits for all entities that are part of the consolidated government budget were also recommended to deal with corruption and other related malpractices. The "Corruption Perception Index" by Transparency International, an NGO, ranks Swaziland (103 of out of 153 countries) much lower than the other SACU countries (between rank 32 and 70), and somewhat lower than neighbouring Mozambique (ranked 97).¹²⁶

For enhanced economic performance, social welfare issues have to be also tackled. The National HIV/AIDS coordinating unit (NERCHA) continues to deliver commendable service in augmenting government activities in this critical area. The unit has established several structures and working committees to deal with the HIV/AIDS pandemic. Unfortunately, the incidence of HIV/AIDS continues to rise, worsening poverty. This warrants further concerted efforts at alleviation from the government and the international community.

MICRO ECONOMIC TRENDS*Income distribution in Swaziland*

Income distribution in Swaziland is very skewed and as more people fall into the poverty trap, there is a further worsening of the social indicators. There are huge disparities in land and income distribution, hence, exacerbating poverty among the majority of the people whereby the majority of the people live below the poverty line. According to the National Development Strategy (2002), nearly 70% of Swazis live below the UN poverty datum line of E128.40. Of this figure, 39-40% is HIV positive or has AIDS. The poorest and socially neglected are women and girls. They are double oppressed socio-politically and culturally. The expert opinion survey indicated limited commitment by the government to address this problem. Rather it is perceived to be far from tackling the problem because of irresponsible spending, fiscal indiscipline (more spending on military and capital expenditure).

The skewed nature of poverty status is attributed to gender inequality, the political system of governance and the level of corruption in the various ministries. The system of governance does not accord equal access to the limited resources. Rather, the poor are made worse partly because those in government tend not to be accountable to the needs of those they are supposed to represent. Instead, the system is self-enhancing¹²⁷. This situation is expected in a situation where power is vested in the hands of the few elite and where there is limited accountability. The lack of transparency in the process allows for misappropriation and/or misuse of the limited resources.

Even if there is public outcry on these issues or reports of corrupt practices, there is no serious action taken against the culprits. A case in point is that two senators who are suspected of involvement in an E11million fraud and the other is suspected to have been involved in an E9million scandal with the army office.

It becomes difficult to exercise discipline because often the cases involve collusion between government officials and others. There are also reports from different public spheres like schools, hospitals and regional development centres on misuse of funds that are meant to develop the poor in the various areas. For instance, concerned parents at Maguga Dam Primary School requested for a special commission to look into the application of funds that are paid for OVCs as some of the schools are arguably getting double fees from the government and from the guardians of the orphans. Furthermore, they reported cases of ghost OVCs who are paid for by the government but are non-existent.¹²⁸ The malpractices are also common with government tenders. The system ends up enriching relatives and friends of the clique. The theft and corruption limits access to the limited resources by the poor. A similar situation holds, pertaining to gaining access to employment, particularly for executive jobs in government and in public enterprises. Another deterrent factor, is the delay in the implementation of the Constitution which would enable women to access resources that were previously reserved for males.

Access to work and social security issues are still problematic because of discrimination. This was confirmed by the majority of experts during the expert opinion survey. Typical statements included the following:

Chances of getting employment are determined by who you are and who do you know. Even the social security scheme where by the aged are supposed to receive E150 every three months, is not accessible to all deserving candidates because of serious budget constraints.

The scenario presented is an indication of insurmountable problems linked to an undemocratic system of governance, hence the urgent need for

consolidation of Swaziland in the democratisation process within the SADC region.

The role of markets (private sector)

The discussion here embraces developments in industry and commerce. Attraction of inward investment in Swaziland used to be carried out by the National Industrial Corporation of Swaziland (NIDCS). NIDCS was established in 1971 and its main functions were first, to identify investment opportunities. Second, it had a role of assisting industrialists with finance through participation in loan and equity capital. The identification of investment opportunities was undertaken largely through feasibility studies. These studies were directed mainly towards the processing of local raw materials, particularly agricultural products. NIDCS output included the sugar mills, fruit processing and paper processing plants¹²⁹.

Maasdorp (1973) noted that many investors came to Swaziland to discuss business initiatives. Although they proposed numerous projects, they implemented a relatively low number of industries. Under the investment arrangements, they enjoyed special investment incentives such as five years tax holidays or tax rebates, but after the lapse of this period, they closed down their operations and invest in other countries. This position still holds. It can be inferred from this development that it is easier to identify feasible industrial projects than to formulate and implement an industrial development programme. Implementation often rests with the foreign industrialist's decision and upon the availability of foreign capital, which is usually unpredictable not least because of the geographic and other constraints discussed.

However, NIDCs became defunct due to constraints encountered that included implementation problems, and were then replaced by SIDC. To minimise some of the problems, promotion of inward investment is carried

out by the Swaziland Investment Promotion Authority (SIPA) which was established by an Act of Parliament (The Swaziland Promotion Act No. 1: 1998).

SIPA has three major sub-units, small and medium enterprises (SMEs) unit, foreign direct investment unit, and facilitation and aftercare unit. The Foreign Direct Investments (FDI) unit is responsible for planning and co-ordinating all activities aimed at attracting FDIs in the country. It occasionally holds investment promotion seminars in foreign countries in an attempt to promote the country as an investment destination. SIPA's key objectives are to:

- attract, encourage, facilitate and promote local and foreign investment in Swaziland,
- initiate, co-ordinate, and facilitate, and promote local and foreign investment in Swaziland,
- Provide information and support facilities to local and foreign investors, and
- Advise the Minister on investment policies, strategies, proposals, and suitable incentives.

Attracting inward investment is vital for the country's economic growth and overall prosperity. However, there are certain prerequisites that need to be fulfilled to facilitate these initiatives. These include a conducive investment climate, political stability, economic strengths, availability of skilled labour and cost of labour, good governance, transparent and democratic principles, a harmonious labour relations climate, culture of work, liberalized investment and employment relations policies, creation of other supportive policies, liberalised banking and finance, and a good quality of life¹³⁰.

Other prerequisites are the geographical location, a strong international investment record, a fast developing economy, a huge domestic market,

developed communication, financial and transport infrastructure, competitive labour, high quality standards, gateway of energy resources, a state of art telecommunications network, and strong ties with international organizations¹³¹. These prerequisites are a yardstick for gauging Swaziland in terms of attractiveness as an investment destination. Gauging these prerequisites for the Swazi situation, Joubert (2006) found very huge disparities.

In the globalised context, becoming one of the major investment destinations is a vision of most countries¹³². Similarly, the government of Swaziland often sends delegates abroad to attract investors. The current emphasis is on private sector led economy and improvement of infrastructure. The government, in consultation with the key stakeholders, is on a drive to develop policies that will promote inward investment (e.g. industrial policy, trade and investment policy and other related policies).

Experts have been appointed for the purpose and are working in liaison with nationals. The country also offers tax and other incentives. The incentives though are arguably not benefiting the country that much because of repatriation of proceeds, large company closures and other related problems. To be of benefit, there are suggestions that incentives be offered on the basis of the type of industry-if it brings new innovation in the country, skills development and skills transfer. If these suggestions are ignored, this may present potential problems linked to environmental degradation and other global related developments. Seemingly, SIPA has realised this loophole because it is in the process of instituting a strategy that will look into the types of inward investment that may need to be targeted in the future.

There are plans to introduce 10% corporate tax for deserving investors instead of the normal 30%. Potential sectors to be targeted for include tourism, mining, manufacturing and ITC. Other targeted interventions are duty free on importation of certain supplies like raw materials for export oriented firms.

However, in realising this vision, there may be constraints encountered regionally and internationally. Growth in foreign direct investment to developing countries in Africa has declined¹³³. In Swaziland, foreign direct investment decreased from 22% in 1992 to 0.5% in 1997. Fopohunda (1999) expressed a similar view that the sub-Saharan region has been greatly marginalised in terms of Foreign Direct Investments (FDIs). The decline in FDIs to the country is also attributed to the end of apartheid regime in South Africa in 1994; and political and economic reforms in the neighbouring states¹³⁴. The economic decline was furthermore accompanied by a reduction in the employment growth rate in the manufacturing and agricultural sectors of 2.4 % in 1997¹³⁵. The percentage decline in this sector is mainly attributable to the restructuring process that is also engendered by economic factors. Other economic variables include: shrinking world markets; introduction of substitutes including genetically modified products; shift from manufacturing to service industry (a factor that has implications for agricultural exports); and world-wide decline in economic performance¹³⁶.

There are also physical limitations in terms of the country size and Swaziland's infrastructure is relatively less developed than that of its neighbouring states. As result, markets for the country's produce are dwindling and the size of the market in Swaziland militates against inward investment. Additionally, potential inefficiencies are experienced in obtaining licences and in the renewal of permits. In the past there were arguments that the limitations can be counteracted by the political stability enjoyed, availability of human skilled employees, cost of labour, the tax system and the preferential status accorded to Swaziland in international trade. The political stability issue is becoming questionable because of the views expressed in the expert survey that "undemocratic governance issues, corruption, the rule-of-law and other related matters are not conducive to the FDIs". Unless the undemocratic system of governance and the other huge gaps identified are

addressed, attracting inward to the desired levels may not be possible. Typical illustrative statements that authenticate this view were expressed:

Swaziland is governed through “gray” laws; the rule of law is constantly flouted. There is lack of good governance and no respect for the independence of justice. All these factors are not favourable grounds for trade and FDIs¹³⁷.

Therefore, the concept of attracting inward investment needs to be explored further with the intention of bringing to light major challenges that are to be tackled if Swaziland is to be part of the leading group of countries that are considered suitable for investment and of the right type to address some of the countries developmental needs. There are also pressures to improve that are dictated by the global developments and the World Trade requirements. The relevant ministries in collaboration with SIPA and other key stakeholders are addressing the challenges.

The new initiatives include the Job Creation Summit held in July, 2005, the outcomes of which have not yet been evaluated. SIPA has also followed the concept of a one-stop-shop in its endeavour to promote inward investment. Furthermore, to promote manufacturing, export-processing zones have been designated and factory shells erected to facilitate light manufacturing investment. Another initiative has been the implementation of a Small and Medium Sized Enterprise (SME) policy to foster the creation of new economic activity.

While government strategy documents offer a general perspective, no overall guiding framework exists on the present situation with regards to specific industrial policy and investment promotion. There is also lack of overall coherence and effective inter-ministerial co-ordination. Programmes tend to be designed on an *ad hoc* basis in response to experience and exigencies. This

inhibits long-term strategic planning and makes the economic development process susceptible to a variety of pressures not only from special-interest groups, but also from inter-ministerial bargaining. This is deemed unsustainable if significant progress in national development and achievement of the Millennium Development Goals (MDGs) is to be attained.

In recognition of the disadvantages of the situation, the government has recently solicited technical assistance from various organisations such as UNIDO and the European Union (EU). Their approaches relied heavily on the engagement of key stakeholders in order to articulate the key elements of an effective export strategy and; those for an effective industrial policy and the FDI promotion policy. For further analysis of Swaziland's investment environment, refer to the investor road- map.¹³⁸

The role of citizens in economic policy making

The undemocratic leadership style is filtered down to all levels of government. As a result, there is limited participation of citizens on matters of concern. In the expert survey, 2006, most respondents perceived that government do not act in a publicly accountable manner in formulating and in implementing national policies. Rather, Swaziland authorities use a top-down or traditional approach to decision-making. Nonetheless, citizens participate on community problems through the various NGOs and CBOs and do have some considerable degree of freedom to vote and talk to the press. But there are serious constraints in participating on their overall improvements issues and in attending political meetings/rallies which is quite expected with the system of governance¹³⁹. As such then, the citizens are involved to less extent in decision-making.

Contrary to the views expressed in the expert survey, according to article 79 of the new Constitution of Swaziland, "the system of government for Swaziland is a democratic, participatory, *tinkhundla* based system which

emphasises devolution of state power from central government to *tinkhundla* areas and individual merit as a basis for election or appointment to the public office. The regional Council advises the regional administrator on the administration of the region and co-ordinates social and economic development of the region. The differences in the perceptions may mean that the country has a different conception of democracy: that of devolvement of power without accommodating differing views through different parties' representatives. Most people at the grassroots level do not perceive the current system to be democratic due to the concerns raised but the ruling elite argue that they are democratic. This has implications that the country is far from creation of a democratic state.

Overall, the contradictory interpretations of democratic governance and the low involvement of citizens in decision making may continue to have serious negative implication for the people social welfare and for their economic development. Thus there were also perceptions that even where the government tries to use a participatory approach, it is often a window dressing exercise. They also expressed subjectivity problems in the selection of the candidates to participate in the decision - making process or they select people who have no power to influence the decisions. The executives of the various units are answerable to the King who may chose to implement certain things or not to implement them. It is argued that the executives also lack independence¹⁴⁰.

Nevertheless, the government through its relevant organs visit the various constituencies to solicit their input on certain policy matters. For an example, they participated in the national development strategy and in reviewing the draft proposal for trade and industry policy. They were also involved in the development of the SMMEs policy and in devising strategies for job creation. Problems are sometimes also experienced in the dissemination of information for the discussions of the policy issues. As a result, there is usually poor

attendance and/or problems of non-participation or limited participation in the discussions of these policy issues. There are also concerns pertaining to the selection of representatives to the various forums for policy discussions. A limited number of representatives are usually selected from various organisations. These representatives are not accorded the opportunity to solicit views from the organisations they represent because of time constraints for consultations. At the end of the consultative process, the final policy document is a representation of the few elites or an expression of few individuals' interests.

Finally, there is the problem of delayed implementation or sifting of views that are not conducive to the authorities. As consequence, policies stagnate, such that by the time they are implemented, they are already out-dated or overtaken by other developments¹⁴¹. Some of the experts interviewed used the National Development Strategy (2002), as a good example. Similar concerns were expressed on the New Constitution. In October, 2006, the National Constitutional Assembly (NCA) staged a protest for the perceived non-recognition of political parties despite the new Constitution as it recognises the *Tinkhundla*, *bucopho* and regional administrators, all of which are perceived to be advancing the interests of the ruling government, making the whole process undemocratic. Nonetheless, from the expert opinion survey, there are high expectations from the citizens that the new Constitution will enhance citizens' participation and minimise the barriers of the past¹⁴².

Gender issues

Meaningful economic development cannot take place without tackling challenges of gender imbalances in Swaziland. Traditionally women were regarded as minors, a situation that hampered them from participating as equal partners in the economic development process of the country. Cultural influences coupled with the level of women's education and the general

prevalent stereotypes against women have to a great extent perpetuated gender inequalities.

Despite leader participation in Women Rights conferences, women's rights have for a long time been perceived to be corrupt, liberal and a sign of a rebellious attitude by a few educated or enlightened group of women. They are perceived to have been misled by the Beijing Declaration such that if a person voiced concern on gender inequality issues, this is received with disgust¹⁴³.

Suppression of any person on economic and social spheres undermines Article 1 of the International Covenant on Economic, Social and Cultural Rights whereby,

all parties have the right of self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Women also have a right to equal participation in government positions (article 21 of the Universal Declaration of Human Rights and the equivalent article 13 of the African Charter of Human and People's Rights). Despite conventions that encourage equal participation of women in different spheres of life, there is unequal participation of women in the different social and economic sectors, hence the meagre figure of women who hold government and other high decision -making positions.

However, there are improvements with the New Constitution that was enacted in February, 2006. Section 28(1) of the Constitution accords women the right to equal treatment with men and the right shall include equal opportunities in political, economic and social activities. Section 28(2) further indicate government's commitment to the implementation of section 1 by its

pledge to provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement though this is subject to available resources. Finally, Section 28 (3) removes the tradition of compelling women to undergo and be party to any custom to which they are opposed. Section 20, accords every person equal rights before the law in all spheres of life, while under section 19, they also have the right to own property as individuals or as an association a situation that didn't exist before.

As a result of these new developments and the changing attitudes, there has been an improvement in women status: they now hold key positions as Managers, Directors, Business owners, Politicians and are featuring prominently in the traditionally reserved professions for males. There is also representation of women at all levels of government. For instance, there are presently three Ministers who are women while others are Senators in Parliament. Despite these changes, Swazi law, customs, culture and prevailing attitudes towards women militate against them.

CONCLUSION

Similarly to most African countries, Swaziland's economy has been experiencing a continuous downward economic trend as evidenced by the continuous decline in its performance over the years. Government in consultation with various stakeholders nationally, regionally and internationally is actively involved in developing solutions to the problems. For instance it has engaged numerous consultancies, developed various strategies to tackle the critical challenges confronting Swaziland and is working on economic and corporate governance policies with the aim of reversing the adverse economic situation. Investment also continues to shrink while unemployment is rising, in turn escalating poverty, HIV/AIDS and other related social problems.

Government has, however stated its commitment to deal with these challenges. Actions deployed have included embarking on fundamental structural reforms in both the public and private sectors; by reviewing most of the existing operational systems and structures to enable implementation of a comprehensive recovery package aimed at reversing the economic malaise. Measures under the reform program include:

- a reduction in the wage bill as a share of GDP by completing the civil service restructuring program, including a voluntary retirement scheme implemented in early 2006, and measures to reduce the numbers of budgeted positions;
- the introduction of a Revenue Authority and a broad-based VAT, which will result in an increase in domestic revenues;
- improvements in governance and public expenditure management, which will not only improve the delivery of public services, but also help attract some external grants to address urgent social needs;
- policy measures to encourage private sector development and reduce the role of the state in the economy, and
- the introduction of special interventions such as the anticorruption bill, developing an investment strategy, export strategy, an industrial development strategy and many other related reforms including prioritising in its expenditure budgets.

The viability of these options is dependent on 'good' governance, transparency and accountability. A change in the system of governance is an imperative, or else the country is doomed for destruction as the poor will get poorer and injustice, inequalities and corruption will become pervasive. The country might benefit from identifying priority areas when allocating budgets for efficient wealth and resource distribution. Finally, if the immense problems faced by Swaziland are to be tackled, there is a need to deal with issues of citizen participation.

8

CONCLUSION AND RECOMMENDATIONS

Swaziland is at a stage of transition arguably from an authoritarian state to a more democratic state. Swaziland has not yet reached the stage of democratic consolidation. Although highly debatable, it has, however, begun the process of democratizing. It is a process that is taking too long in the eyes of reformists or the so called progressives. On the other hand, it is a deliberate, careful and slow process sure to succeed but doomed to fail if the pace were to be changed according to the conservative perception.

A major achievement in this transition, and acknowledged by all sides, is that there is movement - in the form of a new Constitution after 33 years without a Constitution. The direction and process may be centrally controlled and the pace may not be acceptable to all parties, however the movement is a major achievement. Secondly, the Constitution might have major flaws; nonetheless a document from which to work from now exists.

The challenge for all actors, state and non-state, in this project is to work together. This requires political willingness and compromise from the leaders and strategic pragmatism from the non-state actors. Political willingness, meaning the leaders should appreciate the fact that change is inevitable, and a natural phenomenon. For this change to produce positive results it will require that it should be inclusive and not decentralized in terms of control. In addition, true leadership requires an ability to reach consensus where opinion varies distinctly. Consensus is possible when all parties are willing to compromise for the long-term benefit of the entire population. The onus is also on non-state actors to be strategic and pragmatic in their approach. Alliance formation, networking and collaboration are fundamental for the effective participation of non-state actors in the transition. Pragmatism is equally essential in the process. Non-state actors, civil society specifically, has

on occasion not demonstrated pragmatism in its approach a case in hand being the total denunciation of the new Constitution. Organized civil society has to be proactive and not reactive.

The newly adopted Swaziland decentralization policy and the Prevention of Corruption Act of 2006 seek to create institutions and structures to further enhance the democratization project. However, this may only be possible if and when the following requirements for change in the three branches of government are met:

1. For the enhancement of its institutional capacity for strengthening democratic governance, the Judiciary needs:
 - Reform of the judiciary system to prepare it for the Constitutional dispensation especially the components of bill of rights and others enshrining democratic development of the citizens of Swaziland.
 - Increased fiscal control and budget.
 - Improved track record of convictions on corruption cases and other contentious cases such as rape especially against the state and traditional structures.
 - Investment in human resources in all levels of the Judiciary to reduce resource over allocation.
 - Training of judges in order to raise ethical, professional standards of the judiciary and thus to raise the public confidence in the judiciary
2. Equally, the executive branch of government's need for enhanced institutional capacity requires:
 - Strong fiscal discipline.
 - Capacity building in human rights as reflected in the new Constitution, especially in the forces.

- Capacity training in public auditing and transparency for improved accountability and a real fight against corruption without fear or favour.
 - Respect for the separation of powers between the branches of government.
 - Effective decentralisation of services and reform of the *Tinkhundla* system to permit public participation.
 - The complexity of the development environment with multiple structures for decision making hampered programme implementation and delivery.
3. From these developments, it is evident that the needs of the Legislature for enhanced institutional capacity to strengthen democratic governance, include:
- An alliance with regional partners and conventions such as the PAP and SADC Parliamentary Forum to mainstream parliamentary debate towards regional democratic governance ideals.
 - Capacity building for MPs on issues of governance and accountability as well as other issues as part of induction training with adequate support staff.
 - A reduction of the influence of traditional elements in Parliament through the King's appointees.
 - Increased fiscal and administrative control as prescribed in the Constitution through the Parliamentary Service Commission to reduce executive influence.
 - Greater transparency in enquiries into issues of governance against Government with effective sanctions, as well as better documented parliamentary debate to remove its image as an advisory institution.

The process of democratization and political transition is sensitive and brittle. It requires careful planning, and acceptance by all stakeholders. Despite the

constraints expressed with the system of governance, Swaziland remains committed to fundamental structural reforms in both the public and private sectors; and is prepared to review all existing systems and structures to enable implementation of a comprehensive recovery package aimed at reversing the economic malaise. Its aim is to fully take advantage of all sectors in which the country has a natural comparative advantage, such as sugar, pulp, and minerals, and improve labour productivity and competitiveness.

At the core of the reform program is a fiscal adjustment which, in the absence of concessional external financing, envisages a move to a balanced budget. Strong policy reforms are assumed to enable the country to mobilize external financing on acceptable terms, which would allow a more gradual adjustment path. Measures under the reform program include:

- a reduction in the wage bill as a share of GDP by completing the civil service restructuring program, including a voluntary retirement scheme implemented in early 2006, and measures to reduce the numbers of budgeted positions;
- the introduction of a Revenue Authority and a broad-based VAT, which will result in an increase in domestic revenues;
- improvements in governance and public expenditure management, which will not only improve the delivery of public services, but also help attract some external grants to address urgent social needs; and
- policy measures to encourage private sector development and reduce the role of the state in the economy.

As a consequence of these measures:

- improved macroeconomic outlook and business confidence will encourage investment and will result in higher economic growth, especially in the outer years of the projection horizon;

- the budget deficit declines to about 2% of GDP in the 2006/07 budget, and is expected to approach zero in the 2008/09 budget; and
- gross international reserves will increase to just under 2 months of import coverage by 2009.

The key policy challenges facing Swaziland are the development of a holistic approach in addressing these problems because of their relatedness and; restoration of fiscal sustainability and external competitiveness so that progress can be made in reducing poverty. There is an urgent need to promptly embark on an adjustment and reform strategy centred on fiscal consolidation and improvements in economic governance. As such, a strategy has already been discussed within the country leaders and with development partners; the critical issue now is implementation. Further delays will make the eventual correction more costly and enlarge the growth gap between Swaziland and South Africa and other countries in the region.

Fiscal consolidation and improvement in economic governance play a central role in the planned reforms. Under the assumption of decisive actions to implement the civil service reform and improve public expenditure management, the bulk of the fiscal adjustment would initially come from the spending side. In subsequent years, measures to broaden the tax base and strengthen revenue collection would go into effect. The public savings-investment balance is expected to reverse the recent deteriorating trend, contributing to improvements in the gross national savings-investment balance. Implementation of the necessary structural reforms will help improve the business climate, attract donor financing, and enable Swaziland to benefit from strong growth in South Africa. GDP growth could rise to 3-4% over the medium term, benefiting from higher investment, including foreign direct investment, and higher efficiency of public investment. It is envisaged that official reserves would be rebuilt gradually along with improvements in the balance of payments. Improvement of the economy will help tackle

poverty issues and the other associated problems experienced. Swaziland is constrained by cash flow problems. The cash flow problem in the implementation of the 2005/06 budget is not merely a temporary liquidity problem; it reflects structural fiscal imbalances accumulated over the years. While fundamental reforms are required to reduce the deficit, the government need to forcefully implement immediate measures to ensure that it meets its payment obligations on a timely basis for the remainder of the fiscal year.

The 2006/07 budget will be critical in restoring public finances to a sustainable path. With little room for domestic financing, large payment arrears and contingent liabilities, and low economic growth, in the absence of concessional external financing, the government will have to sharply reduce the budget deficit, below the government's earlier medium-term target of 2% of GDP. To restore fiscal sustainability and rebuild official reserves, it should aim for a balanced budget in the next few years. There is serious concern about the currently low level of official reserves and hence, the need to rebuild reserves to at least three months of imports over the medium term. While the introduction of the Integrated Financial Information System would help improve expenditure controls, improving fiscal discipline will also require institutional reforms to strengthen various components of the public expenditure management and control system. If necessary, technical assistance should be sought in order to make progress in this important area.

According to the IMF Report (2006), to achieve the fiscal adjustment, the government needs to undertake the necessary revenue reforms, right size the civil service to a sustainable level, and strengthen the growth orientation of public investment by reducing expenditures on projects that are not expected to contribute directly to productive activities and reorienting expenditures in favour of pro-poor programs will make the budget more growth-enhancing. As SACU revenues are projected to decline, strong efforts are needed to increase domestic revenues. Key measures should include establishment of

the Revenue Authority, improved public goods procurement system, investment of special funds such as civil servants insurances locally and the introduction of a broad-based VAT.

As an integral part of fiscal consolidation and to effectively address poverty, Swaziland has to re-direct expenditures in favour of HIV/AIDS and other pro-poor programs by increasing the share of capital expenditure for poverty reduction. The latter will require curtailing capital expenditures on projects that do not make a direct contribution to productive activities and are currently beyond the domestic financing capacity (e.g. new fleet of government cars, a new international airport and a theme park). On the basis of a cost-benefit analysis, public investment projects yielding no positive economic return should not be undertaken.

To counteract further some of the listed problems, the country needs clear guidelines on government procurement, or if available it should be made known to all the relevant stakeholders and be adhered to. The corruption bill should be operationalised to address the other issues. The government also believes that it is important to review the current classification of the country as a middle income country so that it can benefit from concessional resources given the deterioration in the country's socio-economic situation. The international community and other relevant institutions need to assist and cooperate with the government to address the existing unique circumstances and challenges being faced, especially on HIV/AIDS and help in achieving the MDGs by 2015. The commitment and co-operation of these stakeholders is dependent on good governance, transparency and accountability and development of clear policies to address the inequalities. It appears that there is no policy in place although poverty eradication is among the MDGs and is also contained in the National Development Strategy, 2002. The tax system (pay as you earn or PAYE) was intended to address this problem but it is not

enough on its own as resources generated from taxes are not channelled to priority areas.

Viability of these options is dependent on good governance, transparency and accountability. From the expert survey it can be inferred that there is a need for change in the system of governance, or else poverty in Swaziland will reach its highest toll as the poor will get poorer and injustice, inequalities and corruption will become pervasive. The country is also expected to prioritise in its budget allocation for fair wealth and resources' distribution. Finally, if the immense problems faced by the country are to be tackled research there is need to deal with the issues of participation by citizens on all matters of concern that affect people's well-being and the overall development of their country¹⁴⁴.

A holistic assessment of the Swazi situation reveals major gaps in consolidating the country in the democratisation process within the region because of its peculiar system of governance that resembles that of the British but differs because in the Swazi context, the King is perceived to have absolute powers. Unless there is true devolvement of powers to lower echelons and there are fair elections and political parties are allowed to represent the different parties' interests, the majority interests are prone to be underrepresented. Political parties still remained barred in Swaziland but their fate is yet to be determined as they have appealed for their participation under the new Constitution. A special commission has been appointed to review the new Constitution and their participation in the democratisation is dependent on the end outcome of the Constitutional review commission that has just been appointed in November, 2006. Overall, the people of Swaziland appeared to be keen to move towards a relatively democratic state whereby their interests will be represented and at the end be integrated in the socio-economic redevelopment nationally, regionally and beyond.

NOTES

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² Establishment of Parliament Order of 1978.

³ The system of government is explained further in the text.

⁴ Council of Swaziland Churches, *Bridging the Political Divide*, Piggs Peak: Swaziland, June 2002.

⁵ Part of the SFTU's 27 demands called for a new constitutional order.

⁶ Government of the Kingdom of Swaziland, 'Estimates for the Year from 1 April 2006 to 31 March 2009', Mbabane.

⁷ Sithole M, Minister for Finance Budget Speech 2005, Lobamba: Swaziland.

⁸ *Ibid.*

⁹ Coordinating Assembly for Non Governmental Organizations, Swaziland's Medium Term Budgetary Process Workshop. Mbabane: Swaziland, November 2005.

¹⁰ *Ibid.*

¹¹ Swaziland Central Bank - Report, 2005.

¹² Dlamini T, Prime Minister, 'National Policy Statement', Mbabane: Swaziland, 2004.

¹³ Mabilisa V *et al*, Swaziland Economic Situation, Council of Swaziland Churches Strategic Plan, 2003.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Kowet D K, *Land, Labor Migration and politics in Southern Africa: Botswana, Lesotho and Swaziland*, Uppsala: Scandinavian Institute of African Studies, 1978.

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¹⁸ Human Rights Association (HUMARAS), Public Statement, January 2005.

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²³ Oppenheim, 1961.

²⁴ Goldthorpe J H, Lockwood D, Bechhofer F and Platt J, *The Affluent Worker Industrial Attitudes and Behaviour*, Cambridge: Cambridge University Press, 1968 and Hammersley M and Atkinson P, *Ethnography: Principles in Practice*, London: Tavistock, 1983 and Delbridge R, *Researching the Shop Floor: The Cases of Valley Cc. and Nippon_CTV*, in *Life on the Line in Contemporary Manufacturing*, Oxford: Oxford University Press, 1998.

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²⁷ Shimbira, T, *Democracy and Democratization*, Bridging the Political Divide, Council of Swaziland Churches, Manzini, 2002.

²⁸ Carothers, T, *Aiding Democracy Abroad: A Learning Curve*, Washington D.C.: Carnegie Endowment for International Peace, 1999.

²⁹ Shimbira, T, *Democracy and Democratization*, Bridging the Political Divide, Council of

Swaziland Churches, Manzini, 2002.

³⁰ *Ibid* (p. 14).

³¹ *Ibid*.

³² E.g. Shimbira, T, *Democracy and Democratization*, Bridging the Political Divide, Council of Swaziland Churches, Manzini, 2002 and Ake, C, *The Feasibility of Democracy in Africa*, CODESRIA, 2000.

³³ Shimbira, T, *Democracy and Democratization*, Bridging the Political Divide, Council of Swaziland Churches, Manzini, 2002.

³⁴ Hirschman, 1985, argues that in the third world, second elections - the elections after the first 'democracy project' elections - are more likely to fail because democracy has not yet established and that the incumbents do not want to lose power so soon.

³⁵ *Ibid*, p 192.

³⁶ Dahl, R, *Democracy and its critics*, New Haven: Yale University Press, 1989; Carothers, T, *Aiding Democracy Abroad: A Learning Curve*, Washington D.C.: Carnegie Endowment for International Peace, 1999, Nwokedi, 1999; Aubrey, 2001.

³⁷ Shimbira, T, *Democracy and Democratization*, Bridging the Political Divide, Council of Swaziland Churches, Manzini, 2002.

³⁸ Mandela, 1994.

³⁹ Putnam, R D, *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, New Jersey: Princeton University Press, 1993.

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⁴² Goldwin *et al*, 1986.

⁴³ Althusser, L, *Montesquieu, Politics and History*, London: Holt, Rinehart and Winston, p. 88, 1959.

⁴⁴ *Ibid*.

⁴⁵ The electoral laws and process are interrogated in detail in the next chapter.

⁴⁶ Within citizenship participation issues of the levels of transparency in government shall be highlighted.

⁴⁷ This issue was in the Swazi papers, e.g. *The Times of Swaziland*, July 2003.

⁴⁸ A controversial issue that was discussed in June-July 2003.

⁴⁹ IBA, 'Striving for Democratic Governance: An Analysis of the Draft Swaziland Constitution', Report, 2003.

⁵⁰ *Ibid*.

⁵¹ This section is discussed in detail in the next chapter where an analysis of the effect of civil society and activism upon the national agenda is investigated.

⁵² See discussions on civil society and profile of political parties in the next chapter.

⁵³ NDS, 1999, p 96.

⁵⁴ NDS, 1999, p 4.

⁵⁵ SPEED, 2005.

⁵⁶ Sithole M, Minister for Finance, 'Budget Speech', 2005.

⁵⁷ *The Times of Swaziland*, 21 March 2003.

⁵⁸ Citizen participation is discussed in detail in the following chapter. The point here is to highlight the deficiencies in the executive regarding the level of involvement of citizens in decision making.

⁵⁹ Public perception sourced from letters to newspaper editors and phone-in radio programs

when major national issues are debated in these forums.

⁶⁰ Institute for Security Studies, 2005.

⁶¹ CANGO, 2005.

⁶² WLSA, 1998.

⁶³ Elite interviews conducted in this study.

⁶⁴ Public is used deliberately as both sexes resisted.

⁶⁵ WLSA, 2003.

⁶⁶ Baradat, L P, *Political Ideologies. Their Origins and Impact*, 8th Edition, New Jersey: Prentice Hall, 2002.

⁶⁷ WLSA, 2003.

⁶⁸ Constitution of the Kingdom of Swaziland, 2005.

⁶⁹ UNISWA Annual Report, 2004/2005

⁷⁰ Proctor, 1977, and Matsebula 1983.

⁷¹ Mzizi 1995, p 120, cited in Mzizi, J B, Leadership, Civil Society and Democratization in Swaziland, in A Bujra and S Buthelezi (eds), *Leadership, Civil Society and Democratization in Africa: Case studies from Southern Africa*, Addis Abiba: Development Policy Management Forum (DPMF), 2002, p 167.

⁷² Commonwealth Report, 2003.

⁷³ Constitution Act, 2005.

⁷⁴ The African United Democratic Party is taking the Prime Minister, Minister of Justice and Constitutional Affairs and the Clerk of Companies to court for their failure, or refusal, to have it registered as a political party. See 'Political Party Takes PM to Court', *Times of Swaziland*, Mbabane, 17 June 2006.

⁷⁵ The status refers to whether the party is still active in the sense that it still occupies the public domain by informing public discussion including holding demonstrations, annual general meetings/conventions etc.

⁷⁶ For detailed analysis see Mzizi J B, 2004.

⁷⁷ AUDP Constitution.

⁷⁸ Added total of members provided by parties and also sourced from Mzizi J B, 2004.

⁷⁹ Landsberg, C and Mackay, S, *Engaging the New Pan-Africanism: Strategies for Civil Society*, Pretoria: Open Society Initiative for Southern Africa, 2004, p 7.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² Ministry of Home Affairs, 2004, p 7.

⁸³ Mzizi, J B, Leadership, Civil Society and Democratization in Swaziland, in A Bujra and S Buthelezi (eds), *Leadership, Civil Society and Democratization in Africa: Case studies from Southern Africa*, Addis Abiba: Development Policy Management Forum (DPMF), 2002, p 167.

⁸⁴ Register of Companies Clerk, 2005.

⁸⁵ *Ibid.*

⁸⁶ Swaziland Government, 2005.

⁸⁷ CANGO Constitution, 2003.

⁸⁸ CANGO Annual Report 2005.

⁸⁹ CANGO Annual Report 2000.

⁹⁰ Chucks O C, Hlatshwayo N, and Khumalo B (eds), *Human Rights in Swaziland: The Legal response*, Department of Law, University of Swaziland, 1997.

⁹¹ Mzizi, 2003.

⁹² Art, R J and Jervis, R, *International politics: Enduring Concepts and Contemporary Issues*, 5th

Edition, New York: Longman, 1999.

⁹³ *Ibid.*

⁹⁴ Circulation of 30,000 newspapers with readership of 150,000 people per day: Dlamini, Martin, Managing Director, *Times of Swaziland*, September 2006.

⁹⁵ At the time of writing this document, a draft media policy was being debated by Parliament and had been introduced by the Ministry of Public Service and Information.

⁹⁶ See Section 77 (1) (b) of the Urban Government Act.

⁹⁷ OECD, Report: 'Public governance and management', <<http://www.oecd.org>>, p. 1, October 2005.

⁹⁸ World Summit Report on Sustainable Development, 2002.

⁹⁹ *Ibid.*

¹⁰⁰ OECD, 'International Trade and Investment Issues', <<http://www.oecd.org>>.

¹⁰¹ Hansen Paul, 'Swaziland Economic Performance', Presentation at eSibayeni Lodge, Swaziland, 2006.

¹⁰² Department of Statistics, Household and Income and Expenditure Survey, 2004 and Central Bank Annual Report, 2006.

¹⁰³ Central Bank Annual Report, 2006, p 31.

¹⁰⁴ NDS 2002, 2002 and Household Income and Expenditure Survey, 2004.

¹⁰⁵ Economic Review and Outlook, 2003/2004-2006/2007.

¹⁰⁶ Thompson, Christina Forsyth, Swaziland Business Year Book, Mbabane, 2006.

¹⁰⁷ The Central Bank of Swaziland, Annual Report, 2006.

¹⁰⁸ Swaziland Labour Report, 2002.

¹⁰⁹ Gathered from the Elite Survey conducted in this study.

¹¹⁰ economy@newafrica.com, 1 October 1999.

¹¹¹ Economic Review and Outlook, 2002/2003-2006/07.

¹¹² IMF Report, 2006.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ Economic Planning Office Projections, 2005.

¹¹⁶ Swaziland is not included in most of the existing studies on the democratization process e.g. *The Afro-barometer*, because of its system of governance is construed to be undemocratic. As a result the Swazi team conducted a pilot survey to understand the perceptions of different members of the public. However, as a pilot study there were limitations of sample size which were counteracted by further assessment of these issues using the expert survey. The research team acknowledges the contribution made in expressing their perceptions and helpful insights into the problems experienced by the country in the democratization process.

¹¹⁷ IMF Report, 2006.

¹¹⁸ *Ibid.*

¹¹⁹ Joubert and Gule, 2002.

¹²⁰ Behavioural Surveillance Report, 2002.

¹²¹ IMF Report, 2006.

¹²² *The Times of Swaziland*, 25 June 2006

¹²³ *The Times of Swaziland*, 11 June 2006

¹²⁴ Central Bank of Swaziland Annual Report, 2006.

¹²⁵ Ngumbullu P J in his statement as Executive Director for IMF for The Kingdom of Swaziland, 8 February 2006.

¹²⁶ Transparency and Amnesty International, Index of Economic Freedom 2006 – Swaziland,

2006,

<<http://www.heritage.org/research/features/index/countryFiles/pdfs/Swaziland.pdf>>.

¹²⁷ Gathered from the Elite survey conducted in this study.

¹²⁸ Reported in *The Times of Swaziland*, 13 December 2006.

¹²⁹ Maasdorp G, *Industrialisation in a Small Country: the experience of Swaziland*, Swaziana, University of Swaziland, 1973.

¹³⁰ Cooke, W N, The Influence of Industrial Relations factors on U.S Foreign Direct Investment Abroad, *British Journal of Industrial Relations* 51(1), pp 3-17, 1997 and Kigozi M, Attracting Investments into Industrial Development in Uganda, *Makerere Business Journal Publications* 9, pp 33-43, 1992.

¹³¹ Klein W, *orld Economic Forum*, 1, pp 44-45, 2004 and Panitchpakdi S, Why Doha Must Help Development?, *World Economic Forum*, 1, pp 44-45, 2003.

¹³² Singapore Economic Development Board: 2003 and Uganda Investment Authority Board: 1992.

¹³³ International Monetary Fund, 2000.

¹³⁴ IRIN, 25 September 2000.

¹³⁵ Annual Labour Report, 1998.

¹³⁶ Joubert and Gule, 2002.

¹³⁷ These views were expressed during the expert opinion survey conducted in this study.

¹³⁸ *The Swaziland Investor Roadmap*, USAID, 2005.

¹³⁹ The concerns were expressed by the experts interviewed for the study.

¹⁴⁰ Gathered from the Elite interviews results of this study.

¹⁴¹ *Ibid.*

¹⁴² Elite Survey results conducted in this study.

¹⁴³ Dlamini N, The Current Status of Women's Human Rights in Swaziland, in Chucks Okpaluba C, Hlatshwayo N, and Khumalo B, (eds), *Human Rights in Swaziland: The Legal response*, Department of Law, University of Swaziland, 1997, pp 269-310.

¹⁴⁴ Most of these recommendations were expressed by the various experts during the expert opinion survey while some of them are inference from the discussions with various experts and from the pilot study.

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ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Promoting credible elections and democratic governance in Africa.

MISSION

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy

and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other institutions operating in the democracy and governance fields throughout Africa.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law/rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter/civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the

establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports

- Country profiles
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