# An Assessment of Regional Integrated Development Planning in Eswatini

by

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# DECLARATION

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# ABSTRACT

Regional integrated development planning was incorporated into policy to equally distribute development among administrative regions and rural and urban areas in Eswatini. While the goal was to reduce poverty, rural poverty has reduced at a slow pace for the population. This research was undertaken to evaluate the implementation of regional integrated development planning and to gain knowledge of the operational aspects.

Research on integrated development planning in Eswatini largely focuses on implementation by urban subnational government. This investigation provides an overview of development planning by the Regional Government, which oversees Tinkhundla areas in rural Eswatini. For this reason, the entire decentralisation system was studied to understand government administration via the Tinkhundla System. The investigation included an analysis of the intergovernmental relations of all levels of government and the application of Eswatini Law and Custom in conjunction with Roman-Dutch Common Law.

An exploratory, qualitative research approach was adopted. Primary data were collected from key informants through unstructured expert interviews. Secondary data from legislation, government reports and publications, as well as published and unpublished work on the topic were also collected for a comprehensive examination. Findings from this research pointed to a weak legislative framework, which has had adverse implications for integrated development planning at the Regional Level, subnational government reform, decentralisation management and policy coordination.

Consequently, the major recommendations arising from the research are connected to the codification of Eswatini Law and Custom and the establishment of an enabling legislative framework, particularly the enactment of the Tinkhundla and Regional Administration Bill of 2014. Legislation is crucial for the creation of a legal basis to merge urban and rural subnational government, institutional reform of the decentralised system in Eswatini and elimination of operational ambiguity caused by Chieftaincy-related issues in the development process.

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# OPSOMMING

Streekgeïntegreerde ontwikkelingsbeplanning is in beleid opgeneem om ontwikkeling eweredig onder administratiewe streke en landelike en stedelike gebiede in Eswatini te versprei. Terwyl die bedoeling was om armoede te verminder, is armoede in die landelike bevolking teen 'n uiters stadige tempo verlaag. Hierdie navorsing is onderneem om die implementering van streeks-geïntegreerde ontwikkelingsbeplanning te evalueer om kennis oor die operasionele aspekte op te doen.

Navorsing oor geïntegreerde ontwikkelingsbeplanning in Eswatini is grootliks op implementering deur stedelike subnasionale regering gerig. Hierdie ondersoek bied 'n oorsig van ontwikkelingsbeplanning deur die plaaslike regering, wat toesig hou oor Tinkhundla-gebiede in landelike Eswatini. Om hierdie rede is die hele desentralisasiestelsel bestudeer om regeringsadministrasie via die Tinkhundla-stelsel te verstaan. Dit omsluit 'n ontleding van die interregeringsverhoudinge van alle regeringsvlakke en die tweeledige toepassing van Swati Wetgewing en Gewoonte in samehang met die Romeins-Hollandse gemenereg.

’n Ondersoekende, kwalitatiewe navorsingsbenadering is toegepas. Primêre gegewens is met behulp van ongestruktureerde kundige onderhoude met belangrike informante versamel. Sekondêre gegewens uit wetgewing, regeringsverslae en publikasies, sowel as gepubliseerde en ongepubliseerde werk oor die onderwerp, is ook vir uitgebreide ondersoek ingesamel. Bevindinge uit hierdie navorsing dui op 'n swak wetgewende raamwerk wat nadelige gevolge gehad het vir geïntegreerde ontwikkelingsbeplanning op streeksvlak en vir subnasionale regeringshervorming, desentralisasiebestuur en beleidskoördinering.

Die belangrikste aanbevelings wat uit die navorsing voortspruit is gevolglik aan die kodifisering van Swati Wetgewing en Gewoonte en die daarstelling van wetgewende raamwerke gekoppel, veral die instelling van die Tinkhundla Wetsontwerp op Plaaslike Ontwikkeling en Administrasie van 2014. Wetgewing is van kardinale belang vir die skepping van 'n wetlike grondslag om stedelike en landelike subnasionale regering saam te smelt, vir die institusionele hervorming van die gedesentraliseerde stelsel in Eswatini en die opheffing van die bedryfsdubbelsinnigheid wat deur hoofmanskapverwante probleme in die ontwikkelingsproses ontstaan.

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# DEDICATION

For my husband, Muzwandile Buthelezi. My MVP. I am grateful for every single sacrifice you have made for this to be possible.

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# LIST OF ABBREVIATIONS

| | |
|---|---|
| AU | African Union |
| CDC | Community Development Committee |
| CDO | Community Development Officer |
| EHIES | Eswatini Household Income and Expenditure Survey |
| EU | European Union |
| FDI | Foreign Direct Investment |
| GDP | Gross Domestic Product |
| GIS | Geographic Information System |
| HDI | Human Development Index |
| INM | Imbhokodvo National Movement |
| MDG | Millennium Development Goals |
| MTAD | Ministry of Tinkhundla Administration and Development |
| NDS | National Development Strategy |
| NGO | Non-governmental Organisation |
| NNLC | Ngwane National Liberatory Congress |
| PRSAP | Poverty Reduction Strategy and Action Plan |
| PS | Principal Secretary |
| PPP | Public-Private Partnership |
| RA | Regional Administrator |
| RDT | Regional Development Team |
| RS | Regional Secretary |
| SDGs | Sustainable development goals |
| UNDP | United Nations Development Programme |

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# CHAPTER ONE - INTRODUCTION TO THE STUDY

## 1.1. INTRODUCTION

The proliferation of political and administrative strategies geared towards improving development in the 20th century has resulted in an emphasis on service delivery by subnational government for poverty alleviation in Africa. As such, many governments have explored central and, more recently, decentralised government systems post-independence. Decentralisation can be credited for igniting a perceptual shift on social, economic and political reform that places communities at the centre of development planning, sustained by the rationale that they must participate in their development (Rondinelli, 1983:13). To understand regional integrated development planning in Eswatini, the study investigated the decentralisation system in Eswatini in its entirety. In this chapter, the research problem, study rationale, objectives and questions are discussed.

## 1.2. BACKGROUND AND RATIONALE

In 1968, the Kingdom of Eswatini gained political independence from Britain and ultimately gained control of the government. This was accompanied by the inauguration of King Sobhuza II, who had previously acted as Paramount Chief. Efforts to incorporate Eswatini customary law and institutions into government administration materialised in 1978. This meant decentralising government power to Eswatini traditional institutions known as Tinkhundla. In the same year, government administration was decentralised to the Regional Government for the coordination of development in Tinkhundla areas (Government of Eswatini, N.d.: 3). The result of this was the institutionalisation of Eswatini Law and Custom in conjunction with Roman-Dutch Common Law, thereby launching a dual legal system and government administration in Eswatini (Kuper, 1986:36; Killingray, 1986:413; Dlamini, Dlamini, Hlatshwayo & Mabuza, 2012:147).

Generally, government authority is decentralised to lower levels of government by a constitution, legislation, ministerial decree, or administrative order (Conyers, in Ribot, 2002:39). In Eswatini, the Establishment of the Parliament of Swaziland Order of 1978, the Regional Councils Order of 1978 and the Constitution of The Kingdom of Swaziland Act of 2005 are the legislative foundation for decentralisation of state power to subnational government. In decentralised government systems, the development planning competence is

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typically assigned to subnational governments. This is rooted in the notion that lower levels of government possess a deeper understanding of the local development context compared to central government and thus are more suitably positioned to advocate for relevant policy and programmes. Decentralisation eliminates highly centralised procedures which concentrate power and creates systems for efficient coordination of central government activities and development agencies leveraging on regions, provinces, or districts provide as a geographical base (Rondinelli, 1983:15-16).

The Establishment of the Parliament of Swaziland Order of 1978 declared that Tinkhundla areas would be the medium through which Eswatini nationals could vote for members of the public in their local constituencies to represent their specific needs in the lower house of Parliament, the House of Assembly. Power is decentralised to four administrative regions by the Regional Councils Order of 1978, namely to Manzini, Mbabane, Hhohho and Lubombo. The enactment of the Constitution in 2005 (Government of Eswatini, 2005) reiterated the same tenets concerning Regional Government and popular representation in Parliament. The Decentralisation Policy document was drafted in 2006 to delineate decentralised power and interdependence of all government levels in the endeavour to achieve grassroots and sustainable development (Government of Eswatini, 2005; Local Economic Development Guidelines, 2016:7-9).

60% of the Eswatini population live below the poverty line of 1USD per day and is concentrated mostly in rural localities; 33% of the rural population does not have access to basic services such as water compared to 7% in urban areas. The Regional Government is mandated to activate rural economies in pursuit of poverty alleviation in Eswatini. This challenge is deepened by the fact 70% of the population resides in rural areas compared to 30% in urban areas, as reported in the Eswatini Household Income and Expenditure Survey (EHIES) 2016/17 (Central Statistical Office, 2018).

Integrated development planning is the tool relied upon to eradicate such challenges. The study was undertaken from this point of view.

### 1.2.1. Motivation

This research investigated the implementation of regional integrated development planning in Eswatini. The decentralised government system executed in the context of Eswatini was also assessed. The initial phase of the study encompassed a review of the legislative framework that supports decentralisation and development planning implemented at the

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subnational government level, particularly by the Regional Government. This was done to assess the institutions, structures and functions which are expected to characterise the decentralised government system in Eswatini and the process of integrated development planning. This presented an opportunity to study the Eswatini decentralised government system and integrated development planning in the rural context. These areas are under-researched with researchers tending to investigate urban integrated development planning. Generally, Public Administration scholarship in Eswatini is low and where embarked on, the relationship between government and the ruling monarch is overemphasised, leading to a politicisation of findings.

Decentralisation provided a solid foundation for the research because it establishes subnational government institutions that, depending on the country, perform the government function, integrated development planning, that was studied. Wunsch (1998:20) calls attention to two forms of decentralisation; deconcentration and devolution. Power is considered to have been devolved when the national government relinquishes decision-making authority to a subnational government entity that will execute its mandate independently. If power is decentralised to an entity without conceding decision-making authority, this is regarded as deconcentration. In this scenario, the national government redistributes resources to perform decentralised functions to lower levels that merely act on behalf of the centre.

In Eswatini, the Constitution, in section 58(2), asserts that power is devolved to lower spheres of government to enhance ownership of the development process by citizens. Again, section 79 states that democratic and participatory government derived from the Tinkhundla philosophy emphasises the devolution of state power. This study examined the implementation of regional integrated development planning and simultaneously assessed the decentralisation context of Eswatini. The evidence stemming from this study is expected to contribute to the body of knowledge on regional integrated development planning and decentralisation in Eswatini.

Since decentralisation in Eswatini is inextricably linked to the traditional philosophy of tinkhundla, the investigation generated knowledge on the dual application of customary and Roman-Dutch Common Law systems. The interaction of the two is historically deemed as a hindrance to efficient subnational government administration, more so because Eswatini Law and Custom is partially codified. Therefore, the synergy of the two systems was also assessed.

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Rural and urban subnational government administration are managed separately. Subnational government attached to rural administration, where much of the population is located, has limited power to tackle the eminent development challenges. Legislation to address this via the Tinkhundla and Regional Administration Bill was drafted in 2014 and has not been passed into law to date. The current research investigated the barriers preventing the enactment of this foundational policy.

Howlett and Ramesh (2009:79) emphasise that while personal interest prompts academic research, analysis and critique from research studies can engender a distinguishing impact on public policy. The research was undertaken in the spirit of providing evidence on the implementation of regional integrated development planning to contribute to policy deliberations and any efforts towards institutional reform by the Government of Eswatini.

The theoretical foundation of this study is discussed in the next section.

## 1.3. PRELIMINARY LITERATURE REVIEW

Development is an integral part of integrated development planning. Hence, development theory was consulted first. Development is simply about improving the lives of people. According to Korten (in Swanepoel & De Beer, 2011:38), development improves the capacity of people and institutions to mobilise and manage resources for a sustainable quality of life derived according to their needs. Sen (1999:14-15) regards development as freedom. In this view, development increases people's freedom, or at least should do so, to interact and influence their immediate environment. According to Theron (2008:4), the government is the main agent for development acting through different ministries and departments, but the people and their needs are an indispensable part of development. Mchunu and Theron (2014:41) emphasise that the government should not act in place of the people, but should, instead, act with them, in collaboration with other non-governmental institutions. Gwala, Theron and Mchunu (2015:60) warn against prescriptive approaches to development that prevent development beneficiaries from participating meaningfully in their development, thereby stripping them of dignity.

Planning for development interventions is crucial because this is the process where development outcomes are identified, timeframes are set, implementing parties are defined, and the strategies to achieve objectives are determined (Swanepoel & De Beer, 2011:193). The emphasis on the development of a region denotes the attempt to integrate economic

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activity and services between urban and rural localities to accelerate rural development and national economic growth (Rondinelli & Evans, 1983:32).

Regional development ushering in bottom-up development planning gained prominence in the 1970s and 1980s (Soliman, 2004:389). According to Pike, Rodriguez-Pose and Tomaney (2017:23-49), development in the 19th century emphasised the improvement of income per capita and capitalism created industries and modern cities. The development of a region was largely determined by trade and geopolitics, prompting geographic economic disparities. From the 20th century, development has gradually grown to become concerned about human development. Given this, bottom-up development approaches underscore inclusive processes driven directly from a region. By doing so, each region attains local economic transformation. The goal is to deliver an equal distribution of economic gains across urban and rural areas.

Regional planning emphasises the role administrative regions play in the development process. Regions are emerging as the arena where economic activity occurs, making it possible for development and strategic planning. They are the point where top-down planning combined with bottom-up planning facilitates regional planning for economic, social, and sustainable development (Makoni, Meiklejohn & Coetzee, 2008:294; Gardener, 2014:24; Alden, 2006:217).

As stated by Hofsi (2014:1127-1128), an integrated development plan is aimed at reducing development inefficiencies within a municipality, region or Inkhundla area, in the case of Eswatini. Following Gardener (2014:9), an integrated development plan is simply a plan for the development of a region. Regional planning encompasses managing spatial areas that extend to surrounding towns or cities, connecting land-use activities, infrastructure, settlement, and manoeuvring sustainability issues. As such, collaboration, and integration of programmes between different spheres of government and institutions is mandatory to achieve the common objective of combating poverty and environmental problems and fostering both economic and social development (Gardener, 2014:28).

Zybrands (2011:146) suggests that integration in development planning arises from three interactions. The first stems from the vertical coordination of multi-level plans. Secondly, integration transpires horizontally, as municipalities harmonise activities and plans. The final form of integration is realised between public entities operating within a municipality. Collaboration and communication set integration in motion (Nzimakwe & Ntshakala 2015:830-831).

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Ansell and Gash (2007:544) emphasise that it is the responsibility of the government to create a platform for collaboration and participation. According to Agranoff and McGuire (in O'Leary & Vij, 2012:508) collaborative public management facilitates collective action between organisations and the public for the resolution of prevalent challenges. Multi-organisational arrangements accelerate sharing of labour to address common objectives that span boundaries and sectors. De Villiers and Sindane (2011:26) submit that integrated development planning mainstreams intergovernmental relations in a system where the national government adopts a top-down approach prioritising the needs at the local government level. Since the subnational government is located closest to communities, integrated development planning occurs at that sphere of government (Cook, 2008:48).

For Geyer (2006:23), integrated development planning holistically refers to a plan that incorporates economic, social, environmental, infrastructural, and spatial aspects to strengthen development. The process sustainably empowers and results in growth and equity. The term "integrated" connotes merging different elements so that they form one whole, and each component becomes instrumental in accomplishing the desired outcome. In development planning, the components that are combined are plans, projects and stakeholders. "Development" is about enhancing the standard of living in a community and expanding the opportunities and choices available to citizens. "Planning" concerns the coordination of processes or projects for the achievement of the desired outcome. The benefits of integrated development planning are accrued through the efficient use of resources because development interventions are determined by specific community needs. According to Cook (2008:48), integrated development planning produces a strategic response to regional development problems and informs budgeting and programming.

Consistent with the literature, the Government of Eswatini expects to equalise the distribution of development between rural and urban areas, raise the standard of living, grow rural economies, and put community needs at the centre of development. This study assessed the implementation and management of integrated development planning, intergovernmental relations, stakeholder involvement and public participation during the process.

The next section specifies the research problem that the study addresses and the objectives.

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## 1.4. RESEARCH PROBLEM AND OBJECTIVES

No research has been undertaken on regional integrated development planning in Eswatini, yet this is an important programme towards the achievement of national objectives. Ribot (2002:v) points to poorly implemented decentralisation reforms in Africa and emphasises the need for research to interrogate actual implementation. This study generated evidence on the implementation of regional integrated development planning and decentralisation in Eswatini, identified and described key features of the Eswatini government system.

The need for the research is marked by the fact that the Government of Eswatini stipulated that by 2022 80% of development programmes will be informed by comprehensive integrated development plans at Chiefdom, Tinkhundla and Regional Government levels (Government of Eswatini, 2013:4 - 15). It was imperative to review the progress that has been accomplished in this area.

The objectives of the study were:

- To investigate the implementation of regional integrated development planning in Eswatini
- To understand the application of the dual Eswatini Law and Custom and Roman-Dutch Common Law systems, and institutions
- To learn the decentralised system of Government in Eswatini
- To assess the intergovernmental relations between the various spheres of government in the development process
- To explore ways by which regional integrated development planning could be strengthened in Eswatini

The overarching and primary research question to be addressed was whether regional integrated development planning was being implemented as prescribed by policy in Eswatini. Secondary research questions to be answered were:

- What is the process undertaken during regional integrated development planning in Eswatini?
- Is the legal framework sufficient for effective and efficient implementation of regional integrated development planning in Eswatini?
- How is Eswatini Law and Custom together with Roman-Dutch Common law applied during development planning at Regional Level?
- What are the features of the decentralised government system in Eswatini?

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- What measures have been put in place for effective intergovernmental relations, public participation, and sustainable development during regional integrated development planning?

## 1.5. RESEARCH PARADIGM

The study comprised a qualitative enquiry. A qualitative research design describes, interprets, verifies, and evaluates. Description exposes the nature of certain situations, settings, processes, relationships, systems or people and provides insight about a particular phenomenon in developing new concepts and theoretical perspectives about it to possibly discover problems (Leedy & Ormrod, 2010:94). Certain assumptions, claims, theories, or generalisations within real-world contexts are verified by qualitative research. Qualitative research enables researchers to evaluate the effectiveness of policies, practices, or innovations. This type of research is an open, flexible, and unstructured approach to enquiry, exploring diversity as opposed to quantifying it, describing and analysing findings. The description of an observed situation, the historical recital of events, an account of the different opinions people have about an issue, and a description of the living conditions of a community are examples of qualitative research (Kumar, 2012:33).

### 1.5.1. Research methodology

Considering that research on regional integrated development planning has not been undertaken in Eswatini, this study adopted an exploratory research design. Exploratory research designs are selected when there is no existing literature on the group, activity, process or situation that is being studied, but it is of value to explore the topic to generate information on the key elements. Exploratory designs also assist in the resolution of administrative challenges (Kumar, 2011:30; Stebbins, 2011:5; Babbie, Mouton, Vorster & Prozesky. 2015:80; McNabb, 2004:134). Data collection is executed without a fixed plan about sources of data which often are literature reviews, interviews, case studies and key informants (Stebbins, 2011:5; Babbie *et al*., 2015: 80).

#### 1.5.1.1.Data collection

Primary and secondary data were collected for this study. Primary data are data that a researcher collects directly from the source from surveys and interviews or observation, for example (Kumar, 2011:132; McNabb, 2004:73). In the absence of literature on regional integrated development planning in Eswatini, primary data were collected through interviews.

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Research interviews could be structured or unstructured. Structured interviews gather information with the assistance of an interview guide that is followed with precision. Unstructured interviews gather information without particularly conforming to a set of questions, leaving room to probe emerging data relevant to the investigation (Kumar, 2011:137-157).

Although the implementation of regional integrated development planning in Eswatini has not been well documented, the Regional Government performs this function. Thus, unstructured interviews were conducted with key informants involved in the planning process. By virtue of that participation, it was expected that they would know the process undertaken during implementation; intergovernmental relations facilitating planning, the mechanisms that are in place for public participation and sustainability, and the application of dual legal systems.

It is standard practice to record an interview using audio-recording devices or field notes to ensure that information is not lost (Kumar, 2011:152). For this study, details from interviews were recorded utilizing field notes and an audio-recording device. Field notes are collected by simply keeping a record of information gathered from discussion, observation, and a researcher's non-verbal reflections on the interview. A digital audio-recording device was used to record interviews during data collection to obtain a full record of the interview for reference during data analysis. Data from the audio-recording device was reproduced in text during transcription (Tessier, 2012: 448-449).

Secondary data comprise information that was not collected by a researcher first-hand, but by other scholars or organisations. Examples of secondary data are books, national surveys or reports and scholastic journals. The role of the researcher, therefore, is to interpret and analyse the data. Collecting secondary data is easier, but reliability and validity varies; some secondary data sources like magazines or diaries are written subjectively and must be consulted with caution. Also, data is not always available in a format that aligns with the researcher's needs (Kumar, 2011:154; Bryman, 2012:312; McNabb, 2004:73).

Secondary data were acquired for this study from published and unpublished theses and dissertations, government reports, journal articles, legislation, and conference proceedings. The document review provided information on decentralisation in Eswatini; Eswatini Law and Custom; Roman-Dutch Common Law; and subnational development planning. This information constituted the foundation of the primary data collection.

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The next section highlights how key informants were selected to participate in the primary data collection.

## 1.6. SAMPLING

Key informants for the study were selected using the non-probability sampling method and snowball sampling technique. Six key informants, who are employed as officers in the Government of Eswatini, were interviewed for the study. The key informants provided valuable insight into national government development objectives and the process undertaken during regional integrated development planning. Generally, a study sample can be selected employing either probability or non-probability sampling. When the study population exhibits monolithic characteristics, the study sample must be randomly selected so that the sample reports an equal chance of being chosen to participate in the study. The sample must be an accurate reflection of the population. In situations where the study population does not have universal characteristics, the sample must be selected with consideration of the applicable criteria (Babbie *et al*., 2015:166- 170; McNabb, 2004:127).

According to Welman, Kruger and Mitchel (2005:205), the sampling techniques applicable for qualitative, unstructured interviews are purposive and snowball sampling techniques. Purposive sampling is based on a researcher's judgement contingent on the knowledge that a population has on the topic under study and use that as a criterion to choose the study sample. Snowball sampling is used when the study population is hard to find and study participants who have already been identified recruit others until the sample size is reached (Babbie *et al*., 2015:166-167).

Data analysis for this study is elaborated on in the next section.

## 1.7. DATA ANALYSIS

After data collection, data are analysed and interpreted to find meaning. Exploratory research applies inductive reasoning by which the findings are determined by the evidence presented. Consequently, data were analysed relying on grounded theory methods (McNabb, 2004:435; Babbie *et al*., 2015:498). The data analysis method that was used combines techniques by Straus and Corbin; Neuman and Miles; and Huberman to create a method with nine (9) steps.

During step 1, data is sorted and grouped into themes and patterns for the preliminary analysis. Open coding occurs at step 2 when data is coded into categories, based on dimensions,

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properties, and consequences. Coding of text can be done line by line or paragraph by paragraph, to determine the meaning. Step 3 involves the comparative analysis whereby the researcher compares the data categories to cluster them based on similar characteristics and separates the categories that deviate for further interrogation of the problem. Data is structured again in step 4, during axial coding, by being classified according to conditions, phenomena, context, intervening conditions, actions, and consequences. In step 5, an interpretive analysis is done to determine whether categories cannot be split into two constructs. Step 6 concerns selective coding where the core category, which is the main theme that binds all other categories, is identified from among all categories, and further developing all other categories. Steps 7 and 8 involve reiterative analysis during which categories are correlated. In step 9, there is a generation of theory (McNabb, 2005:435 - 439)

Since this study used qualitative analysis in exploratory research, this data analysis method is seen as conducive to generating theory from the primary and secondary data.

Ethical considerations during data collection are discussed next.

## 1.8. ETHICAL CONSIDERATIONS

The purpose of ethics in research is to protect study participants from harm that may be inflicted by study procedures. Participants recruited into a study must agree to participate voluntarily, without coercion; they should not be exposed to direct or indirect harm because of participating in the study; and anonymity and confidentiality must be guaranteed (Babbie *et al*., 2015:520-525).

To ensure that study participants are not forced into participating in research, they must provide informed consent. This is a mandatory procedure whereby a researcher provides all the information relating to the study including study objectives, expectations from study participants and risks and benefits associated with the research. Participants must be advised of their rights to not participate in the study or to withdraw from the study if they do in fact participate. Informed consent can be both written and verbal (Kumar, 2011:220; McNabb, 2004:61-62). For the study, verbal informed consent was obtained from study participants. The reason verbal informed consent was selected over written informed consent was in the interest of ensuring the free participation of key informants. Rather than documenting verbal consent as is done conventionally, verbal consent was recorded on an audio-recording device at the beginning of an interview. In the event of a study participant refusing to record the

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interview via an audio-recording device, that participant was excused from participating in the study.

Precautions have to be taken to ensure that study participants are not harmed, whether directly or indirectly, because of study procedures; harm may be physical or emotional. It may also be exacerbated by a consequence of participating in the study, i.e. being fired from a job because of the decision to participate in research. Hence, it is the responsibility of a researcher to assess the various risk factors of the study for participants and apply preventive measures to the study design (Kumar, 2011:221; Babbie, 2015:522).

It is crucial to ensure that study data and reporting of findings uphold principles of confidentiality. Collected data must be stored in a place that is secure and can only be accessed by study investigators. Data must also be used for the purposes relating to research only. When study findings are reported, a researcher must do so in a manner that does not reveal the identity of the participant in the study and report findings anonymously (Kumar, 2011:221; Babbie *et al.*, 2015:523). In recognition of this, study data were stored in a password-protected computer that is only accessed by the researcher. Field notes were stored in a lockable filing cabinet that only the researcher has access to. Key informants were allocated study identity numbers known to the researcher only, to be used in place of their real identities on all study documentation.

The next chapter highlights the structure of chapters in this study.

## 1.9. CHAPTER OUTLINE

**Chapter 1** has introduced the study that was undertaken and the rationale for conducting it. Concepts connected to regional integrated development planning were presented and explained briefly in anticipation of exhaustive reflection reported in later chapters, such as decentralisation, regional development, Tinkhundla, public participation, the dual application of Eswatini Law and Custom together with Roman-Dutch Common Law and intergovernmental relations. A preliminary literature review defines these concepts to draw attention to their relevance. The motivation for conducting this study and its objectives are also presented in this chapter. The chapter concludes with a discussion of the research methodology adopted for this study.

A more comprehensive literature review is available in **Chapter 2**. Knowledge of the colonial history of Eswatini, and the implications it has had on public administration is summarised.

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Development theory is presented, dating back to earlier thought that emphasised industrial growth, and gradually building up to the approaches that champion holistic strategies for economic, social and political development anchored in securing the well-being of people. Decentralisation is described to examine how power is devolved to lower levels of government, to eventually discuss subnational government planning. The role of traditional institutions in subnational government administration is clarified in recognition of the presence of Tinkhundla in Eswatini's decentralised system.

**Chapter 3** focuses on the legislative framework that supports regional integrated development planning in Eswatini. The laws that establish a decentralised government system in Eswatini are reviewed in this chapter with a specific focus on the powers given to the Regional Government. An analysis of national strategies and development plans is provided to assess the policy direction regarding integrated development planning by Regional Government in Eswatini. Legal considerations concerning the dual application of Eswatini Law and Custom and Roman-Dutch Common Law are also presented.

**Chapter 4** outlines the research methodology and design of this study. A detailed description of qualitative and quantitative research approaches is provided, with emphasis on qualitative research. The exploratory research design and collection of primary and secondary data are also explained in greater depth, and applicability to this study is discussed. The rationale for selecting the probability sampling method, the snowball sampling technique, the nine-step data analysis method proposed by Straus and Corbin, Neuman and Miles, and Huberman are included in this chapter.

The findings from the study are presented and discussed in **chapter 5**. The discussion provides an overview of different levels of Government in Eswatini and the services that are decentralised to lower levels by the National Government; regional integrated development planning as it is implemented, including the intergovernmental relations underpinning the process; dual legal systems; challenges identified.

**Chapter 6** is the final contribution of this research project. Recommendations are proposed based on the study findings and challenges identified. Themes for future studies are presented and the conclusion is presented.

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## 1.10. CONCLUSION

Eswatini decentralises government power to lower levels of government to improve development. The 2005 Constitution, Establishment of the Parliament of Swaziland Order of 1978 and Regional Councils Order of 1978 established decentralised structures and dichotomised the legal system to include customary law and associated institutions. Regional integrated development planning is a competence that has been entrusted to Regional Government, but no research has been conducted to assess implementation. For this reason, an exploratory study was proposed to provide a foundational body of knowledge on development planning for the rural jurisdiction in Eswatini and to identify elements worth studying to a fuller extent.

This investigation generated evidence on the implementation of regional integrated development planning; application of the dual Eswatini Law and Custom and Roman-Dutch Common Law; and institutions; the decentralised system of government in Eswatini; and how regional integrated development planning can be strengthened in Eswatini. Secondary and primary data were collected through a document review and unstructured in-depth interviews with key informants who have participated in development planning in Eswatini.

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# CHAPTER TWO - LITERATURE REVIEW

## 2.1. INTRODUCTION

African states gained independence and pursued public administration reform for economic growth and development. For decades, Africa has been categorised as "underdeveloped" and "less developed" in the international political economy. Much of the continent is dogged by low gross domestic product (GDP), corruption, substandard social services, high incidence of poverty and poor health outcomes. In response, programmes of action have been undertaken to improve social conditions, public institutions, and economic performance. Structural adjustment programmes, millennium development goals (MDGs), sustainable development goals (SDGs) and the African Unions (AU) agenda 2063 are some examples of initiatives taken by governments to remedy the downward trajectory.

This chapter explores themes and defines concepts relevant to the topic under investigation and development in the Kingdom of Eswatini. It is necessary to provide definitions of concepts that underpin government reform and state-building, such as government, governance and political system as a repeated reference is made to institutional structures within those domains in the assessment of development planning by Regional Government.

An in-depth discussion on colonisation, its impact on state-building and development to provide the foundation for the discussion on nuances of decentralisation and a link between decentralisation and regional integrated development planning in pursuit of sustainable and equitable development are also presented. The role of traditional government institutions within the context of subnational government administration is discussed based on the Eswatini political system being vested in a system that attempts to fully incorporate indigenous institutions in decision making. All this is to build the theoretical foundation of the approach underpinning this study.

## 2.2. THE STATE, GOVERNMENT AND POLITICAL SYSTEMS

The following sections define the concepts of state, government and political systems to underscore the context in which they are used for this study. The need to define the three concepts arises because of the role each plays in planning and how their features and characteristics impact decision-making.

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### 2.2.1. The state

Heywood (2007:90) defines a state as "a political association that establishes sovereign jurisdiction within defined territorial borders, and exercises authority through a set of permanent institutions. These institutions are those that are recognisably public in that they are responsible for the collective organisation of communal life and are funded by public expenses. The state thus embraces the various institutions of government, but it also extends to courts and nationalised industries". According to Van der Walt (2013:2), traditions, culture, history, and ideology provide the fabric from which a state is cut. The state is often associated with government. For this reason, government is defined below.

### 2.2.2. Government

Government is considered as a formal institutional process that enables collective and binding decision making and public order (Heywood, 2007:26). Differences that can be deduced between government and the state stem from the permanence, territorial association, sovereignty and all-inclusive nature of a state. Government is temporal, depending on the political system, after an election or reform, whereas the boundaries and sovereignty of the state remain unaffected by terms of office. The state should, ideally, be impersonal and protect the interests of all citizens regardless of the government of the day (Heywood, 2007:91).

Van der Walt (2013:5-8) advances the argument that the government must be organised in a manner that cultivates effective resource utilisation and service delivery. The government must ensure that it is organised in a way that creates order, cooperation, and coordination of the spheres of government. Government organisation must clearly outline intergovernmental relations and determine the allocation of resources, authority and power among the spheres of government to enable them to function as individual entities. As government organisation is operationalised through public institutions, they are systematised into line and support functions must be made. After this, a legislative framework must be developed to guarantee that societal needs are met through interactions among public institutions and activities within each public institution.

### 2.2.3. Political system

A political system, also known as a regime, outlines the mechanisms of government, institutions of the state and the organisational structures by which these interact in society to generate policy. They can be characterised by the organisation of the economic life or

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governmental processes. Political systems are transferred from one government to the next, only significantly changing through revolutions (Heywood, 2007:26).

Literature is conclusive about the character of the state, government and political systems adopted by African countries being highly determined by their colonised past. As such, the following section reviews literature that provides clarity on the prevalence, extent, and impact of said influence.

## 2.3. COLONISATION

Many scholars remain adamant that some form of governance existed in Africa before colonisation. These were founded on a mutually reinforcing relationship between communities and the political system where resources were provided by the former to gain protection and security from the latter. The introduction of new and foreign forms of government in the process of colonisation is believed to have destabilised this relationship. Pre-existing African governance systems were supposed to have remained in-tact during the transition to the colonial administration, however, the authority which African leaders had previously wielded was suddenly legitimate only concerning natives, while colonialists enjoyed true power over the African territory and resources. The impact of this, post-independence, was the creation of an informal system of traditional government that is alienated from the larger population without any form of checks and balances, bestowing absolute power on traditional leadership (Olowu, 1995:1).

Willis (2011:20) is among the scholars who regard the most significant impact of colonisation in Africa as the development of interconnectedness between Africa and the Global North, particularly focusing on the influence which the Global North has had in Africa for decades post-colonisation. The following are noted as the fundamental consequences of the relationship between the two:

- Colonisation paved the way for globalisation as it provided a link between Africa and different parts of the world, which have largely influenced development theory and aspirations.
- It created the basis of power relations in modern-day society where Western nations continue to determine the global economic and development agenda through transnational and multilateral organisations such as the World Bank and the

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International Monetary Fund (IMF) through a process now referred to as neo-colonisation. This has further driven dependence on the West for African states.

- The impact which colonisation has had in shaping social, economic, and political relations even after independence, granting Western nations responsible for colonisation an economic advantage over Africa.

For Young (in Heilbrun, 2014:38), the colonial past has indeed had an immense effect on contemporary government administration in Africa. He states that "the patterns of the past remain embedded in the present". Cheeseman (2018:4-5) differentiates between the legacies of British and French colonial administration in contemporary political systems in Africa. British colonies inherited Westminster Parliamentary Systems by which members of the legislature are elected based on single-member constituencies. French colonies adopted the metropole semi-presidential system where the president is elected through ballot and shares executive authority with a prime minister elected by the legislature. Mawhood and Davey (1980:400) highlight that former colonies have made attempts at reforming subnational administration systems after independence, but institutions inherited from Europe remain. Vosloo, Kotze and Jeppe (1974:11) point to the coexistence of "traditionalism'' and "modernization'' as an important feature in subnational government post-independence. They further emphasise the need to consider this dualism when investigating subnational government administration. Davids (2009:8) concurs, stating that the existence of colonial, European, administration did not translate into the destruction of customary laws and administration; instead, the local and political institutions remained functional to the extent that their existence served the interest of the European powers. Prominent in former British protectorates, this phenomenon is identified by scholars as indirect rule on the premise that local traditional leadership structures became instruments of British rule.

It must be noted that some scholars, such as Sithole (2010:54), disapprove of African indigenous government systems being referred to as traditional institutions on the basis that traditional leadership is only traditional in Africa and not in other parts of the world where traditional leadership has existed. She argues that traditional leadership is an artificial invention of colonialism and the meaning is exacerbated by academics.

From the above, three facts must be singled out. First, Africa did not sever ties with the Global North post-independence; instead, much effort was made to preserve that relationship. Second, many African states, especially former British Protectorates, adopted the

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Westminster Parliamentary System – which did not exist before colonisation. Third, traditional government systems also exist. These three fundamentals are evidence of the remnants of colonisation in Africa to-date.

The direct consequence of Africa's relationship with the Global North has been the supposition that Africa must be integrated into the global political economy and adhere to affiliated standards and norms. This has propelled a development quest in Africa. The next section explores different conceptualisations of the meaning of development and its expression in contemporary public administration.

## 2.4. DEVELOPMENT

The impact that the development discourse has had on African government administration has been immense. After independence, every country was in pursuit of development strategies that would strengthen growth. At the helm of this discussion was the significance of development in public administration.

Given the multidisciplinary nature of the concept of development, this discussion is restricted to the Public Administration and Political Sciences discipline. On a review of literature, it is clear that development is linked to the availability of resources. The rationale is that the availability of resources is directly associated with poverty reduction. Even more apparent is that development is an ideal that development agencies and governments presume is achievable (McEwan, 2009:11-12; Theron, 2008:3-4; Willis, 2011:2; Swanepoel & De Beer, 2011:11).

To spotlight the correlation between resource availability and poverty, it is sufficient to say that limited access to the former heightens the latter, leading to deprivation and ill-being. This logic is adopted on the assumption that the extent of poverty has direct implications for social, economic, and political growth. As a response, governments along with other development implementing agencies like non-governmental organisations (NGOs) and international governmental organisations, develop policy or donate funds for the implementation of programmes intended to reduce an element of poverty i.e. health, food security and education. Poverty is seen as a barrier to asset accumulation, access to basic services, systems, and structures. Income becomes a proxy to measure poverty as it provides an easier method to measure and compare the extent of poverty among various populations. This, however, should

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not invalidate social inhibitors to well-being, like health and education (Swanepoel & De Beer, 2011:2-11; Cloete & Mmakola, 2017:105; Chambers, 1995:178-179).

As a result of this close association between resource availability and poverty, development tends to be viewed as an economic process. Precipitating the quantification of economic progress expressed by gross national product (GNP), GDP and gross national income (GNI). The supposition is that economic progress will trigger access to higher standards of living, education, and health, thereby reducing poverty (Willis, 2011:4-5).

According to Pomerantz (2011:160), earlier theories on development tended to define development in purely economic terms. Governance-related aspects were not incorporated into the definition until the 1990s. When discussed outside the context of development, governance refers to the amalgamation of markets and networks, as well as policymaking and coordination in the public sector. However, in development terms, governance refers to the structure and functioning of public institutions, as well as to how they interact with economic growth. This incorporates factors like capacity, transparency, accountability, participation, human rights, and sustainable development.

Pike, Rodriguez-Pose and Tomaney (2017:52) note the value of public institutions in the development process. Institutions play the crucial role of facilitating participation, policy continuity and entrenching social, economic, cultural, and political values. Poor institutional development contributes to capacity gaps, and poor participation, policy implementation and continuity, institutional instability, lack of strategic vision and intergovernmental relations.

The dominance of economic growth in development theory dates to the 1950s. This period was characterised by the rapid growth of production industries in Europe and America resulting in the over-emphasis on modernisation in development theory. To be developed was tantamount to being modern. According to this view, countries with modes of production which were less modern than those in the West were viewed as traditional societies. Traditional societies lacked variety in their production functions, typical of those with economies heavily reliant on agriculture production in pre-Newtonian societies. This marked the beginning of modernity as an approach to development (Rostow, 2013:131-133; Willis, 2011:2-3; Cloete & Mmakola, 2017:110; Theron, 2008:6; Davids, Theron & Maphunye. 2009:9-11).

Modernity postulates that there are five stages of economic growth starting at the foundation for take-off. According to this theory, this is where a country explores capitalist and

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technological advancement in industry to increase production in various economic sectors. This paradigm presupposes that economic progress advances national, business and household interests. Investment in modernised means of production is made in the take-off stage. After a minimum of 40 years and a maximum of 60 years, the drive to the maturity stage starts and is characterised by economic stability and growth of new industries and technologies; reduction of imports; and increase in exports. At this stage, the economy is highly technological and possesses sufficient entrepreneurial skills to venture into any industry (although raw material may be a challenge). The final stage is reached when there is high mass production as well as an increase in durable goods and services and there is generally high per capita income, urbanisation and a skilled workforce (Rostow, 2013:131-133; Willis, 2011:2-3; Cloete & Mmakola, 2017:110; Theron, 2008:6; Davids, Theron & Maphunye 2009:9-11).

The dependency theories emerged as a response to the modernisation theory, in the period 1960-70, as scholars began to question the legitimacy of the modernisation paradigm. The disregard for local context in favour of Western development theory was disputed. Some scholars found offence in the assumed superiority attached to the Western concept of development, labelling modernity theory as arrogant and out of touch with the impact of colonisation. The experience of Latin America also drove academics to develop the dependency theory of development. Dependence is created when economic growth of one country cannot be separated from development and expansion of another, creating a relationship where the former is dependent on the latter. This theory attributed the under-development of the Global South to exploitation by the Global North through resource extraction established by colonisation and capitalism. International aid from international development agencies and foreign direct investment (FDI) was also regarded as a factor deepening the dependency of developing countries in the Global South on the Global North, because developing countries could be regarded as subsets of more advanced world economies, creating a process call neo-colonisation. (Frank, 2013:135; Cloete & Mmakola, 2018:110; Willis, 2011:28-52; Theron, 2008:6; Davids, Theron & Maphunye, 2009:11-12; Dos Santos, 1998:253).

Sen (1999:14) explored development from a viewpoint that acknowledges the role played by economic indicators in development processes but opposed the view that they are central to development, advancing, rather, that development is a culmination of social, economic and political freedoms that people must enjoy. The establishment of the humanist approach to

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development began to incorporate this view, expanding the concept of development and emphasising that development is not solely limited to economics, but also encompasses local participation – including women's rights, institutions, culture, politics and psychological issues. The human development approach establishes the human development index (HDI) to incorporate social dimensions of development that contribute to the wellbeing of a person. The index is derived from a calculation of GDP, life expectancy, literacy, school enrolment, education, and a decent standard of life. Each indicator is calculated and ranked ranging from 0 to 1. The average is then calculated to establish the index. The closer to 1 the average is, the higher the HDI. (Willis, 2011:2-1; Theron, 2008:6; Davids, Theron & Maphunye 2009:17; Sachs, Mellinger & Gullup, 2008: 4). Sachs et al. (2008:4) point to the fact that some countries grow economically exponentially but still fail to reach a high ranking in the HDI. This serves as evidence that development is deeper than material wealth.

Contemporary development theories advocate for a holistic approach to government. Economic, social, political, environmental, and religious dimensions are regarded as pertinent in the development process. The government is acknowledged as the primary actor when development is concerned, acting through various government portfolios. Each portfolio is responsible for budgeting and planning for programmes within its specialist field. Additionally, NGOs, private companies and multilateral organisations also operate within specialist fields simultaneously, also playing an important role in development. This means that government cannot plan and implement development policy in isolation but must act in cohesion with leverage on resource optimisation and avoid duplication of efforts and contradicting communication to the people. People act as individuals and collectively as households and communities in the development process (Willis, 2011:27; Theron, 2008:4).

As discussed in detail in the next section, Pike, Rodriguez-Pose and Tomaney (2006:17) bring to light development theory with a local and regional focus; it must be noted that they use the terms local and regional concurrently. This approach to development emphasises territorial character. Development strategies are based on an assessment of existing economic, social, and institutional infrastructure and the potential of a territory. Typical of this form of development is the combination of strategies which centre on infrastructural development for basic service delivery and industrial development; creation of comparative advantage to boost the competitiveness of local institutions; accelerating inward investment; building local capacity; and improving infrastructure to bolster economic activity within the territory. Additionally, local and regional development strategies endeavour to develop skills within

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organisations and institutions to enable planning, implementation and monitoring of development strategies in a coordinated manner involving all stakeholders, whether public or private, while empowering communities to espouse leadership in their own development.

Theron (2008:14) concurs on the point of community ownership in development, highlighting that participation is a fundamental requirement of development as it intimately linked to empowerment. Participatory approaches to development are centred on the people, allowing them to influence planning, which reinforces their ownership and capacity building. Participation is the first of four building blocks of development. Emphasising the same point, Swanepoel and De Beer (2011:50) argue that the act of allowing people into the development process and then stipulating the extent of involvement cannot be regarded as participation, but tokenism. They hold that participation occurs wholly, starting at the planning phase and continuing through implementation until the end. Participation enhances the development process because it clarifies the local development context and community needs, that are often unknown to external development players.

According to Theron (2008:6), participation ignites a mutual learning process ascribed to the second development building block, the social learning process. Thereby imparting knowledge on local realities to external development agents and inversely builds community capacity in planning, implementing, and sustaining development. This interaction empowers and educates communities, the third development building block. Swanepoel and De Beer (2011:52) add that skills development, knowledge or information and decision-making power are inextricably linked to empowerment. Skills development that does not yield information and decision-making power illustrates superficial empowerment. Arguing that it is counterproductive to appoint locals into development councils or committees, if they will have no actual say. Empowerment is a tool of enablement and not symbolic.

The last building block, according to Theron (2008:17), is sustainability. Swanepoel and De Beer (2011:54) describes sustainability anchored on the universally accepted definition of "development which meets the needs of the present without compromising the ability of future generations to meet their own needs." This underlines the exigency to consider environmental factors in development.

As this study pertains to planning at the Regional Level of Government in Eswatini, the denotation of development within the context of subnational government needs to be interrogated. The next section explores subnational government development theory.

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## 2.5. REGIONAL AND LOCAL DEVELOPMENT

According to Hooghe, Marks and Schakel (2010:5-7), a regional government authority is a subnational government entity which lies somewhere between the national and local levels of government, usually composed of executive and legislative institutions. Hooghe *et al*. further highlight that the authority of a regional government can be determined through the analysis of three elements; first, the territory over which it has jurisdiction. This could be limited to a specific subnational region or the country in collaboration with other levels of government. The second element is the power limitations of a regional authority. The legislative and executive power and ability to influence policy at higher levels of government, indicate the depth of authority of a regional government. Scope of authority is the final element, determined by the extent to which a regional government can raise revenue and create law.

Saito (2011:487) addresses the tendency of referring to subnational government as local government. This is worth noting because some literature makes no definitive distinction between regional and local government, resulting in the concurrent and synonymous use of both terms. The term regional signifies a geographic boundary and can sometimes denote a continent or ecological zone, and not subnational government. For this study, regional is used to refer to subnational government. The sphere of government which would be referred to as regional, as in Eswatini, Ethiopia and Ghana, is often called a province in other African countries such as South Africa and Zimbabwe.

The study of local and regional development began in the 1960s and 1970s in Europe. The need for government intervention in local and regional territories was sparked by geographic inequalities caused by the Second World War. Earlier study of free markets overstated equal distribution of resources and this period revealed major development overlaps between urban and rural areas. This brought forth local and regional development theory that championed equal wealth distribution across all regions, rural and urban, of a country (Pike *et al.*, 2017:49).

Local and regional development theory carries a comprehensive outlook that is not present in earlier definitions of development. According to this theory, development policy is not restricted to capital investments that churn out transport networks, schools, hospital, and water systems and attract FDI for industrial growth. This theory does not neglect the value of capital-intensive growth, but it acknowledges the multifaceted nature of development (Pike *et al*., 2006:3-4; Barca, McCann & Rodriguez-Pike, 2012:135-137). Economic intensive

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development strategies deepen inequality, crime, declining health outcomes, fear, and mistrust (Pike *et al*., 2017:49). Local and regional development theory rejects the implementation of homogenous development policy, advocating rather for inclusive, holistic, progressive, contextual and sustainable development entrenched in the principle of quality of life across all regions of a country (Pike *et al*., 2006: 3-256; Barca *et al*., 2012:135-137).

Pike *et al*., (2006:35) emphasise that development must be viewed from a geographic standpoint. According to them, geography acknowledges social, economic, political, cultural, and ecological deviations which produce different and unique growth outcomes in each territory. For this study, a territory is a delimited special unit existing within the jurisdiction of an administrative and political authority. The geographic character and features of the territory shapes development. This viewpoint stands opposed to development strategies and policies which view territories as products of growth, instead, accepts the inverse, that territories shape the growth conditions.

Pike *et al*. (2017:49) accelerate this argument by highlighting that economic growth must be conceived to achieve wellbeing dictated by the inherent cultural, economic, social, and political context of an area. They further recognise that wellbeing exhibits different attributes across societies, for instance, well-being in American society is not identical to well-being in African society. Economic indicators can provide a misleading gauge of development as the economy can grow in conjunction with poverty and unemployment, while education, health levels and basic human rights plummet. This argument also calls attention to widening disparities between the wealthiest 1% compared to the poorest 1%.

The evolution of the concept of development derived from modernity theory has largely been shaped from the perspective of the Global North. While opposing theories have emerged over time, it has been difficult to uproot the dominance of the economy from the centre of the debate. This is evidenced by the high rate of urbanisation. This study embraces the abovementioned definition of regional development, for the simple reason that the Government of Eswatini pursues regional development to equalise the distribution of development to all regions based on the geographic, social, cultural, economic and environmental features and needs of each territory.

The relationship between the Global North and Africa, as far as it relates to development, must be maintained with great caution by Africa. Yes, Africa must leverage the knowledge and experiences of the Global North, but the concept of development must be modified to

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correspond with what benefits African societies. The argument supporting economic growth is legitimate and valuable, but social, cultural, and environmental issues need to be considered to avoid the pitfalls of uneven distribution of wealth.

Pike *et al*. (2006:35) highlight that effective local and regional development goes together with a well-scoped decentralised system of government and enabling intergovernmental relations between all spheres of government. The next section provides an in-depth discussion of decentralisation theory.

## 2.6. DECENTRALISATION

Structural adjustment programmes in the 1980s catalysed the introduction of decentralisation in newly independent African countries together with neoclassical economic thought which advocated for less government intervention in the economy and more market determination and civil service reform (Pomerantz, 2011:162; Saito, 2011:484). International financial aid agencies supported these reforms, attaching policy conditions favouring decentralisation and free market access (Abraham, 2005:217: Aalen & Muriaas, 2017:20; Pomerantz, 2011:162).

Dubois and Fattore (2009:707-709) draw attention to three common elements in definitions of decentralisation, namely dynamics, content, and distinction of a receiving entity. Dynamics focus on the process or the condition of decentralisation. Decentralisation as a process defines a public administration reform. Definitions that illustrate the condition of decentralisation view it in terms of structure, often focusing on the degree, range, and extent of decentralisation. Definitions limited to the content of decentralisation emphasise the distribution of power, responsibility, and authority. Authority is "the power to exact obedience or the right to give orders". It can be formal if it established by legal parameters bestowing the right to decide. Informal authority is about "effective control over decisions". Most definitions also specify the entity which is receiving power, responsibility, and authority.

While Falleti (2005:328-329) agrees that central government disperses resources, power, and responsibility downwards to subnational governments, the notion that decentralisation describes existing structures created to support it [decentralisation], however, is rejected. Instead, she accepts the description of decentralisation as a process and further speculates that the type of state determines the type of decentralisation that a government adopts.

Awortwi (2010:621) notes that other definitions of decentralisation are anchored in the policy objectives for decentralisation and highlight the transfer of management, planning and

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revenue-raising powers to subnational government. Such definitions emphasise the need to enhance government responsiveness and extend decision-making to all citizens.

Power, authority, and responsibility are pivotal factors that affect decentralisation. Power allocates decision making authority to lower spheres of government. Responsibility signifies that lower levels of government are accountable for performing assigned functions (Humes & Martin1969:34-35). According to Dubois and Fattore (2009:709-710) scholars advance decentralisation theory by specifying powers, authority, and responsibility that subnational governments should enjoy, i.e. planning, decision making or management, especially control over resources and functions.

According to Saito (2011:484) decentralisation is the process whereby subnational authorities contribute to the implementation of and decision making on public policy in anticipation that democracy and developmental government will be produced. Consequently, central government allocates authority and functions to lower levels that are to be modified to better suit the local context. Benz (2011:546) concurs, recognising that decentralisation defines a process where central government cascades power to subnational government. Adding that decentralisation can also describe existing structures where power has already been transferred to lower levels of government or the process of power transfer to subnational government.

Poyyamoli (2011:95) defines decentralisation in a similar vein as Saito and Benz, contending that decentralisation forms the basis of an institutional framework conducive to political, social, and economic decision making at the point of action or service. This definition acknowledges that all levels of government possessing shared responsibility for resources and authority are not only accountable to the national government, but they have the autonomy to exercise any responsibility conferred by decentralisation. According to Snyder, Ludi, Cullen, Tucker, Zeleke and Duncan (2014:83), decentralisation policy has compelled developing countries to redesign public institutions and their approach to development to alter the relationship between the public and government to influence democracy and poverty.

### 2.6.1. Advantages of decentralisation

Advocates of decentralisation laud it for enhancing efficiency, governance, and equity. The arguments supporting this view are presented in the next sub-section.

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2.6.1.1. Improved governance

Supporters of decentralisation often associate it with an increase in democracy, accountability, local representation, government responsiveness to varying local demands, separation of government power and improved wellbeing by leveraging local knowledge in the decision-making process (Aalen & Muriaas, 2017:21; Binns, Porter, Nel & Kyei 2005:22; Benz, 2011:547; Pomerantz, 2011:162). Decentralisation is seen as the instrument to achieve financial management and optimisation, equality, policy diversification and less administrative bureaucracy (Muriaas, 2017:20).

2.6.1.2. Improved efficiency

As decentralisation provides government services at the local level, the assumption is that bureaucracy will be reduced, citizens will participate actively in policy and the government will be more responsive to the local needs. From this view, wellbeing is enhanced as public services are tailored to the specific needs of the community. Such public participation is believed to result in shared ownership of government processes which improve government accountability and reduce corruption and financial misconduct over time. The citizens are also thought to become more willing to share the cost-of-service provision because of the improved services. A factor that will motivate subnational government to provide services valuable to the public and thus driving healthy competition among subnational government agencies as they compete for larger revenue bases (Saito, 2011:486-487; Benz, 2011:487).

2.6.1.3. Improved equity

Smoke (2003:9) suggests that targeted policy and development programmes will improve well-being, evenly distribute resources, and reduce poverty.

### 2.6.2. Disadvantages of decentralisation

Critics of decentralisation argue that the gains presumably achieved because of proximity to constituents are hardly realised. This is attributed to an over-estimation of the knowledge of local needs that community members have. Also, the relationship between government officials and local citizens tends to be largely based on the authority of the former, which has a negative impact on the use of any local knowledge which may be acquired. Another dilemma noted by scholars who are anti-decentralisation is that some local authorities may be left with diminished power to improve public services offered, as central governments are not always willing to grant revenue-raising power but prefer to transfer grants (Saito, 2011:486-487).

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### 2.6.3. Types of decentralisation

Poyyamoli (2011:95-96) identifies three types of decentralisation, namely fiscal, political, and administrative. The type of decentralisation adopted affects authority and power allocated to subnational government. Fiscal decentralisation focuses on resources that finance the operations of subnational authorities. Lower levels of government obtain money through direct tax collection or user charges for services provided, or budget allocation by central government. The political aspect concerns representation of local interests in national decision making, often supported by a legal framework; the establishment of local political units; and active participation of interest groups (in more democratic governments). Administrative decentralisation occurs through devolution, deconcentration or delegation of power by redistributing responsibility, financial resources, and authority to provide public services in a multi-level government system. Planning and management functions are key responsibilities that are shared by central government and subnational agencies.

Falleti (2005:329) concurs, adding that administrative decentralisation implements policy that supports the provision of social services, i.e. education, health or housing, and administrative responsibility at the subnational level. Suggesting that while best practice dictates that decision-making power is transferred to subnational governments, it is not a prerequisite for administrative decentralisation to occur. Revenue to deliver social services can either be transferred from the central government or funded entirely by a subnational government based on revenue generated independently. Fiscal decentralisation can occur by enacting policy that creates new taxes at subnational level, increases in transfers from central government, or the transfer of tax authority. Political decentralisation is aimed at increasing public participation at the subnational level of government and is established through a legal framework. In addition to that, it breeds electoral reform so that leaders of subnational structures are elected to office to increase authority and local representation.

Smoke (2003:10) agrees that fiscal decentralisation ensures that subnational government authorities can fund their own programmes and implement them autonomously. Adding that responsibilities, including sectoral functions, are transferred to the subnational level by central government. He provides unique insight on political decentralisation: proposing that, ideally, it should reduce accountability to central government and increase accountability to constituencies. Consequently, the efficiency of subnational authorities is directly tied to how well the needs of those communities are met.

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Other scholars, like Wunsch (1998:20); Ababio and Asmah-Andoh (2013:188); Aalen and Muriaas (2017:18); Ribot (2002:iii) and Hussein (2010: 94) acknowledge the existence of only two forms of decentralisation, devolution or deconcentration, without necessarily classifying the two as administrative decentralisation, but recognising the administrative function attached.

There are no major differences among scholars regarding the meaning of devolution and deconcentration. Evidence suggests that the adoption of one form instead of the other has ramifications on the legal instruments that decentralise authority, mandate, powers, and functions of lower levels of government. Governments devolve power to lower levels by granting them authority to make decisions, raise revenue and operate as semi-autonomous non-central governing authorities. Jurisdiction is legally determined and managed through elected councils or functionaries at the local level. Deconcentration (also referred to as administrative decentralisation) occurs when central government extends its authority to local administrative institutions. These institutions may have accountability to the community but are primarily representative of the national government by acting as agents, at the discretion of central government. Needless to say, this is weak form of decentralisation (Wunsch, 1998:20; Ababio & Asmah-Andoh, 2013:188; Aalen & Muriaas, 2017:18; Ribot, 2002:iii; Hussein, 2010:94; Saito, 2011:491: Poyyamoli, 2011:96).

Saito (2011:491) and Poyyamoli (2011:96), are hesitant to categorise delegation as decentralisation. Affirming that, if delegation is considered as a form of decentralisation, it can be described as the transfer of authority to provide specialised public services at a cost, i.e. housing, electricity or water, to semi-autonomous public entities that are accountable to central government while enjoying much autonomy operationally. Personnel of such state-owned entities are not necessarily civil servants. Delegation emanated from new public management which introduced specialised agencies to provide some services to reduce the size of the civil service and introduce business-like efficiency to the public service. Due to this uncertainty, delegation was not be treated as decentralisation in this study.

### 2.6.4. Conditions for effective decentralisation

Binns *et al.* (2005: 21) submit that there has been a proliferation of decentralisation of political, fiscal, and administrative authority in African public administration post-independence. Decentralisation reform initially focused on economic planning and strategic intervention but has grown to include the allocation of administrative power to subnational

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administrative institutions in the pursuit of structural adjustment, accountability, democracy, and local participation. Decentralisation is associated with the achievement of development and poverty alleviation.

Despite all this, decentralisation cannot be viewed as the solution to all development problems. Poor public participation, inadequate financial and human resources, as well as weak policy coordination, obstruct decentralisation efforts. To be effective in driving development, more authority is needed at subnational government levels. Over-reliance on resource allocation from central government limits the authority of lower levels of government in addressing identified development needs. Superficial public participation is also counted as a factor that limits the effectiveness of decentralisation (Binns *et al*., 2005:22).

According to Olowu (2003:43), intergovernmental relations are essential for the success of decentralisation. Kahn, Madue and Kalema (2011:4-5) indicate that intergovernmental relations define the relationship between the various levels of a government. There are four approaches to studying intergovernmental relations. The first is constitutional or legal where the constitution forms the basis of interaction between various levels of government. While the legal framework can reveal the structure, hierarchy and power of all administrative authorities, this approach ignores informal interaction falling outside the bounds of legislation. The second approach is the democratic approach. It emphasises the right to autonomy of subsidiary levels of government. Relations between government authorities occur because of the power each wields. By so doing, central government influence is not encouraged, with preference being afforded to devolution of power to the extent that lower levels are not being answerable to the central government. In practice, this would result in deadlocks and is not conducive to a unitary state system. Autonomy is then viewed to the extent that power is afforded to local government institutions instead. The financial approach is third. It analyses how various levels are linked financially through payments, donations, grants, subsidies, or the power to impose levies for services. The last is the normative or operational approach and this relies on the analysis of all administrative functions to determine the relationships of government levels.

Financial independence strengthens decentralisation. According to Humes and Martin (1969:37), chronic dependence on central government by subnational government authorities reduces their effectiveness. This dependence creates crippling competition between central ministries and subnational government entities for scarce resources and expertise.

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Public participation is essential for decentralisation. Theron (2008:16) emphasises the need for meaningful public participation in development, stressing the significance of empowerment in the development process. In this sense, skills that heighten the ability of people to navigate a development system must be harnessed while in so doing equipping them for meaningful contribution to the development process.

Humes and Martin (1969:34-36) note that subnational government must be organised within a pre-determined structure that outlines the framework for public policymaking, coordination and implementation. They note that the strength and character of the structure is determined by the relationships of its organs and the balance between individual liberty and corporate authority, local political initiative and central government direction, citizen participation and professional management, as well as popular responsiveness and effective administration. A distinction is made between a static structure and an informal kinetic structure:

- Static structure – describes the organs of structure, i.e. organogram or law
- Informal kinetic structure – describes the functioning of the structure

Ribot (2002:25-26) suggests that power, as well as control over resources, guarantees the legitimacy of a subnational institution. Decision-making (legislative) power plays a significant role in bestowing responsibility to regulate and manage local areas to subnational government. Other critical forms of power are policy implementation and enforcement (executive) and conflict resolution (judicial). Aalen and Muriaas (2017:18) highlight the relevance of power relations between national government and subnational government institutions. They argue that the national government manipulates the decentralisation process to avoid relinquishing too much power to lower levels.

Literature is definitive that efficient subnational government systems should exist independently from the central government and must be responsible for the provision of services to communities within their jurisdiction. These services are typically connected to education, health, transportation networks and local development. Subnational government authorities must have revenue-raising power often generated through local direct taxation. They must independently employ qualified professionals internally managed through locally elected councils and remain connected to the national government through an advisory role rather than an executive one (Olowu, 1995:3).

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Conceptually, decentralisation appears to be a policy that has the potential to achieve needs-based development. However, this has failed to materialise during implementation. The assessment of the Eswatini decentralised system reviews the process and structure of decentralisation focusing on power, authority, responsibility, and intergovernmental relations.

Humes and Martin (1969:57) recognise the role that colonisation has played in shaping subnational government systems in Africa, indicating that this prompted the adoption of subnational government systems with dualistic organs by infusing European and traditional forms of local government. They note that three forms of local government can be found in post-independence Africa:

- The provincial or district superstructure
- Municipal council institutions (common in urban areas)
- Traditional community institutions

The subnational government in Eswatini includes traditional institutions. For this reason, the next section presents a discussion on traditional institutions and the role they play in contemporary subnational government administration.

2.6.4.1. Traditional institutions

While the argument that rejects the term, traditional government is valid from an ideological standpoint, this is the preferred term for this study when referring to indigenous forms of government for no reason other than consistency. There is much scepticism on the role of traditional leadership in government administration. On one hand, modernists reject traditional forms of leadership, arguing that they create two sets of rules applicable in rural and urban areas and that their power does not differentiate between the executive, legislative and judicial. As such, this form of authority is regarded as illegitimate. The fact that traditional leaders are appointed based on lineage, gives rise to more condemnation and suspicion that traditional authority is undemocratic. Traditionalists, on the other hand, dismiss the notions that traditional leadership is undemocratic. Arguing that traditional leadership is responsive and accountable to the community as decisions are founded on open dialogue. European forms of government administration are inversely viewed with disdain with the supposition that they fail to regulate rural problems such as land tenure, property inheritance, customary law, cultural events and grass-roots community development, satisfactorily (Hussein, 2010:95).

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Considering the sharp and contrasting views, it is unclear whether the two approaches can be integrated. Not only do traditional institutions play a prominent role in the lives of much of the African population residing in rural areas. This has strengthened their role in community development, conflict resolution and land allocation. They also engage with communities more intricately. As such are more appropriately placed to facilitate public participation and community development. If the integration is managed carefully, traditional institutions could play an important role in facilitating property management and play a larger role in development planning. It is suggested that educated chieftaincies could be the answer (Vyas-Doorgapersad & Tshombe, 2013:216-219; Ndlela, Green & Reddy, 2010:1-5; Sithole, 2010:58).

In siding with sceptics, Cheeseman (2018:1-4) notes that Africa is faced with the challenge of weak political institutions which are susceptible to manipulation by the elite. While formal institutions such as the legislature and judiciary exist, social customs and traditions also influence political behaviour.

Hussein (2010:94) defines traditional leadership as "the leadership of traditional communities whose authority and legitimacy emerge from their descent to a ruling family with an embodiment of culture, customs, values and practices passed through generations".

Ndlela *et al.* (2010:1-5) hold that the presence of colonial administration in Africa adversely affected traditional leadership in two ways. Leaders of territories, historically known as kings among certain groups, were demoted to the status of paramount chiefs in respect of European monarchical leaders. Leadership that had existed for decades before colonisation was reduced overnight to one subordinate to the colonial rule, thereby imposing new regulations on the administration of traditional institutions. Paramount chiefs did not only represent the interest of local communities but that of the new colonial administration. During this period, community participation, consultation and consensus determined the operation of these institutions.

Before colonisation, uncodified custom stipulated the different roles of men, women, and children. Procedures were established for every element pertinent to the governance of communities, including punitive measures, and reward and resource allocation systems. The structure in traditional tribes consisted of the king, referred to as either nkosi, kgosi or hosi and the headman supported by the advisory function of councils. The boundaries of a village or an area were known as tribal areas and the groups of people within these boundaries were

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known as tribes. The king was supported by the headman in the governance of cultural, social, religious and community aspects (Ndlela *et al.*, 2010:1-5; Humes & Martin, 1969: 9).

Whether traditional leadership weakens or strengthen subnational government administration is uncertain. Arguments supporting and rejecting it as a formal authority are all valid. As such, it is indispensable to investigate the role of traditional institutions in the subnational government landscape in Eswatini with a specific focus on the role which they play in regional planning, particularly because traditional institutions find expression at the local level of government. It is seen as interesting to unearth the intricacies of the dualistic subnational government system.

The next section is focused on decentralised development planning to give an understanding of planning at the subnational level.

### 2.6.5. Decentralised development planning

Development planning is a shared competence between all levels of government. As such, planning can occur at regional or local level, or both, depending on the parameters set in national legislation. What is clear is that decentralisation must translate into programmes that address the needs of constituents belonging to a specific region or locality. Although structural adjustment programmes ignited the upsurge of decentralisation reforms across Africa, Binns *et al*. (2005: 21) identify poverty reduction as a major driving force behind decentralisation. This section is focused on the literature on integrated regional development planning.

Rondinelli and Evans (1983:31-32) point to a trend in developing countries accounting for most of the population to reside in rural areas. Inconsistent with this reality, they note that urban planning prioritises the growth of industries, services, and infrastructure in urban areas. The benefits accrued from urban development fails to cascade to growth in all districts. For this reason, regional planning becomes pivotal.

Yeun (2013:iv) defines integrated regional development planning by providing the meaning of the individual concepts which make up the term. The region thus is defined as a subnational territory delimited to enhance planning and development. Development underscores sustainable growth and equity. Planning is a process driven by the intent to achieve a desired policy goal, which does not deviate from social, economic, and environmental concerns. These concerns call for an integrated approach that cuts across sectors and government levels. Integrated regional development planning rests on the coordination of the policies and plans of various sectors, stakeholders, and levels of government. According to Todes (2004:846),

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integration in developing countries is viewed as an effective form of governance. He adds that, in that context, integration translates into varying dimensions of development. Regional integrated development planning is driven by the desire to address poverty, environmental concerns, social and economic development.

Friedman (1963:169) agrees on the point that planning derives from a goal. Regarding regional planning, he defines it as "a way of thinking" concerning social and economic issues. It identifies the interrelation of goals of various actors in development and establishes comprehensive policy and programmes. Planning comprises the social, economic, and environmental development of a region. Ahmad & Bajwa (2005:3) and Todes (2004:844) assert that the value of planning at that level of government bridges gaps between national government development objectives and local government development needs and programme implementation.

Miraftab, Silver and Beard (2008:7) note that the concept of planning at subnational levels of government has shifted from being a completely highly technical activity to one which facilitates social activism, public participation, and sustainable development. Friedman (1963:169) recognises this fact and emphasises that planning is a multi-disciplinary activity that necessitates the involvement of policymakers who may come from backgrounds of politics, public administration, law or even engineering. Yuen (2013:v) concurs, suggesting that regional planning is not confined to land-use management, but instead encompasses social, economic, and environmental concerns. This is achieved through the coordination of interrelated development objectives, across-sectors, actors, government level management and functional areas as well as administrative jurisdiction. This process hinges on the building blocks of development (public participation, community empowerment, social learning, and sustainability) as defined by Theron (2008:14-17) in section 2.4.

According to Yuen (2013:v), regional integrated development planning starts with a comprehensive diagnosis of all critical factors in regional development, both internal and external. As such socio-economic and environmental conditions are evaluated, critical institutions, sectors, geographical areas, and potential project investments are identified. The diagnosis extends to sub-regions as well. After that, a strategy that details the development concept and scenario is expressed in a plan to address regional needs based on the available resources. Then, finally, projects targeting infrastructure, production activities and service delivery are developed.

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To investigate the effectiveness of an integrated development plan it is imperative that planning is informed by evidence and local social and ecological issues, incorporates various sectors and is participatory (Snyder *et al*., 2014: 91). For all stakeholders in the planning process, especially the poor, the plan must address pertinent issues concerning local constituencies in an integrated fashion. In recognition of the threat posed by climate change, regional integrated development plans must include disaster management components. Decision making must be multi-disciplinary and involve all actors and it must include environmental considerations (Yuen, 2013:vi).

### 2.6.6. Conclusion

Decentralisation is an important theme in this study because it provides the platform for integrated development planning at the regional level. This study investigated the already existing decentralised structure in the Kingdom of Eswatini, where decentralisation is described as the institutional foundation for political, economic, and social decision making at the point of action or service. This definition recognises that, in the African context, conditions of high poverty rates; poor education and health systems; gender inequality; and weak sustainability must be addressed through decentralisation. The dualism of the Swati subnational government system continues to influence policy implementation as such the presence of traditional institutions was investigated to determine the role which they play in planning at the regional level. The duality of the political system was investigated as far as it enhances or hinders the planning process at regional level.

The definition of development that the study adopted is regional development for which policies implemented at the regional level are tailored to tackle development needs for a region in an inclusive, holistic, progressive, contextual and sustainable manner to improve quality of life in all the regions of a country, whether rural or urban. While literature points to the tendency of using the terms “local” and “regional” interchangeably, a distinction was drawn for this study between regional and local government authorities, whereby a Regional Government authority lies between national and local levels of government. Local government is used to refer to the government authority below the regional level. The intergovernmental relations between all levels of government have also been investigated to establish power, authority, and responsibility among all spheres of government concerning planning at the regional level.

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Finally, the planning process was studied to determine whether it was evidence-based, participatory, inclusive of all actors in development and incorporated environmental factors. The extent to which integrated development planning addresses social, economic, and political challenges in a region were also investigated.

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# CHAPTER THREE - LEGAL FRAMEWORK

## 3.1. INTRODUCTION

The objective of the current chapter is to discuss legislative provisions that enable regional integrated development planning in Eswatini. First, a brief socio-economic profile is provided to generate a synopsis of the context in which development planning is executed. The colonial history of Eswatini and its effect on public administration is discussed secondly. Thirdly, a review of post-independence political developments and their impact on the current political system are assessed. Finally, the chapter concludes with an evaluation of the policies which legitimise regional integrated development planning.

## 3.2. SOCIO-ECONOMIC PROFILE

The Kingdom of Eswatini is a landlocked country, 17,364 km² in size lying between the Republic of South Africa and Mozambique. The Kingdom is divided into four agricultural ecological zones, the Highveld, Lowveld, Middleveld and the Lubombo plateau and is further divided into four administrative regions, Lubombo, Hhohho, Manzini and Shiselweni and four sub-regions, in Mankayane, Piggs Peak, Hlathikhulu and Siphofaneni.

The population stands at 1,093,238. Distribution across the administrative regions indicates that Manzini is the most populated, with 355,945 people residing there. Hhohho follows closely with 320,651, Shiselweni has a population of 204,111 and 212,531 inhabitants are from Lubombo. Within these regions, there are 59 Tinkhundla areas (Central Statistical Office, 2017: 13; Ministry of Economic Planning and Development, 2018:3; Ministry of Tinkhundla Administration and Development, 2019; Mkhonta, 2007:85).

The socio-economic overview of the Kingdom of Eswatini is provided from findings reported in the most recent, 2016/17, Eswatini Household Income and Expenditure Survey (EHIES). This reveals that a considerable portion of Eswatini nationals (60%), live below the poverty line (defined as 1USD per day). The rural-urban distribution of poverty reflects that 20% of the urban population, compared to 70% of the rural population, are affected by poverty. As for the population identified as living below the poverty line, it was uncovered that 20% experience extreme poverty and 39% are employed. The EHIES defines extreme poverty as a condition of poverty below the minimum energy requirement for living a healthy lifestyle and carrying out light physical activity.

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Concerning access to basic services in Eswatini, the EHIES reports that 76% of the population has access to an improved source of drinking water. The rural-urban division is such that more people (93%) have access to basic services in urban areas compared to 67% in rural areas. Regionally, access in the Hhohho and Manzini regions is relatively the same at 79% and 80% respectively, declining slightly in the Lubombo region to 72%. The Shiselweni region records the least access at 66%.

Access to improved sanitation is exceptionally low nationally, at 46%: 42% in rural areas and 48% in urban areas. The literacy rate is relatively good at 95%. Access to primary school education is 91.3%, but secondary school access (grade 8 – 12 and A levels – based on the age of children who should be in secondary school) is extremely poor, at 51%.

Health-related indicators reveal that only 4% of the population do not receive health care due to the burden of travelling or lack of health care facility access while the HIV prevalence is 27% among people above 15 years old (Swaziland HIV Incidence Measurement, Survey 2, 2017:1; Central Statistical Office, 2018:3-29).

The profile exposes a development context that is dogged by a high incidence of poverty and unequal distribution of access to basic services in urban and rural areas, as well as between the administrative regions. This is evidence that regional integrated development must be strengthened.

Colonisation has had an adverse effect on post-independence policy direction. The background underpinning nation-building is explored in the next section.

## 3.3. BACKGROUND

The origins of the Eswatini nation can be traced as far back as the 1700s. From this period onwards, the Dlamini dynasty has held the political leadership of the Eswatini Monarch. This was disrupted by the arrival of white settlers (Boers and British) in 1838, during the reign of King Mswati II which was between 1840 and 1868. Both Boer and British exerted administrative control over Eswatini from 1838 until the conclusion of the Anglo-Boer War in 1902. Following the war, Eswatini became a British Protectorate in 1903. In the interest of relevance, the background provided here does not date back to pre-1902 political developments. The focus is also centred on the circumstances which have shaped the Eswatini political system.

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### 3.3.1. **British Protectorate**

As indicated above, Eswatini became a British Protectorate in 1903. In 1906 the British High Commission for South Africa assumed administrative control over Eswatini, and the Swaziland Administration Proclamation of 1907 assigned full administrative authority to the British and designated political leadership to a European Resident Commissioner, demoting monarchical leadership from the position of King to Paramount Chief, in respect for the British Monarchy. (Foster & Nsibande, 2018:xvii-xviii; Makhubu, 2004:11; Mamba 1983:6; Stevens, 1963: 328; Ndlela *et al*., 2010:1-5).

Although, the Native Proclamation Order for the Kingdom in Eswatini was only enforced in 1944, a parallel system of government administration was adopted in Eswatini from the onset. Whereby the Paramount Chief retained control of areas that were occupied by Eswatini nationals, known as native authorities, then, to act as proxy on behalf of the British. The governing power of Paramount Chiefs over native territories in Eswatini, as in Lesotho as well as Botswana, was semi-independent. This was due to the strength of pre-colonial political dynasties in those countries (Dundas & Ashton, 1952:48-49; Levin, 1990:50; Dlamini, 2008:95-96; Lord Harlech, 1941).

For this reason, as Potholm (1966:313) points out, the Dlamini royal family maintained significant control over Eswatini nationals during this period, despite the British seizure of Eswatini. The role of the Paramount Chief, supported by an advisory council and Chiefs, according to (Kuper, 1947:11-29) was law enforcement and tax collection in the native territory on behalf of the British Government (Shongwe, 1983:12). Native authorities were regulated by Eswatini Law and Custom, a fact that prompts some scholars to surmise that the establishment of native authorities gave birth to the philosophy of Tinkhundla (Nakabale, 1988:4; Makhubu, 2004:11; Mamba, 1983:6). Kuper (1986:31) concurs, positing that native administration instituted the dual character of the Eswatini political system as native areas were regulated by Eswatini Law and Custom, while Roman-Dutch Common Law was applied in the governance of urban areas. The annexation of Eswatini by the British enabled Britain to advance economic interests in agriculture and mining and Eswatini nationals provided labour.

Taking the abovementioned into consideration, it is clear that colonisation modified the political system of Eswatini in three ways:

- Eswatini Kings were relegated to support functionaries in the British Administration

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- The colonisation of Eswatini by Britain propagated Roman-Dutch Common Law in the administration of Eswatini, as an addition to Eswatini Law and Custom
- The creation of native authorities – which functioned as a lower structure of the British government, induced the concurrent application of the newly-established Roman-Dutch Common Law and pre-existing Eswatini Law and Custom systems. More so because Eswatini Law and Custom remained relevant in the administration of native authorities

Since there is contestation on the origins of Tinkhundla, the different perspectives on the genealogy of Tinkhundla and how government administration hinges upon Tinkhundla are therefore discussed next.

### 3.3.2. **Tinkhundla**

There is debate about the origins of the Tinkhundla philosophy among scholars. The Government of Eswatini suggests that the idea for Tinkhundla was framed after the Second World War, in 1946, crediting King Sobhuza II and servicemen for its formulation. Other scholars also acknowledge this account. According to the Government of Eswatini (n.d.: 2), the motivation for the establishment of Tinkhundla was triggered by the inclination to create development centres for equitable distribution of resources, to strengthen local development and social security (Government of Eswatini n.d.: 4). Booth (2000:310) submits that King Sobhuza II established Tinkhundla to revive Eswatini traditional administration in 1955.

Scholars who disagree with this version of origin advance that Eswatini traditional administration, in the manner proposed by the Tinkhundla philosophy, stemmed from royal villages created by King Mswati II between 1840 and 1865. Taken from this perspective, King Sobhuza II only infused a bureaucratic government system to the pre-existing Eswatini traditional institutions after World War II and renamed them Tinkhundla (Mamba, 2006:6; Levin, 2001:3). Even though there are different views on how Tinkhundla came into being, there is consensus that the institution of Tinkhundla as an official system of government administration, occurred in 1978 as a result of the efforts of King Sobhuza II (Dlamini, Dlamini, Hlatshwayo & Mabuza, 2012:78).

Inkhundla, Tinkhundla expressed in the singular form, is a communal area where people convene to discuss matters relevant to social and economic development (Government of Eswatini undated; Government of Eswatini undated; Mamba, 2006:2-3; Shongwe, 1983:9-11). Tinkhundla, for present-day government administration, are defined as "units or areas

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inspired by a policy of decentralisation of state power, which are the engines of development and the central pillars underpinning the political organisation and economic infrastructure of the Country through which social services of the different parts of the Swazi community are facilitated and delivered" in section 80 (3) of the Constitution of the Kingdom of Eswatini 2005.

The political developments leading to the establishment of the Tinkhundla System of Government provide in-depth knowledge of the conditions which shaped the political system of Eswatini. Based on a review of speeches delivered by King Sobhuza II, the Tinkhundla System was instituted as a symbol of Eswatini Law and Custom and its preservation; Tinkhundla were fervently associated with national unity, in contrast to the alternative, a multi-party-political system. King Sobhuza II vehemently denounced political parties and essentially regarded them as an evil imposed by the British as a condition for granting independence to Eswatini. According to him, multi-party-political systems (which he referred to as opposition) were a European construct that needed to be carefully examined before blind adoption (Sobhuza II, 1971). Unsurprisingly, he repealed the Independence Constitution in 1973, in a speech which is famously known as the 1973 Proclamation. This was the first step towards the establishment of the Tinkhundla System of Government, the next section discusses the events which elicited the 1973 Proclamation.

#### 3.3.2.1. Repeal of 1968 Independence Constitution

According to Baloro (1994:21-24), the 1968 Independence Constitution drafted by the British government in collaboration with Eswatini traditional leadership, was intended to combine Eswatini Law and Custom governance with a parliamentary system of government. Thus, creating a Constitutional Monarch with legislative, executive, and judicial power vested in the King but substantially checked by the legislature and executive. Chapter IV recognised Eswatini Law and Custom institutions through the following:

- Recognising King Sobhuza II as the Head of State in Eswatini and the Queen Mother, and both were immune from taxation and legal proceedings
- Prohibiting legislative jurisdiction for Parliament over matters concerning Traditional Institutions and customs recognised in section 62(2) – Office of King, Queen Mother, the appointment of Chiefs, the regents to the throne, Swazi National Council, and traditional ceremonies
- Vesting rights to land and natural resources in the King in trust of the nation

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Baloro (1994:22) holds that these constitutional provisions were designed to protect the succession of the Monarch from the interference Roman-Dutch Common Law to preserve the Eswatini culture. In as much as the Constitution recognised and protected the Monarchy and incorporated Traditional Institutions and customs, instating a Westminster Parliament, to balance the power wielded by these institutions, established checks and balances through the Legislature, Executive and Judiciary. Below are sections in the 1968 Independence Constitution that aimed at achieving the balance:

- The King and Eswatini Law and Custom were subject to the supreme law of the Constitution based on section 28
- Sections 37 to 43 stipulated that the Legislature would be bicameral, with a House of Assembly and a House of Senate.
    - The House of Assembly consisted of 24 members that would be elected, six appointed members and the Attorney-General
    - The House of Senate had 12 seats, six to be assumed by elected members and the remaining six by appointment by the King
- Section 80 gave the King the power to appoint the Prime Minister and Deputy Prime Minister, but the final decision rested with elected members of the House of Assembly
    - The King could not dismiss the Prime Minister unless a vote of no confidence was passed by the House of Assembly or until a general election
    - On the advice of the Prime Minister, the King appointed an Executive consisting of eight members which would advise him and ultimately be responsible to Parliament

The Independence Constitution assigned considerable power to the King, but the ultimate executive authority and decision-making authority rested with the Prime Minister. The power of the King was constrained by the requirement that he would have to consider the majority in Parliament and the advice of the Prime Minister, who was accountable to the House of Assembly (Baloro, 1994:24).

Literature suggests that even though King Sobhuza II detested multi-party parliamentary systems, governing according to the provisions of the Constitution did not present any challenges in the elections of 1964 and 1967 as the royal affiliated political party, the Imbhokodvo National Movement (INM) won all seats in the Legislature (White, 1965:262; Potholm, 1966: 313; Daniel & Vilane, 1986:56; Khumalo, 2012:2; Baloro, 1994:24).

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Literature further advances a narrative that the decline in willingness to operate under the provisions of the 1968 Independence Constitution was propagated by the results of the first election after independence in 1972. Where the strongest opposition party, the Ngwane National Liberatory Congress (NNLC) led by Dr Ambrose Zwane, won three seats in the Parliament. Scholars credit this small victory for setting in motion the repeal of the 1968 Constitution (Khumalo, 2012:3; Baloro, 1994:20).

Baloro (1994:24) proposes that the possibility of an opposition political party sharing in decision making in Eswatini was inconceivable for the INM. Consequently, the citizenship of one proposed NNLC Member of Parliament (MP) was probed and, because it was suspected that he was South African by birth, he was rendered ineligible to become an MP in Eswatini. The INM subsequently implemented a boycott, which prevented the swearing into Parliament of all members. Meanwhile, an Immigration Act was amended by a certificate of Urgency Bill and a tribunal was established to determine this member's citizenship. Modifications to the Immigration Act vested final decision making over the verdict determined by the tribunal in the Prime Minister, thereby eliminating the role of the courts in any appeal process. The NNLC member in question reacted by pursuing legal action at the High Court and Court of Appeal. The High Court ruled in favour of the INM, legitimising the Amended Immigration Act. The Court of Appeal, however, ruled in favour of the NNLC member, on the basis that the Parliament, according to the constitution, had no power to enact the amended law, at the time. Commentators purport that this incident ultimately resulted in a Parliamentary resolution that the Constitution was impracticable, calling upon the King to rectify the situation.

As a result, according to literature, King Sobhuza II (1973) addressed the nation on 12 April 1973 to announce repealing the Independence 1968 Constitution. The justifications for this decision were that:

- The Constitution was unable to provide mechanisms conducive to good governance, peace, and order.
- The Constitution was deemed a deterrent to self-determination and progressive development and faulted for igniting unrest, insecurity, dissatisfaction.
- The Constitution led to the acceptance of foreign and incompatible political philosophy which was believed to impede home-grown political activity that is peaceful and democratic.

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- The clause regulating the amendment of the Constitution was impractical.
- The Eswatini nation desired to draft a new constitution developed from local needs and desires.

All legislative, executive, and judicial power was then vested in King Sobhuza II to exercise these powers in collaboration with a council consisting of Cabinet Ministers. According to Mamba (2006:26), the repeal of the 1968 Independence Constitution in Eswatini directly influenced the formalisation of the Tinkhundla System of Government because the repeal enabled King Sobhuza II to enact law by decree, in collaboration with his council advisors. This history was relevant for the study because King Sobhuza II enacted foundational policies in the establishment of present-day government.

Two key pieces of legislation for decentralisation in Eswatini were therefore enacted in 1978. The Establishment of the Parliament of Swaziland Order of 1978 legitimised the election of single-member constituencies into Parliament. The Regional Councils Order of 1978 decentralised power to subnational government, thereby distributing service delivery and competencies such as development planning to lower levels of government. The upcoming section provides greater detail on the factors that underpin the contribution of the two laws to the study.

3.3.2.2. The Establishment of the Parliament of Swaziland Order of 1978

The Establishment of the Parliament of Swaziland Order is considered to be the first law to legitimise the dual government system in Eswatini. This policy retains the bicameral Legislature, with Houses of Senate and Assembly, originally invoked by the 1968 Independence Constitution in section 37. Section 10 additionally recognises Eswatini Law and Custom in the operations of Tinkhundla areas. Based on the two legal provisions, it can be argued that the independent Government proceeded with the duality of the Eswatini political system that was introduced upon the arrival of the British. The legislation also incorporates Eswatini Law and Custom into the policy-making and electoral processes. This is achieved through section 20 that stipulates that election to Parliament is based on single-member constituencies, instead of political parties. As such, Tinkhundla areas are constituencies for the election of each Member of Parliament (MP).

To support this law, the Regional Councils Order of 1978 was enacted. The legal tenets contained in this law are discussed below.

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#### 3.3.2.3. The Regional Councils Order of 1978

The significance of this policy arises because it decentralises government administration to the post-independence regional administration structure, inclusive of Tinkhundla areas. In that, the present-day Regional sphere of Government in Eswatini is established by the Regional Councils Order of 1978. Section 3 establishes four Regional Councils, and divides Eswatini into four administrative regions in Hhohho, Manzini, Shiselweni and Lubombo. This legislation bestows power to coordinate development in Tinkhundla areas to Regional Government, for economic, social, and political growth. Therefore, positioning the Regional Government as the entity responsible for safeguarding rural local development interests in the policymaking process.

Since the application of Eswatini Law and Custom is relevant to this study, the Swaziland Administration Order of 1998 was reviewed. The next section discusses legislation enacted to operationalise some customary functions performed by Traditional Institutions in Tinkhundla areas.

#### 3.3.2.4. Swaziland Administration Order of 1998

The Swaziland Administration Order of 1998 was formulated to elucidate the functions of Chiefs and Royal Governors (Tindvuna), their appointment and powers. This legislation confers powers under Eswatini Law and Custom, if they do not impede any other law. It must be noted that this policy does not provide the rules that underpin Eswatini Law and Custom. It does however grant decision-making power to Chiefs, on the condition that their decisions do not clash with any other law, the King, and a Chief in General Council.

According to this law, any decision made by a Chief must be approved by the King and is binding to citizens. Hence, Chiefs can create by-laws to safeguard peace, order, and the welfare of Eswatini nationals. A Chief can also summon citizens; employers are expected to grant anyone who has been so directed, leave of absence. Failure to appear as instructed, without good reason is grounds for an order of legal action. Among the powers assigned to Chiefs under this legislation, is the power to impose penalties, fees or payment for various reasons stipulated in the legislation.

It must be noted that the application of the Swaziland Administration Order of 1998 has proven to be problematic in some areas. The application of section 28(3) and section 12 which legalises forced removal from areas allocated through the kukhonta system (a procedure for allocation of Eswatini Nation Land, held in trust of the King) has resulted in legal action

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against Chiefs. Other matters that have been challenged in a Court of Law in the past concern fines imposed by Chiefdoms on residents, which are often paid using cows (Bukurura, 2001:427-431).

Section 28(10) also inhibits the Court of Law from adjudicating over matters relating to land evictions as directed by the King per section 28, which on its own is unconstitutional, impeding on the independence of the Judiciary as guaranteed in section 141. It can however be argued that the Swaziland Administration Order of 1998 was enacted before the Constitution came into effect in 2005. As such, this legislation must be amended to ensure that Eswatini customary institutions apply legislation that is coherent with the Constitution.

It is important that this discussion transitions into an assessment of the Constitution to examine the power, authority and responsibilities of subnational governments, intergovernmental relations and Eswatini Law and Custom.

## 3.4. CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT, 2005

This section focuses on the Constitutional provisions on Tinkhundla areas, the dual application of Eswatini Law and Custom and decentralisation in Eswatini. The 2005 Constitution characterises the Government of Eswatini as democratic, participatory, inclusive, decentralised and people centred. It also emphasises the pre-eminence of culture and traditions in Eswatini.

Section 79 of the Constitution outlines that the Kingdom of Eswatini has adopted a system of government that is democratic, participatory, and inspired by the principle of devolution of state power to Tinkhundla areas. It further defines Tinkhundla, describing them as "units or areas, inspired by a policy of decentralisation of state power, which are 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". The availability of a definition for Tinkhundla areas, considering that previous legislation omitted to provide one, is an achievement that is credited to the 2005 Constitution. The description presents a good opportunity for a deeper analysis of the implications of government based on Tinkhundla in Eswatini. Subsequently, it was deduced that the Government of Eswatini is said to be based on Tinkhundla because public policy is generated through the Tinkhundla areas as they are constituencies for election to Parliament. A more in-depth discussion on Tinkhundla can be found in Chapter 5.

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The political objectives of the Country are stipulated in Section 58 which states that Eswatini is democratic and sustained by active participation in all spheres of government. The Constitution further establishes that the economic objectives of the Government of Eswatini, pertain to the equal distribution of development across all regions of the Country, according to section 59.

The sections which address decentralisation in the Constitution, reinforce the Regional Councils Order of 1978. Correspondingly stipulating that there are four administrative regions in Eswatini:

- Manzini
- Mbabane
- Hhohho
- Shiselweni

The Constitution further states that administrative power is further decentralised to four sub-regions, in Mankayane, Pigg's Peak, Hlathikhulu and Siphofaneni. Sections 82 and 83 allocate the leadership of administrative regions to Regional Administrators (RAs), who are appointed by the King (acting on the advice of a Minister heading a portfolio responsible for Tinkhundla administration). An RA in each region is supported by a Regional Council. The Constitution stipulates that the composition of a Regional Council comprises a team of representatives from the Tinkhundla areas in a region nominated from among Bucopho, in section 82(3).

An administrative region encompasses Tinkhundla areas based on geographic location. According to section 80, Eswatini is divided into Tinkhundla areas in the interest of popular representation and political organisation. Each Inkhundla area is governed through an executive committee called Bucopho based on section 81. Bucopho is elected from polling divisions in an Inkhundla area and is chaired by an Indvuna Yenkhundla who oversees development and community activities.

The powers and role assigned to subnational government entities can be found in Chapter 13. The Constitution, in Section 219(5), asserts that Local Government can be rural, urban, partly rural and partly urban. Section 218(1) states that Local Government is organised based on hierarchy, complexity of service delivery scope and volume. Subsection 3 further articulates

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that Local Government is categorised according to regions and sub-regions. The hierarchical structure of Local Government, however, is not specified.

The Constitution stipulates that the Local Government has the power to:

- Manage and develop the area under its jurisdiction (section 221)
- Integrate development programmes (section 224)
- Maintain public property, protect the human rights and well-being of citizens, preserve law and order and promote civic consciousness (section 221(2))
- Initiate policy, raise revenue and integrate development programmes (section 222)

The Constitution does not grant all Local Government entities the above-described powers. Section 221(3) precludes Local Government authorities that have not attained a certain level of development from exercising these powers, but it does not specify the criteria to determine the categories of development.

Since the subnational government in Eswatini is currently divided according to rural and urban areas dating back to the colonial era. The Constitution recognises that rural and urban subnational government must be unified, with section 218 expressing the intention to establish a single Local Government system within five years of the enactment of the Constitution.

Concerning the dual legal systems, Section 252 permits the dual application of Roman-Dutch Common Law and Eswatini customary law. In opposition to the Swaziland Administration Order of 1998, section 252(4)(b) enables the Parliament to regulate the application of Eswatini Law and Custom. The recognition of Eswatini Law and Custom institutes Traditional Government in Eswatini and Chapter 14 of the Constitution prescribes its structural composition. The following Traditional Institutions are recognised:

- The King (iNgwenyama) - Is the traditional Head of State.
- The Queen Mother (Ndlovukazi) - Is the symbolical grandmother of the nation.
- Princes of the Realm (Ligunqa) - Are the paternal uncles and half-brothers of the King. who are responsible for territories that were allocated to their mothers to oversee
- Liqoqo – Is the King's advisory council that is appointed based on royal affinity, Chieftaincy and social status.
- Sibaya – Is the Eswatini National Council comprised of all adults in Eswatini, who convene at the residence of the Queen Mother for an annual general meeting or any

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meeting to discuss issues of national significance. The King serves as the chairperson of these meetings.

- Chiefs (Tikhulu) – Oversee Eswatini Chiefdoms on behalf of the King
- Senior Prince (Umntfwanenkhosi Lomkhulu) – Is a paternal uncle to the King
- Royal Governors (Tindvuna) – Are responsible for royal regiments and villages, appointed by the King and the position is not hereditary.

As might be expected, Traditional Institutions are regulated by and appointed in line with Eswatini Law and Custom and are regarded as pillars to the Eswatini Monarchy, according to Section 227(1).

The 2005 Constitution does not prescribe principles for intergovernmental relations and public participation in Eswatini.

To achieve understanding of the Eswatini decentralised system, the decentralisation policy was reviewed. The next section unpacks the provisions associated with this policy.

## 3.5. DECENTRALISATION POLICY

This policy document came into effect in 2005 but is not an Act of Parliament. It indicates that there are four levels of Government in Eswatini:

- National Government
- Regional Government
- Inkhundla Government – including Urban Local Government
- Chiefdom Government Administration

For clarity, Tinkhundla areas can either be urban or rural. Administration of urban Tinkhundla areas is assigned to Urban Local Government. Urban Local Government is established by the Urban Government Act of 1969, which delegates authority for the maintenance and development of urban amenities and infrastructure i.e. roads, waste disposal and urban public property to urban local municipalities and town boards and councils (Mkhonta, 2007:1).

This policy acknowledges the separation of rural and urban subnational government authorities. The Decentralisation Policy states that they represent one sphere of government. While the Tinkhundla sphere of government includes Urban Local Government, there is an unstated understanding that Tinkhundla Government refers to rural subnational government authorities. Therefore, the study conforms to this practice.

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The Tinkhundla areas that comprise the urban jurisdiction remain constituencies for election to Parliament. However, the administrative bodies that manage the operations of rural and urban Tinkhundla areas are different. Urban Local Government Councils manage urban Tinkhundla areas, whereas rural Tinkhundla areas are controlled by Inkhundla Executive Councils called Bucopho.

The division of administrative regions based on geographic location established in the Regional Councils Order of 1978 and the 2005 Constitution of the Kingdom of Eswatini in section 80, is also emphasised in this policy document. Unlike the two legislations, the Decentralisation Policy defines the functional objective for Regional Government, stating that it is responsible for facilitating the implementation of national policy objectives - which includes the alignment of Roman-Dutch Common Law and Eswatini Customary Law systems; coordinating development programmes in a manner that exhibits sustainability and to build capacity. Similar to the Constitution and Regional Councils Order, the Decentralisation Policy document lacks specificity regarding the functional competencies and powers of the Regional Government.

It is laudable that an attempt was made to characterise the decentralised government system. However, the document may have been drafted with the expectation that the establishment of prescribed institutional structures would follow. Since this has not been the case, it alludes to the existence of organisational structures and functional areas, which currently do not exist. For example, section 10.2. highlights that the responsibilities of a Regional Council are to debate and approve regional plans and budgets as well as legislating regional laws, according to the Local Government Decentralisation Act and the Local Government Planning, Budgeting, Finance, and Audit Act. It also stipulates that the RA is responsible for tabling budgets and drafting operational and strategic plans for the Regional Legislature. Based on the existing legislative framework in Eswatini, Regional Government does not wield legislative authority. Furthermore, there is no Regional Legislature, Local Government Decentralisation Act and the Local Government Planning, Budgeting, Finance, and Audit Act, yet. As such, the Decentralisation Policy can be misleading and confusing. Exacerbating this fact is that the decentralisation levels described are not expressed according to the Local Government context stipulated in the 2005 Constitution.

Until 2009, Tinkhundla administration was managed under various Government Ministries. In 2009, a line Ministry dedicated to Tinkhundla and Regional administration named, the

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Ministry of Tinkhundla Administration and Development (MTAD), was established. A strategic framework was developed to outline the mandate, objectives, and functions of the portfolio. It also outlines the decentralisation system in Eswatini and is discussed next.

## 3.6. MINISTRY OF TINKHUNDLA ADMINISTRATION AND DEVELOPMENT STRATEGIC FRAMEWORK

This framework remains consistent with the Decentralisation Policy document indicating that there are four levels of government in Eswatini – National, Regional, Inkhundla and Urban Government and Chiefdom levels of government. The programmes that the Ministry is mandated to implement are decentralisation, community development, regional development, and community poverty reduction.

The Ministerial strategic framework states that there are offices of the RA and the Regional Secretary (RS) at the regional level of government.

### 3.6.1. Regional Administrator (RA)

Consistent with the Regional Councils Order of 1978, 2005 Constitution and the Decentralisation Policy of 2005, the framework indicates that each Regional Government is headed by an RA, that functions as the regional political head and is appointed directly by the King. Unlike the Regional Councils Order of 1978, 2005 Constitution and the Decentralisation Policy of 2005, the MTAD Strategic Framework is more specific about the responsibilities of the RA.

RAs operate in dual capacity because they manage Traditional Government and National Government affairs. The RA presides over meetings of the Regional Council and has the responsibility to manage political and Chieftaincy matters and coordinates regional development. On account of the development coordination role designated to RAs, all subnational government portfolios and non-governmental development actors operating at regional level report to the RA. RAs also monitor the implementation and disbursement of financial resources intended for local economic empowerment and community poverty reduction from, for example, the Regional Development Fund, Empowerment Fund and Inhlanyelo Fund. The office of the RA is additionally tasked with disseminating information about national events or meetings held in the Royal Residences, to the population. Due to this, RAs report to the King in respect to traditional issues, and simultaneously report to the MTAD concerning development and general administration.

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The strategic framework introduces the position of Regional Secretary (RS) in the Regional Government organisational structure. The functions and responsibilities of the RS are presented below.

### 3.6.2. Regional Secretary (RS)

According to the framework, the role of RS in an administrative region is to manage general administration and facilitate and coordinate development. An RS has double accountability to the RA and Principal Secretary (PS) in the MTAD and works in collaboration with the Director of Decentralisation in the MTAD to manage decentralisation and regional development. The responsibilities of the RA include:

- Budgeting, procurement and management of equipment and facilities
- Serving as the chairperson of the Regional Development Team (RDT), where Government Heads of Department, development actors in NGOs and the private sector have to ensure that all implemented programmes correspond to the regional development programmes and to review the implementation of development projects
- Serving as Secretary of the Regional Council
- Chairing the committee that appraises the eligibility of projects for funding under the Community Poverty Reduction Fund
- Devising development initiatives to raise the standard of living in an administrative region
- Acting as administrative coordinator and leader of the Government Ministries providing services at the regional level
- Coordinating the regional integrated development plans
- Monitoring the allocation of funds for development projects
- Overseeing staff of Regional Government and Tinkhundla Government Authorities
- General reporting on regional development and service delivery

The MTAD strategic framework outlines the objectives of the spheres of government and outlines the organisational structure and operational functions of the key players in Regional Government.

The MTAD framework also describes the roles of Tinkhundla and Chiefdom Government, which are instrumental to the mandate of Regional Government. It is thus necessary to examine Tinkhundla Government next.

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### 3.6.3. Tinkhundla Government

Tinkhundla are subnational government entities that form the third layer of government in Eswatini between Regional Government and Chiefdom Government Administration. This sphere of government incorporates Urban Local Government. The role of Urban Local Government was explained in section 3.5. As previously stated, the administration of the Tinkhundla Government is conferred to a local executive council known as Bucopho and organisational leadership is assumed by an Indvuna Yenkhundla, who receives support from an Inkhundla Secretary. Each Inkhundla is politically represented in the Parliament by an MP. The duties resting with the abovementioned offices are described below.

#### 3.6.3.1. Bucopho

Bucopho describes functionaries at two levels of Government, at the Tinkhundla and Chiefdom Government spheres. On one hand, Bucopho at the Tinkhundla Government sphere references a Local Executive Council. On the other hand, Bucopho at the Chiefdom Government level is an elected Local Councillor. The obligations of Bucopho, are expounded below.

##### *3.6.3.1.1. Bucopho - Inkhundla Executive Council*

Bucopho in this capacity, is the Local Executive Council for each Inkhundla area that provides direction on local administration and development. The Inkhundla Executive Council oversees expenditure and initiates and coordinates development programmes based on community needs. It is comprised of Chiefdom Councillors elected from Inkhundla areas.

##### *3.6.3.1.2. Bucopho - Chiefdom Councillor*

The position of Bucopho in a Chiefdom is the link between the Inkhundla Executive Committee and the Chiefdom sphere of government on matters affecting development. Councillors assist community members by disseminating information about development funds, and facilities available from their respective Inkhundla areas. Bucopho of this type oversees the implementation of all development projects funded through grants from the National Government.

#### 3.6.3.2. Indvuna Yenkhundla

The Indvuna Yenkhundla is the principal officer of an Inkhundla Government and is accountable to the Bucopho (Inkhundla Executive Council) and the RA. This position is elected during general elections for a five-year term of office. The incumbent presides over Inkhundla meetings, oversees the activities of Bucopho (Chiefdom Councillors) and liaises

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with Chiefs in the Inkhundla authority on development programmes and projects and ensures that development plans are implemented.

#### 3.6.3.3. Inkhundla Executive Secretary

An Inkhundla Executive Secretary is recruited for each Inkhundla Government authority to perform administrative functions. This Inkhundla Executive Secretary reports to the Indvuna Yenkhundla and is responsible for:

- Coordinating the preparation of the budget
- Coordinating expenditure of development funds supporting local development projects
- Coordinating needs assessments conducted by development actors at Inkhundla level in preparation for development projects, and monitoring and evaluation of development plans and programmes

Decision making in Eswatini emanates from policy needs that are identified at the Tinkhundla Government level and are championed by elected MPs in Eswatini's Legislative organ. A comprehensive description of the primary functions of MPs in the Lower House of Parliament is provided in the next section.

#### 3.6.3.4. Member of Parliament

MPs in the House of Assembly are political representatives for their constituencies in the Parliament. They are elected to the Legislature during the Eswatini general election, whereby individuals, instead of political parties, campaign to represent a single Inkhundla area in Parliament. Therefore, MPs are responsible to the electorate for advocating for policies that address development needs in their respective constituencies. MPs also support all levels of government by strengthening information dissemination on key national policies and programmes to Tinkhundla areas, monitoring the implementation of government programmes at the Tinkhundla level and reporting on the progress of programme implementation.

The subnational government structure that lies below the Tinkhundla Government is the Chiefdom Government Administration, which is discussed below.

### 3.6.4. Chiefdom Government Administration

Chiefdoms characterise the dual nature of the Eswatini government system because a Chiefdom concomitantly functions as a Traditional Institution and a subnational government organ. Chiefdoms are headed by Chiefs, who also assume dual responsibility in the

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Traditional Government and National Government. According to section 233 of the Constitution, Chiefs exercise power according to Eswatini Law and Custom for which they are answerable to the King. Since government administration is also devolved to Chiefdoms, Chiefs are also accountable to the MTAD in performing the local government development mandate, based on section 225 of the Constitution. Bucopho (Chiefdom Councillors) collaborate with Bucopho (Inkhundla Executive Council) in the execution of community-based development.

The legislative framework on decentralisation does not establish Local Government prescribed by the Constitution. The Constitution makes no distinction between urban and rural subnational government. It states that Local Government can be urban, rural, partly urban and partly rural yet, present-day subnational government administration is separate according to urban-rural jurisdiction. The Constitution further stipulates that Local Government Authorities have the power to raise revenue, create by-laws and plan, based on unspecified capacity but these powers are not evenly distributed between urban and rural subnational government authorities. Therefore, the legislative review reveals that efforts to align the Constitution and legislation on decentralisation are necessary. The principles for intergovernmental relations and public participation are also not included in policy.

To provide guidance for regional integrated development planning in Eswatini, the regional development planning model developed by the Ministry of Local Government and Housing (2010) was reviewed. The next section looks into the process prescribed therein.

## 3.7. REGIONAL DEVELOPMENT PLANNING MODEL

The purpose for formulating the Regional Development Planning Model was to cultivate evidence-based, integrated, participatory and people-centred development interventions in Eswatini. The model strives to engender civic participation into the public policy cycle, to improve consistency in development planning and coherence of development plans.

The specific objectives of the model are:

- The creation of an effective local development planning mechanism that is interlinked to national development programmes
- The establishment of a sustainable and systematic planning method that fosters collaboration and partnership of public, private and non-governmental development actors

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- The promotion of a bottom-up development planning system that combines with top-down planning
- The creation of a needs-based resource allocation system contingent on local development plans
- The creation and promotion of sustainable and strong local economies

The planning process as detailed by this model involves 10 steps:

- Step 1: Development of a Geographic Information System (GIS) – at this stage sector-specific information is compiled for each Inkhundla Authority to outline development activities and interventions, and the location, demographics and statistical information of the population within that area.
- Step 2: Development of a local socio-economic and political profile – information from the GIS is analysed and interpreted to develop the socio-economic profile of an Inkhundla Authority to determine its development status.
- Step 3: Profile presentation and validation – at this point the information on development activities and key-players in an Inkhundla authority will be verified by Regional, Tinkhundla and Chiefdom Government administration organs.
- Step 4: Gaps and needs analysis – here, the development gaps discovered in the socio-economic profile will be analysed to determine the magnitude and identify the interventions necessary to mitigate them. The needs analysis is to be used to establish development standards in each sector to benchmark development expectations.
- Step 5: Setting of local development goals and strategic objectives for development – upon the completion of the gaps and needs analysis, development goals are determined for the establishment of specific and strategic objectives. This is expected to narrow down the anticipated outcomes of development interventions and programmes envisaged to meet development gaps.
- Step 6: Costing of programmes and projects – expenditure for identified projects and programmes will be estimated at this point. Since the model was developed in the Millennium Development Goals (MDGs) era, it suggests the use of the United Nations Development Program's (UNDP) MDGs financial costing technique.
- Step 7: Prioritisation of interventions – following the ascertainment of the cost of identified programmes and projects, a cost-benefit analysis is conducted to select

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development that offers the highest benefit for the money spent. Donor funded projects do not undergo the cost-benefit analysis process.

- Step 8: Consolidation of programmes and projects into a single local development plan – all development interventions that emerge as a priority, after the cost-benefit analysis, are consolidated into one Local Development Plan for an Inkhundla area.
- Step 9: Integrating Local Development Plans into a Regional Development Plan – the development plans for Tinkhundla areas are also consolidated into a single Regional Development Plan.
- Step 10: Integrating Regional Development Plans into a National Development Plan – The final step involves amalgamating all Regional Development Plans into one comprehensive National Development Plan.

Institutional reform is proposed to heighten the success of the Regional Development Planning Model. The model, therefore, recommends an institutional arrangement where new organisational structures are established, and existing organisational structures are leveraged for integrated planning. The establishment of a monitoring and evaluation (M&E) framework spearheaded by an M&E Commission, at National and Regional levels of government, are advocated for.

It is commendable that the Government of the Kingdom of Eswatini designed a planning model that outlines the procedures to guide development planning in Eswatini. However, it cannot be considered an operational guide for regional development planning because it merely provides a conceptual overview and lacks procedural detail. The interrelation between new organisational structural arrangements and pre-existing institutions is also not specified. Furthermore, the Government's procedure for managing public and private partnerships (PPPs) is not explicitly stated and the role they are expected to play in development is not described.

The National Development Strategy (NDS), Poverty Reduction Strategy and Action Plan (PRSAP) and the Transformation Policy Statement are discussed next to establish National Government objectives concerning development planning in Eswatini.

## 3.8. NDS, PRSAP AND TRANSFORMATION POLICY STATEMENT

The NDS, PRSAP and Transformation Strategy are policy frameworks that deliberately identify social, economic, and political challenges that take precedence in policy

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determination over a specific period. Such policy frameworks are indicative of the development outlook of a country, as envisaged by the government (Shongwe, 2017: 8 – 9). The review of the three strategic documents was precipitated by the exigency to understand the Government of Eswatini's trajectory concerning regional integrated development planning and decentralisation.

The NDS is a 30-year plan that was developed by the Government of Eswatini predicated on the ambitious goal of achieving human development equivalent to the top 10% of the medium group of countries founded on sustainable economic development, social justice and political stability by the year 2022. This plan was launched in 1999 and is widely known as Vision 2022. The NDS is anchored on the attainment of seven development goals, namely sound economic management, economic empowerment, human resource management, agricultural development, industrialisation, research, and environmental management. Policy integration and systematic development coordination and facilitation have been prioritised to bolster public sector management. Research and the review of aspects of Eswatini Law and Custom are also identified as areas that warrant government action to enhance uniformity, consistency, and efficiency in the Tinkhundla Government System (Government of Eswatini, 1999:6 - 7).

The urgency for efficient public sector management in the Eswatini government system is corroborated in the PRSAP, the framework that operationalises the NDS. It acknowledges capacity gaps in development management and implementation and suggests that programme implementation obstacles sometimes arise because of interference from Chiefs. It additionally states that public participation of poor people in decision making is weak in Eswatini (Ministry of Economic Planning and Development, 2006:121).

The Government of Eswatini (1991:8-38), PRSAP (2006:122) and the Hon. Absalom Themba Dlamini (2004) conclude that decentralisation in Eswatini must be strengthened and advocate for community consultation during regional development planning. Postulating that the systems which govern development planning, subnational government, and resource allocation must be reviewed and reformed for sustainability and coherent development programming to reduce poverty in Eswatini.

Efforts to effectuate the abovementioned development outcomes and to address policy ambiguities and synthesise powers and functions of decentralised government structures in Eswatini have been made through the development of the Tinkhundla and Regional Administration Bill of 2014. The next section summarised the bill.

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## 3.9. TINKHUNDLA AND REGIONAL ADMINISTRATION BILL 2014

The Tinkhundla and Regional Administration Bill of 2014 was formulated to unify the local government system in Eswatini and it as such, repeals the Regional Councils Order of 1978, and the Urban Government Act of 1969. When the Bill is enacted into law, the Minister at MTAD will have considerable power over subnational government and devolution of authority to lower levels. Institutional scope, operations and functions of subnational government authorities and role of Eswatini Law and Custom will be clarified. All Local Government authorities, rural and urban, depending on classification, will also have the power to plan, make regulations, raise revenue, and provide social and infrastructure services. Unfortunately, the bill has not been passed by Parliament Five years after it was tabled. A more detailed discussion on the content of the bill is available in chapter 5.

## 3.10. CONCLUSION

In general, public administration and decentralisation in Eswatini are regulated by the Constitution of 2005, Decentralisation Policy of 2005, Establishment of the Parliament of Swaziland Order of 1978, Regional Councils Order of 1978 and the Urban Government Act of 1969. The Establishment of the Parliament of Swaziland Order introduced the dual existence of customary law and Roman-Dutch Common Law and Tinkhundla into the policy-making cycle and subnational government.

The legal framework for decentralisation, regional integrated development planning is ambiguous and weak. The Tinkhundla and Regional Administration Bill of 2014 was drafted to consolidate subnational government powers, unify urban and rural subnational government, clarify the role of Eswatini Law and Custom in government and rectify functional and legislative ambiguities, but it has not been passed into law yet.

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# CHAPTER FOUR - RESEARCH METHODOLOGY

## 4.1. INTRODUCTION

The research methodology summarises the research approach and design applied to this study. The aim of Chapter 4 is to discuss the research methods associated with the study design, the sampling technique that determined the study population, the measures taken to uphold ethical requirements in research and the data analysis method selected for this research. The rationale for selecting the research methodology is also explained.

## 4.2. RESEARCH METHODOLOGY

Before the discussion on the research methodology adopted for this study commences, it is ideal to define the research process. Research occurs across various disciplines, such as health and physical sciences, marketing management and psychology. Inherently, there are a set of philosophies that require that valid and reliable methods and techniques be applied from an impartial perspective during the research process. Research is the process of systematic data gathering, processing, interpreting, and reporting of findings to address a problem. (Kumar, 2011:22). For McNabb (2005:3)

Babbie *et al.* (2015:6) hold that knowledge generated during the research process is scientific on the premise that science is generally founded on valid experiences within the scientific community and not on the personal judgement of one person. Thus, research is based on evidence and sources, the validity of which has been tested. Scientific knowledge, therefore, is generated through rigorous, methodical, and systematic inquiry.

The next section is centred on the procedures specifically relevant to the investigation of regional integrated development planning in Eswatini that was undertaken.

### 4.2.1. Methodological paradigm

Kumar (2011:33) points to the existence of two research paradigms. The first is rooted in the physical sciences and is known as the scientific, systematic or positivist approach – popularly referred to as the quantitative paradigm. The second is the qualitative, ethnographic, ecological, or naturalistic approach. A researcher chooses one paradigm, instead of the other according to the reasons that motivate him or her to conduct a study. Although the qualitative approach was adopted for the research undertaken and receives more attention in the

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discussion, both paradigms are explained in the following section to distinguish the two approaches and demonstrate the suitability of the qualitative approach for this study.

4.2.1.1. Qualitative research

As mentioned in the previous section, the study adopted a qualitative research approach. According to Babbie *et al*. (2015:270), qualitative research is a methodological approach used to investigate social action by which methods and techniques abide by the principles and logic of qualitative research. These principles and logic are explained as we move along this section. Researchers who use this approach tend to study human action from a social activist perspective inspired by the need to describe and understand. Welman *et al.* (2005:188) concur, pointing out that the qualitative research approach is descriptive solely in search for description, decoding, translation and insights that generally uncover social phenomena. Qualitative research is applicable when describing groups, communities, organisations, and their processes (McNabb, 2004:342).

The qualitative research approach was selected for precisely this reason. The researcher sought to gain insight into the integrated development planning processes at the regional level of government in Eswatini. Leedy and Ormrod (2010:94) assert that qualitative research aims to describe, interpret, verify, and evaluate. The qualitative research approach was appropriate for describing the development planning process and the subnational government system in which it occurs to uncover insights and perspectives to discover associated problems and evaluate the effectiveness of policies and practices.

Qualitative research is an open, flexible, and unstructured approach to enquiry, striving to explore diversity, as opposed to quantifying it, and describing and analysing findings. A good illustration of qualitative research can be the description of an observed situation, historical recital of events, an account of the different opinions people have about an issue, and a description of the living conditions in a community (Kumar, 2012:33).

O'Sullivan, Rassel, Berner and Taliaferro (2017:42-43) hold that the benefit of qualitative research is derived from the ability to extract rich information which would otherwise be hard to obtain from numeric data produced by quantitative research approaches. Compared to qualitative research, quantitative studies can compare variables that are measured but often fail to provide contextual information. For this reason, researchers who seek information on isolated cases and an in-depth understanding of the context in which events and behaviours occur are inclined to use qualitative research approaches. McNabb (2004:341) suggests that

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qualitative research describes non-statistical inquiry techniques and processes to collect data on social phenomena. Data collected can include words, symbols, pictures and non-numeric records or artefacts. It is inductive, theory-generating, and subjective.

The study that was undertaken set out to gain an understanding of integrated development planning at the regional level in the Kingdom of Eswatini. The qualitative approach was selected to enhance understanding of the regional integrated development planning process, the actors involved, the institutions and the policies which support it. Additionally, the application of customary law and Roman-Dutch Common law generated from a Westminster Parliamentary System was an essential element that necessitated in-depth review.

The next section briefly defines and describes quantitative research.

4.2.1.2. Quantitative research

A quantitative research approach is used when:

- The intention is to quantify variation in a phenomenon, situation, problem, or issue.
- The information is gathered using predominantly quantitative variables
- The analysis is intended to measure the magnitude of variation.

While quantitative data is numeric, statistics are not at the heart of quantitative studies. Statistics merely evaluate variation to confirm or contradict the findings of a study after analysing data. They serve to quantify the magnitude of an association or relationship; provide an indication of the confidence that can be placed in study findings; and help to isolate the effect of different variables (Kumar, 2011:33).

As this study relied on the qualitative research approach, the forthcoming sections are presented in the context of qualitative studies. The next section is about the research design applicable to the study.

### 4.2.2. Research Design

Research is undertaken for various reasons:

- To understand the properties of a phenomenon
- To understand how different variables correlate
- To generate new theory
- To predict outcomes

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The reason that propels one to conduct research can be the basis of research classification. There are therefore exploratory, descriptive, and causal research designs. This study adopted an exploratory research design, which is often conducted when little is known about the area of study and there is a lack of scientific knowledge of the group, activity, process or situation, but a researcher has reason to believe that there are elements worth discovering. The findings from an exploratory study pave the way for in-depth study in the future. Exploratory research can also be conducted to develop, refine and/or test measurement tools and procedures or to gather information to solve imminent administrative problems (Kumar, 2011:30; Stebbins, 2011:5; Babbie *et al*., 2015: 80; McNabb, 2004:134).

As exploratory studies are conducted due to a lack of scientific knowledge, data collection is characterised by flexibility and open-mindedness concerning where information might be found, to reach inductive generalisation of the phenomenon being studied. The sources often consulted for exploratory studies typically are literature reviews, interviews, case studies and informants (Stebbins, 2011:5; Babbie *et al.*, 2015:80).

Integrated development planning has received much attention in the context of urban subnational government in Eswatini. Adding to that, the process undertaken is well established, ingrained in the organisational culture of urban subnational government authorities, and well supported by the legislative framework. Urban subnational government jurisdiction does not extend to constituencies in rural areas; as such, a parallel subnational government authority is mandated to coordinate the development of rural Eswatini through the Regional Council.

Unlike Urban Government, integrated development planning for rural jurisdiction, where most Eswatini nationals reside is under-legislated. This is despite the dire need to bolster development in the rural regions of the Country where poverty is most concentrated. Integrated development planning was designed to serve as the mechanism to reduce rural-urban development discrepancies and to achieve the national objective of poverty reduction. The study was undertaken by taking all of this into account. Evidence suggested that there is limited information on integrated development planning at the regional level; due to this lack of information, the researcher selected an exploratory research design.

Babbie *et al.* (2015:80) mention reasons applicable to this investigation, which often compel researchers to use exploratory designs. These are to:

- Develop methods that will be used in the more comprehensive study

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- Map out and understand central concepts and constructs for future research
- Develop new hypotheses about an existing phenomenon
- Establish priorities for future research

The outcome of exploratory research is the development of grounded theory based on generalisations. It must be noted that exploratory research in qualitative studies is deductive, based on theories that surface and not so much on hypotheses (Stebbins, 2011:5). The benefits of undertaking exploratory research stem from the generation of new insights for researchers studying unchartered phenomena. The major drawback of exploratory research is attributed to the generation of information that may not definitively address research questions due to generalisation issues (Babbie *et al*., 2015:80).

The inquiry focused on unearthing elements that contribute to regional integrated development planning, understanding of the decentralisation system in Eswatini, and how customary law and institutions in conjunction with Roman-Dutch Common law are applied in the production of regional development plans. This included an inquiry into legislation authorising the implementation of integrated development planning at regional level, intergovernmental relations and public participation mechanisms that ensure that the needs of communities are incorporated into plans.

The next section provides details of the methods within the exploratory study design that were used during data collection.

### 4.2.3. Research methods

Babbie *et al.* (2015:80) note that exploratory studies often adopt the following research methods:

- Review of related social science and pertinent research
- A survey of people who have practical experience with the topic under study
- An analysis of cases to provide insight

McNabb (2004:135) agrees, identifying similar methods to undertake exploratory research, which are:

- Research reviews
- In-depth interviews and focus group discussions
- Review of administrative records and documentary evidence

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- Case studies
- Pilot surveys

Taken from this, the data collection method for the study utilised research reviews and in-depth interviews. The research review provided an opportunity to explore concepts underpinning subnational government administration in Eswatini. The central focus explored decentralisation, the dual application of customary and Roman-Dutch Common law at the Regional Government level, the authority of this sphere of government and the planning arrangements and processes undertaken. This information was sought from periodical reports, policies, conference proceedings, papers, and any research output.

In-depth interviews were conducted with officers of the Government of Eswatini who have sufficient knowledge based on professional experience in regional integrated development planning. The following section explains how data was collected for the study.

### 4.2.4. Data collection

Kumar (2011:132-133) provides clarity on the type of data often collected in research. These are primary and secondary data. Considering that both were collected for this research, a brief description of both data types is provided in the sections to follow.

4.3.1.1. Primary data

Primary data are derived from first-hand data gathered by a researcher from primary sources. Examples of such data are responses from surveys and interviews or observation. (Kumar, 2011:132; McNabb, 2004:73). Kumar (2011:137) points out that primary data are collected through participant observation, interviews, and questionnaires. Primary data are typically collected when there is a lack of evidence on the phenomenon being studied. Interviews can be structured and unstructured. Structured interviews involve the use of an interview schedule designed for data collection – the interview does not deviate from the line of questioning designed in the questionnaire. Unstructured interviews are more open-ended and are characterised by freedom, spontaneity, and flexibility in content and structure (Kumar, 2011:157).

The next section is an expansion of the discussion on the interview process in research.

*4.3.1.1.1. Interviews*

McNabb (2004:137) notes that interviews in exploratory studies are conducted with experts in the specific field under study. These experts are known as key informants and such

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interviews are known as key informant interviews. Kumar (2011:151) describes in-depth interviews as in-person interaction between a researcher and a key informant to extract information that the key informant is believed to have due to experience. The researcher remains in contact with the key informant and repeated interaction forms the basis of an in-depth understanding of the topic being studied.

An interview, in a general sense, can be defined as an activity where an interviewer puts questions to a respondent and records the answers. The interaction does not necessarily have to be in-person; it can also be over the telephone. In general, if an interviewer obtains information, opinions, and beliefs from a respondent the interaction is considered an interview. A research interview is more than just the act of asking a question and receiving an answer. When conducted correctly, it is a conversation between two people. It can last anything from between thirty minutes to two hours. An interviewer kicks off an interview by providing information about the study for which data are being gathered, expresses gratitude to the respondent for agreeing to participate in the study being conducted and seeks permission to record the interview. If the participant does not agree that the interview can be recorded, it is unethical for a researcher to proceed to record an interview without that consent. Ethical considerations are discussed in section 4.4 (Kumar, 2011:137; McNabb, 2004:137).

During a qualitative interview, an interviewer has a general plan of inquiry without a pre-determined set of questions but probing specific topics which arise during the conversation – "digging-up" information from the respondent. Even though the interaction between the researcher and respondent is supposed to be conversational, researchers must remain mindful that it is a conversation centred on what the respondent has to say. The researcher must not forget that the interaction is solely for the extraction of the respondent's views and therefore must disregard any prior information held on the subject and conduct the interview as though needing to be "brought up-to-speed" on the phenomenon (Babbie *et al*., 2015:289-290).

While the function and process of regional integrated development planning is not well documented or legislated in the Kingdom of Eswatini, it is performed at the regional level of government. For this reason, key informants who participate in the planning process were interviewed to gain insight into the process. To ensure that all relevant information relating to regional integrated development planning was obtained, unstructured interviews were conducted with selected key informants. The themes that were explored pertained to the process undertaken during regional integrated development planning and the role played by

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traditional government institutions. Clarity was sought on the dual application of customary and Roman-Dutch Common Law in government administration as well as the planning process. Since decentralisation is premised on inclusive, bottom-up decision-making, public participation and intergovernmental relations were also reviewed. The in-depth interviews further enabled the researcher to gather information on the Government of Eswatini's development outlook in connection to decentralisation and integrated development planning. Resultantly, current progress on the enactment of the Tinkhundla and Regional Administration was obtained.

Collecting primary data employing in-depth interviews has the potential.

*4.3.1.2.* Data Reliability

The use of the interview data collection technique exposes study findings to bias. Bias occurs when either the researcher or interview respondent purposefully conceals or distorts facts. It is therefore incumbent upon a researcher to ensure that data collected are reliable (Kumar 2011:177).

To validate and complete the primary data collected for this research, a thorough secondary analysis was conducted, involving the review of historical records on government administration in Eswatini retrieved from annual reports, documents and available literature.

Large amounts of data are obtained during research interviews. To ensure that all data are adequately captured, mechanisms to record full interviews are often utilised. Commonly used data recording methods are audio-recording devices and field notes (Kumar, 2011:152). The next section deals with methods of data recording.

4.3.1.3. Data Recording

According to Tessier (2012:448), field notes were the first means of data recording available to researchers before the technology age. Even with the introduction of newer technologies, the simplicity of field notes is attributed to its popularity to date. Taking field notes involves recording observations on paper during an interview, as well as recording reflective notes after the interview. Notes recorded during the interview capture the discussion itself, and reflective notes take it a step further to record the researcher's interpretation of the discussion based on non-linguistic data such as body language and the overall impression of the researcher. Field notes are arguably the most cost-effective data collection recording technique. The technique is also quick to finalise, as all notes are captured fresh from the interaction right after the interview. Unfortunately, the interview encounter cannot be

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revisited to fact-check aspects after the interview, leading to a loss of data and an under-representation of the participant's perspective. Due to these drawbacks, it is not recommended that interviews are recorded via field notes alone.

Audio-recordings provide a digital version of the interview, which the researcher converts to textual data in a process called transcribing. Audio-recording devices initially were cassette-based, but due to durability concerns, the technology advanced to digital audio-recording devices. Digital audio-recordings enable the researcher to rewind and fast-forward the recording without damaging the file, as was the case with cassette-based audio recordings. Files are easy to store and can be stored for a long time, making it easier for the same data to be retrieved for future studies (Tessier, 2012:449).

For this study, interviews were recorded using field notes and digital audio recording. It must be noted that the principle that applied was that a respondent who did not grant permission for the researcher to digitally record an interview, the interview would be cancelled. This is explained better in section 4.5.1. The digital data files of the interviews are stored in a password-protected electronic device. Field notes were transcribed into electronic versions and were also stored, together with interview transcripts, in the same password-protected electronic device. The raw data of the field notes are stored securely in a lockable cabinet accessed by the researcher only.

The next section is on secondary data.

#### 4.3.1.4. Secondary data

In instances where data on the topic of investigation already exist, collecting primary data becomes redundant (Kumar, 2011:154). Secondary data concern information that has not been gathered first-hand by a researcher, but rather has been collected by another individual or entity for their own purpose. An example is any published data source such as government reports or surveys and journal articles. In this case, the role of the researcher is to extract information relevant to the topic being studied only. Secondary data allow researchers more time to interpret and analyse the data (Bryman, 2012:312; McNabb, 2004:73). The disadvantages of using secondary sources are reliability and validity as information may vary between sources like newspaper articles, magazines and personal diaries, which are not compiled with scientific rigour customary of a scholarly research report and may be written with much personal bias. The availability of data can also be problematic, and data may not always be in a format agreeable to the researcher.

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While there is a gap in knowledge of regional integrated development planning in Eswatini, there is available information on decentralisation, planning, Tinkhundla development and dual systems of government which provided insight regarding the structure, policies and national objectives connected to development planning. A document review was conducted using the following secondary sources:

- Published and unpublished literature and theses or dissertations
- Official and unofficial government publications
- Journal publications
- Statutes
- Conference proceedings

The document review focused on decentralisation, the structure of subnational government focusing on Regional Government, as well as the authority and powers held at this level of government. The objective was to assess whether regional integrated development planning is adequately supported institutionally and legislatively.

The sampling technique used in selecting the sample for the primary data collection is discussed next.

## 4.3. SAMPLING

Data that were collected included both secondary and primary data. A secondary analysis was used to substantiate the findings from the Primary sources. Subsequently, the sampling technique for the selection of respondents for the key informant interviews must be explained.

There are two types of sampling methods, namely probability and non-probability sampling. Probability sampling is suitable in cases where the population is homogenous and ensures that the sample drawn is an accurate representation of the population. Therefore, each sample unit has a random opportunity to participate in the study. Non-probability sampling methods are employed where there is no definitive population, and the sample must be selected based on characteristics that are important for a research study. Unlike with the probability sampling method, the population does not have an equal chance to participate in a study, the sample is based on pre-determined criteria until the desired category of subjects, based on certain characteristics, is reached (Babbie *et al*., 2015:166-170; McNabb, 2004:127).

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It was foreseen that mainly individuals who participate in regional integrated development planning would have sufficient knowledge on integrated development planning at regional level, which rendered the probability sampling method unsuitable as too few individuals participate in regional planning.

The sample for key informant interviews comprised six officials in the Government of Eswatini. The key informant interviews yielded data on National development objectives and an overview of the policy direction and objectives of decentralisation, decentralised services and structures that modulate regional integrated development planning. The relationship between customary law and Roman-Dutch Common law was explored from a strategic point of view to understand the conceptual basis. The systemic, institutional, and legislative character of decentralisation mainly focusing on the planning function at regional level was assessed. Details of the regional integrated development planning process were also gathered to gain an understanding of the implementation of the process. Of relevance was the application of both customary and Roman-Dutch Common law, intergovernmental relations, and public participation during planning. The functional use of integrated development planning in the operation of Regional Government was explored.

The findings from this study, as with all other exploratory studies, were used to determine whether there are elements of regional integrated development planning worth studying in greater detail in future.

Now that the sampling method has been discussed, it is important to provide clarity on how the experts who were respondents in the study were selected. Welman *et al*. (2005:205) note that purposive and snowball sampling techniques are often used when unstructured in-depth interviews and focus group in-depth interviews are employed. According to Babbie *et al.* (2015: 166-167), purposive sampling is embedded in the purpose of the research being undertaken, propelling the researcher to rely on knowledge of the population to select a sample that would yield data relevant to the purpose of the study. Snowball sampling techniques are often used when the population is hard to reach, so the sample size is built from being in contact with one person who directs a researcher to other people with similar characteristics, creating a snowball effect and the sample is the accumulation from each subject suggesting the next subject.

The sampling technique employed to determine the experts who responded to in-depth interviews was the snowball sampling technique. Officers who possess adequate and relevant

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knowledge of regional integrated development planning were not easily accessible for data collection, as such contact with respondents from National Government yielded referral to the relevant officers at the regional sphere of government.

## 4.4. ETHICAL CONSIDERATIONS

When implementing a research project, the rights of individuals who participate in the study must be upheld. The word ethical can be defined as "conforming to the standards of conduct of a given profession or group", which signifies that various professions or groups abide by certain codes of conduct. In social research, voluntary participation, inflicting no harm (directly or indirectly), as well as safeguarding the anonymity and confidentiality of research participants are critical ethical considerations to be honoured during the research process (Babbie *et al*., 2015:520-525).

For McNabb (2004:48-56), ethics concerns the application of moral behaviour. Further breaking down this definition, morality is defined as standards that influence the perception of right and wrong, good, and bad. From an ethical perspective, standards depict behaviour that is acceptable based on the impression of good and bad. Research ethics, therefore, relate to the application of moral standards throughout the research process. In this view, truthfulness, thoroughness, objectivity, and relevance are fundamental principles.

- Truthfulness ensures that researchers do not fraudulently obtain data and report findings during the research process.
- Thoroughness is about following the scientific procedure. In this regard, researchers are obligated to report on key concepts, study sample, study limitations and data analysis. Additionally, researchers must protect participants from any harm.
- Objectivity dictates that researchers maintain impartiality and objectivity throughout the research process.
- Relevance ensures that the motivation to conduct research is legitimate in that it will address a problem in society, and not be inspired by personal feelings.

Kumar (2011:218) stresses that ethical concerns in research must be considered from the perspective of stakeholders in research, who all have different interests in a research activity. Taken from this view, there are three stakeholders:

- Research participants
- Researcher

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- Research sponsor

The field in which the study is undertaken determines who becomes a research participant. Research participants are a composite of all people who are directly or indirectly involved in a research study. Each discipline has different categories of people in research. As this study falls within the field of the social sciences, research participants can be individuals, groups, and communities. The researcher is an integral stakeholder in the research process as the onus to adhere to ethical standards rests on the researcher who collects information to interrogate and understand social phenomena. The organisation that funds a research activity is also an important stakeholder as the entity commissioning the research.

As has been mentioned, obtaining informed consent is an intrinsic feature when data is collected via interviewing or any other primary source. Hence, the next section considers obtaining informed consent.

### 4.4.1. Informed consent

It is unethical to collect information without obtaining informed consent from a research participant. Informed consent signifies that participants, before deciding to participate in the study, must have been given all information about the study, including the objectives, the implications of participation in the study, associated risks and benefits and that they have a right to withdraw from participation at any point (Kumar, 2011:220). A participant must agree voluntarily, without coercion, with the understanding that the right to participate in the study and later terminate their participation cannot be infringed. Informed consent embodies self-determination and principles of individual freedom according to common law (McNabb, 2004:61-62).

For the study, informed consent was obtained verbally from key informants. Taking into consideration the scepticism with which public servants in Eswatini often have when participating in research, verbal informed consent was not to be documented, but to be recorded via a digital audio-recording device. This ascertained that participants participated freely in the study and any apprehension which they may have had about the violation of their anonymity was reduced. Given that the only form of informed consent that was obtained was verbal, and proof would be recorded via audio-voice recording, no data were collected from key informants who were not comfortable with the interview being recorded digitally on the ground that it would not be possible to prove the verbal assent.

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Obtaining informed consent does not give a researcher the license to conduct a study in a manner that could cause harm to study participants. The next section is focused on the concept of causing no harm to participants.

### 4.4.2. Causing harm to participants

There is a misconception that only the research participants enrolled in clinical trials can experience harm resulting from participating in a research study. The reality is that participants in a study of social research projects may also be harmed. It is the responsibility of the researcher to assess the extent of harm which research participants may be exposed to before research data is collected. If there is a possibility of harm being caused, steps to bring harm down to the minimum must be taken. Not addressing potential harm that has been identified is regarded as unethical behaviour (Kumar, 2011:221). Harm can be physical as well as emotional. Some questions asked during an interview can stir up unpleasant feelings and the people who participate in studies are sometimes ostracised if a link can be traced between the study population and the research (Babbie, 2015:522). Harm can also be caused by a lack of confidentiality. The next section discusses the value of confidentiality in the research process.

### 4.4.3. Confidentiality

Confidentiality can be viewed from two different standpoints: data sharing and reporting of findings. The first is anchored on the principle that data collected for research purposes cannot be used for any other purpose. The second addresses anonymity during the reporting of research findings. Study findings must be reported in such a way that it is not easy to identify the people who participated in the research. The researcher must ensure that findings are reported in a way that conceals the identities of respondents (Kumar, 2011:221; Babbie *et al*., 2015:523).

Considering the ethical parameters discussed above, informed consent was obtained verbally from key informants. While reporting of research findings conforms to basic ethical requirements and specific individuals who provided information are not identified, it was anticipated that the use of written informed consent where identifiable information would be collected, would serve as a barrier to participation by government officials. Verbal consent for participation was therefore obtained for this reason. Participants were assigned unique participant identification and verbal consent was audio recorded before the beginning of an interview. These precautions were taken to guarantee that the identity of interview

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respondents remained protected and that they too were comfortable about participating in the study.

The data analysis process detailed in the next section explains how data that are collected are interpreted.

## 4.5. DATA ANALYSIS

Once data have been collected, it must be processed, analysed, and interpreted. This part of the research process is called data analysis. Quantitative and qualitative studies take different forms of data analysis according to the type of data collected with each approach to a study. As stated earlier in section two, quantitative data are numeric and therefore are typically analysed statistically with the use of computer-based tools which describe the datasets and generate and test hypotheses. Qualitative data is often textual and can go on to consist of artefacts and pictures. It is interpretive and can be generally categorised as the "essences of people, objects and situations". Because it is not numeric, it must be categorised first. This entails grouping the data in classes to begin the process of comparison. This study, having adopted an exploratory design, was undertaken from an inductive perspective and not on the premise of proving or disproving a hypothesis. As such, the data were analysed using a method rooted in grounded theory (McNabb, 2004:435; Babbie *et al*., 2015:498).

McNabb (2005:435-439) developed a nine-step analysis theory that combines interpretation models by Straus and Corbin, Neuman and Miles, and Huberman. This is the data analysis method used to analyse the data collected in the study. The following sections unpack each step:

- **Step 1 - Preliminary analysis**

  At this stage data which have been collected is in raw form and has not been processed to interpret the information which can be derived from it. The preliminary analysis sorts data into some form of structure by establishing patterns and themes. The value of putting data into order is that meaning, and definition of the collected data can begin to be established.

  All the data collected for this research were organised into five categories determined by the patterns and themes which emerged. These categories were: the role of Regional Government, regional integrated development planning process, Regional

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Government general operations, resources for regional integrated development planning and legislation.

- **Step 2 – Open coding**

Open coding comprises creating categories of each segment of text. Each category has dimensions, properties, and consequences. The process of categorisation and coding occurs simultaneously. Coding can be done line-by-line, which is a time-consuming process that may inundate the researcher with an incredible number of categories. Coding can also be done by paragraph, whereby a researcher deciphers the idea of the paragraph. The entire text may also be coded to understand the message conveyed by a document or book and create a category for the entire document or book (Babbie et al., 2005:499). The purpose of categorical codes is to reduce data into manageable sets by creating categories arranging collections of ideas from the text into groups.

For this study, coding occurred by paragraph as well as by document reviewed. The open codes for the data collected were coordination and facilitation of development, the process undertaken during regional integrated development planning, the coexistence of Eswatini Customs and Roman Dutch-Common legal systems, legislation, management and implementation of decentralisation and collaboration of public and private entities.

- **Step 3 - Comparative analysis**

Data was compared at step 3. This institutes the practical significance of the data in qualitative studies, while quantitative studies measure the statistical difference. Comparison serves two purposes: to establish cases that can be grouped based on similar characteristics and to isolate anomalies in the data to allow the researcher to interrogate the research problem. The comparison must not end with data categories; comparison must also be made between the data and the knowledge of the researcher on the topic.

There were two points of data deviation recorded at this stage. The deviation concerned operations management at the Regional Government level.

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- **Step 4 – Axial coding**

  Axial coding is a second opportunity to structure data. It entails a process of the further categorising of data categories established in open coding in step 2 into causal conditions, phenomena (object of study), context, intervening conditions, actions or strategies, and consequences.

  A direct relationship was drawn between the open codes. The relationship of these open codes hinged on legislation, noted as the axial code. Legislation affected regional integrated development planning, within the decentralised government system characterised by the coexistence of the dual legal systems, resulting in coordination and facilitation of development through collaboration of public and private entities.

- **Step 5 – Interpretive analysis**

  This involves unbundling the categories already set to determine whether one category cannot be split into two constructs.

  The data pointed to an insufficient decentralisation legislative framework impinging on regional integrated development planning.

- **Step 6 – Selective coding**

  Selective coding entails the process of selecting the core category in relation to other categories and refining categories that need more development. The core category is the central phenomenon that integrates all other categories (Babbie et al., 2015:501).

  The core variable in the data is the reform of the decentralisation system in Eswatini.

- **Steps 7 and 8 – Reiterative analysis**

  This is the step where the relationship between categories is mapped out, see figure 1.

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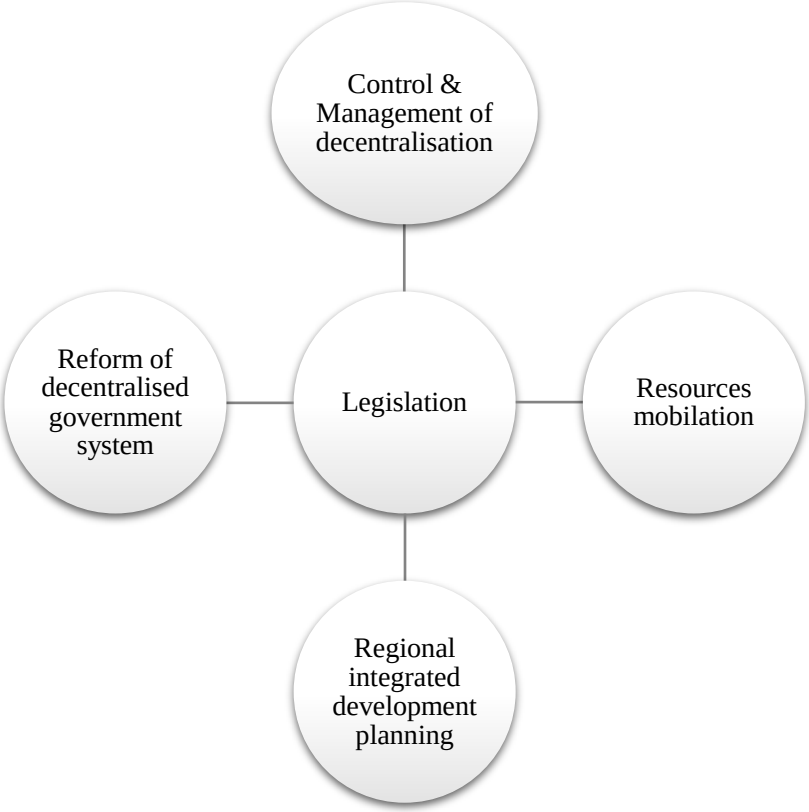


*Figure 1: Reiterative analysis*

- **Step 9 – Developing theory**

  Based on the analysis of data, the Tinkhundla and Regional Administration Bill of 2014 must be enacted for reform of the decentralisation government system in Eswatini to occur.

This data analysis technique was adopted on the merit that it allowed the researcher to analyse primary and secondary data inductively and generate valuable insights about regional integrated development planning in Eswatini, decentralisation in Eswatini, the dual application of customary and Roman-Dutch Common Law and intergovernmental relations.

The next section highlights the limitations of this study.

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## 4.6. LIMITATIONS OF THE STUDY

These most significant limitations of this study are:

- Limited sources of data on regional integrated development planning. This is in part due to the poor scholarly attention given to regional integrated development planning in Public Administration literature in the Eswatini context.
- Limited financial resources
- A high rate of refusal, which affected the number of participants sampled in the collection of primary data.

## 4.7. CONCLUSION

The study adopted a qualitative research approach in consideration of the need to provide rich information on the aspects that characterise the regional integrated development planning system in Eswatini. These relate to the decentralisation system, the institutional and structural arrangements, especially those pertinent to the regional integrated development planning process. An exploratory research design was adopted primarily due to the limited scholarly knowledge on regional integrated development planning in Eswatini. The study was undertaken to explore the various elements that are composite of the regional integrated development planning process, decentralisation, the dual application of customary and Roman-Dutch Common laws and the extent to which planning occurs and the players involved during this process.

Secondary data were collected from government documents, reports, conference proceedings and scholarly literature. Findings from the secondary analysis substantiated the primary data which were collected via interviews with six government officials who formed part of the sample. Informed consent was obtained verbally and recorded digitally using a digital audio-recording device. Verbal informed consent was selected to avoid a high participant refusal rate because key informants who could provide meaningful information on the subject were limited. Verbal informed consent also provided a guarantee to research participants that their identities would remain confidential. The collected data were analysed using a nine-step method rooted in the grounded theory developed by Straus and Corbin, Neuman and Miles and Huberman which allowed the researcher to inductively analyse the data. The limitations of the study were due to limited sources of data, financial resources and possibly a high rate of refusal to participate.

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# CHAPTER FIVE - RESEARCH FINDINGS

## 5.1. INTRODUCTION

The Government of the Kingdom of Eswatini has effectuated myriad actions to reform public administration for the enhancement of service delivery and development outcomes to stabilise the uneven distribution of resources between rural and urban areas. This study investigated methods and procedures characterising integrated development planning at the Regional sphere of government, consequently generating knowledge on decentralisation in Eswatini, intergovernmental relations and the dual application of Eswatini customary and Roman-Dutch Common Laws underpinning the process.

In this chapter, the study findings are discussed. The report combines both primary and secondary data findings. Since Eswatini's political system rests on the Tinkhundla System of Government, the investigation commenced by assessing the intrinsic attributes of the system. A full discussion ensues below.

## 5.2. TINKHUNDLA SYSTEM OF GOVERNMENT

The findings presented in this section were obtained from only secondary data, which garnered interesting insight into the Government of Eswatini. Alam and Athreya (2009:35) postulate that the Tinkhundla philosophy is a trichotomous representation of a political ideology, a system of government and an administrative instrument for the delivery of social services. This section unbundles and expounds on these nuances of Tinkhundla.

The assessment homed in on Constitutional provisions and paid specific attention to the depiction of Tinkhundla concerning government administration. Section 79 of the Constitution asserts that democracy, public participation, and appointment into public office are based on Tinkhundla. It further declares that the system of government adopted in the Kingdom of Eswatini is "a democratic, participatory, Tinkhundla based system which emphasizes devolution of state power from Central Government to Tinkhundla areas and individual merit as a basis for election or appointment into public office". Two conclusions were drawn from the abovementioned provisions. First, policy in Eswatini is generated through Tinkhundla areas which, secondly, serve as decentralised and political institutions.

It was gathered from literature that the philosophy of Tinkhundla, in itself, originated before colonisation. However, the Tinkhundla System of Government that is applicable present-day

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is a direct outcome of the enactment of the Establishment of the Parliament of Swaziland Order and Regional Councils Order enacted by King Sobhuza II in 1978. This study, therefore, recognises King Sobhuza II as the architect of the Tinkhundla System of Government.

Determining the role of customary law in Eswatini public administration and ultimately regional integrated development planning, was among the objectives of the study. The first step in the attainment of this goal was to ascertain the basis of its relevance. It was thus uncovered that the Establishment of the Parliament of Swaziland Order of 1978 legitimises the application of Eswatini Law and Custom. Through this policy, political party representation in Parliament was extinguished, in favour of an electoral process that hinges on Eswatini Law and Custom. Tinkhundla areas were simultaneously proclaimed as single-member constituencies for election to Parliament.

The Constitution is also a consequential part of the significance of Eswatini Law and Custom. Section 252(2) officially recognises the adoption, enforcement and applicability of Eswatini Law and Custom in the Country's legal system. The Constitution further acknowledges Traditional Institutions that safeguard and apply Eswatini Law and Custom in section 227. The secondary data analysis revealed that the most critical Traditional Institutions, in as far as Eswatini Law and Custom is concerned, are the King and Chiefs - who wield extensive power and influence.

Monarchical rule in Eswatini is symbolic of the unity and eternity of the Eswatini nation and a King assumes the role of Head of State according to section 4 of the Constitution. These are cardinal factors that preserve the legacy of Eswatini Law and Custom from one generation to the next. Chiefs are the footstools of the King, stated in section 233 of the Constitution, and they play an indispensable role in upholding and enforcing Eswatini Law and Custom in the communities of Eswatini; the role of Chiefs is discussed in more detail in section 5.2.4. Furthermore, Section 60(10) commits to integrating Eswatini Law and Custom into the social fabric of Eswatini through formal and informal education. Needless to say, the Eswatini legal system is not entirely customary. According to section 252 of the Constitution, Roman-Dutch Common Law is also applicable and enforceable, emanating from practice since 22 February 1907. As such, the Constitution constructs a dual government system that enforces Eswatini Law and Custom in conjunction with Roman-Dutch Common Law.

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An attempt was made to decipher the ontology of Tinkhundla. The Constitution, in section 80(3) expresses that Tinkhundla are "units or areas, inspired by a policy of decentralisation of state power, which 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".

This definition emphasises that Tinkhundla are inspired by a policy of decentralisation. To guarantee appropriate comprehension of Tinkhundla in the context of decentralisation, the Oxford English Dictionary definition for the word inspire was examined. Hence the analysis verified that the word inspired is used figuratively, in this context, to mean:

- Infusing thought or feeling into, as if by breathing, to animate or actuate by some mental or spiritual influence.
- Influencing, animating, or actuating with feeling, idea, or impulse

Therefore, Tinkhundla embody the ideals of decentralisation and aim to initiate local development and efficiency in service delivery through bottom-up approaches.

Tinkhundla are also a conduit for political expression in Eswatini because they are constituencies for election to Parliament. Subsequently, policymakers are elected to Parliament directly from local communities espousing the ideological perspective that Tinkhundla precipitate bottom-up decision-making. The assumption is that Members of Parliament (MPs) represent and address the community development needs of their constituencies in the Legislature. The policy cycle requires further study to establish the extent to which community needs have been addressed in this public policy cycle post-independence.

Considering that decentralisation is an indispensable component of the Tinkhundla System of Government and that the research was focused on integrated development planning at the subnational sphere of government, decentralisation in Eswatini was reviewed and is discussed in the next section.

### 5.2.1. Decentralisation

Secondary data revealed that the type of decentralisation employed by the Eswatini Government is devolution. This is stated in section 58(2) that "in the conduct of public affairs the State shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where the people can best manage and direct their own affairs."

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Doing this creates four spheres of government in Eswatini:

- National Government
- Regional Government
- Tinkhundla Government – which includes Urban Local Government
- Chiefdom Government Administration

The powers and functions of each level of government are as follows:

5.2.1.1. National Government

The Kingdom of Eswatini is a unitary state whereby policy objectives are determined at the centre (Parliament). Economic growth, balanced development and poverty reduction have taken policy precedence post-independence. The NDS, Economic Social Reform Agenda, Smart Programme for Economic Development, PRSAP, MDGs, SDGs and Economic Recovery Strategy are examples of programmes that have been launched to that end (Joubert, Masilela & Langwenya, 2008:2; Heywood, 2007:171; Shongwe, 2017:2).

Acting through diverse portfolios, government is a key role player in development (Willis, 2011:27; Theron, 2008:4). Secondary data denoted that there are 18 ministerial portfolios responsible for the development of industries and sectors to achieve economic development, equal development distribution, and poverty reduction, in the Government of Eswatini. These portfolios are listed below:

- Ministry of Agriculture
- Ministry of Home Affairs
- Ministry of Natural Resources and Energy
- Ministry of Education and Training
- Ministry of Infrastructure, Communication and Technology
- Ministry of Tinkhundla Administration and Development
- Ministry of Public Works and Transport
- Ministry of Labour and Social Security
- Ministry of Justice
- Ministry of Commerce, Industry and Trade
- Ministry of Foreign Affairs and International Cooperation
- Ministry of Housing and Urban Development

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- Ministry of Economic Planning and Development
- Ministry of Sports Culture and Youth
- Ministry of Public Service
- Ministry of Finance
- Ministry of Health
- Ministry of Tourism and Environmental Affairs

In addition to the 18 Government Ministries, the Executive mandate is fortified by the offices of:

- Prime Minister
- Deputy Prime Minister
- Auditor General
- Royal Swaziland Police Service
- Correctional Service
- Civil Service Commission

Ministerial portfolios at the National sphere of government are established by Parliamentary Acts. Their operational functions are, for the most part, founded and governed by Roman-Dutch Common Law, international protocols and ratification that the Eswatini Government is a signatory to and gazetted operational handbooks or guidelines. The primary data also demonstrated that the role of Eswatini Law and Custom at the National level is implicit, in that some government services occasion the involvement of Traditional Institutions. For instance, procedures to administer cross-border marriage and government education sponsorship, are implemented through collaboration with Chiefdoms – whereby the residency and citizenship of an applicant are authenticated by a Chief. National Government also decentralises services to Regional and Tinkhundla Government levels.

Primary data additionally uncovered that the outcome of the partition of rural and urban subnational government is separate portfolio oversight. Although the Ministry of Tinkhundla Administration and Development (MTAD) is tasked with the overarching control and management of decentralisation in Eswatini, the Ministry of Housing and Urban Development (MHUD) oversees urban subnational government. Leaving the MTAD accountable only for rural subnational government.

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The background on the separation of rural and subnational government was attained from secondary data. It came to light that the implementation of decentralisation in Eswatini is inconsistent with the Constitutional provisions on Local Government. To date, the Government has not acted on the declaration that rural and urban subnational government would have been merged within five years of the commencement of the 2005 Constitution, as stated in section 218(1). This is despite the fact that the Constitution unequivocally dispels the notion that Local Government is based on rural or urban jurisdiction in section 219(5).

Furthermore, secondary data provided the historical context on the fragmentation of rural and urban subnational government. On the account of Levin (1990:46-47) who suggests that the system of government in Eswatini cannot be understood without acknowledging how it came into existence, the British government administration of Eswatini was studied to determine the legacy of colonialism.

The secondary data revealed that the government system inherited from the British was decentralised into three spheres of government. National government decentralised authority to six districts. In that period, indirect rule apportioned the local sphere of government into urban local administration and native (and customary) administration. Post-independence Urban Local Government was established in 1969 by the Urban Government Act, adopted from the Urban Areas Proclamation of 1912. The proclamation pioneered the regulation of functional competencies like waste disposal, traffic control, zoning, building inspections, restriction on pets, areas designated for burial, recreation facilities, water provision and street lighting. The MHUD was created in 1991 as the ministerial portfolio responsible for urban subnational government and settlements (Vosloo, Kotze & Jeppe, 1974:11; Mkhonta, 2007:106; Matsebula 2012:11).

The secondary data further pointed out that the British government decentralised functions and responsibilities like agricultural extension, public health, and education. The current regional government structure was an adaptation of the colonial district administration structure. There were six colonial districts in Hhohho, Manzini, Shiselweni, Lubombo, Mankayane and Pigg's Peak. In 1978 the Government of Eswatini formulated the regional administration structure retaining Hhohho, Manzini, Shiselweni, Lubombo colonial districts. Pigg's Peak and Mankayane districts have been converted into two of four sub-regions.

The MTAD was established in 2009, approximately 40 years after political independence and the existence of Urban Local Government agencies, which have been managed by MHUD for

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18 years. Having implemented decentralisation without a coherent plan of action and objectives for decades until the formation of the MTAD in 2009. The pursuance of a comprehensive decentralised government system in Eswatini has occurred after much investment into and expansion of former colonial decentralised structures and institutions.

The primary data indicated that the absence of enabling legislation, fragmentation of decentralisation, insufficient financial resources, and the overall lack of political will to reform a long-existing system are factors that prohibit the unification of subnational government. Over the years, this has had devastating effects on efforts to strengthen human and financial resource mobilisation to undertake institutional reform and the MTAD's legitimacy to fully manage and control decentralisation in Eswatini. Based on secondary and primary data, it was deduced that the division of urban and rural subnational government is a major drawback that prevents appropriate implementation of decentralisation. Efforts to enact the Tinkhundla and Regional Administration Bill of 2014, a policy that is likely to resolve these challenges, are slow.

Despite the abovementioned challenges, primary data indicated that the Government of Eswatini has not explored alternative methods to rectify the situation. A potential and interim solution could be the collaboration of the MTAD and MHUD in the management of urban subnational government authorities. This would allow the MTAD to gradually build the requisite capacity in urban subnational government management. Sadly, evidence points to the fact that collaboration between MHUD and MTAD on subnational government matters occurs irregularly, on an ad hoc, voluntary basis, therefore completely removing the oversight function from the MTAD. This is indicative of weak horizontal intergovernmental relations.

Consistent with the study objective to generate knowledge on the Eswatini decentralised government system. Services that are decentralised to lower levels of government are briefly summarised in the next section.

##### *5.2.1.1.1. Decentralised services in Eswatini*

Secondary data analysis was conducted to underscore services that are decentralised by the Government of Eswatini. These were tabulated and are presented in Table 1.

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Table 1: Decentralised services in Eswatini

| **Ministry** | **Description of Decentralised Services** |
|---|---|
| Ministry of Agriculture | Agriculture extension and tractor hire services at Regional and Tinkhundla levels of Government |
| Ministry of Health | Health sector service delivery system has 4 tiers comprising national referral hospitals, regional hospitals, health centres, and primary health care facilities (public health units and clinics) at Regional and Tinkhundla levels of Government |
| Ministry of Home Affairs | Registration of births, marriages and deaths, immigration services, issuance of personal identity cards at Regional level of Government |
| Ministry of Finance | Revenue collection services at the Regional level of Government |
| Ministry of Education and Training | Delivering education through a 5-tier delivery system consisting of early childhood education and care, primary education, secondary education, high school education and tertiary education at Regional and Tinkhundla levels of Government. |
| Ministry of Information, Communications and Technology | Postal and communication services are provided by a state-owned entity, Eswatini Post and Telecommunications established in 1983. Library services are decentralised to Regional and Tinkhundla levels of Government. |
| Deputy Prime Minister's Office | Social welfare and social grant services at Regional and Tinkhundla levels of Government. |
| Royal Swaziland Police | Police and general maintenance of law-and-order services at 3 levels - police stations, police posts and port of entry/exit at border posts - and airport security monitoring post at Regional and Tinkhundla levels of Government. |
| Ministry of Natural Resources and Energy | Provides rural water services at the Tinkhundla level of Government. Water provision in urban areas was privatised in 1992 to a state-owned entity called Eswatini Water Services Corporation. The provision of electricity services was also privatised in 1963. Electricity in both urban and rural areas is provided by the state- |

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| Ministry | Description of Decentralised Services |
|---|---|
| | owned entity, Eswatini Electricity Company. |
| Ministry of Housing and Urban Development | Under this portfolio, subnational government authorities are managed where issuance of permits (public transport, health inspection, informal trading), waste management, road maintenance and land sales and building services are conducted. Fire and emergency services are also managed within this Ministry by the department of Swaziland National Fire and Emergency Services. |
| Ministry of Public Works and Transport | Provides maintenance of public infrastructure at the Regional level of government. |

Source: Author's own representation of data from Eswatini Electricity Services, Eswatini Water Services Corporation & Government of Eswatini.

Primary data provided evidence on the execution of service decentralisation. The evidence pointed to non-conformance with the principles of devolution. For the most part, the agencies in possession of authority to deliver decentralised services, do not enjoy decision-making power. As previously defined, devolution of power must be accompanied by decision-making and revenue-raising authority to enable semi-autonomous existence. When National Government, to localise service delivery, establishes subnational offices that function as agents of the National Government, where the ultimate decision-making authority lies, decentralisation has occurred through deconcentration. It was therefore deduced that decentralisation occurs through deconcentration in Eswatini (Wunsch, 1998:20; Ababio & Asmah-Andoh, 2013:188; Aalen & Muriaas, 2017:18; Ribot, 2002:iii; Hussein, 2010:94; Saito, 2011:49; Poyyamoli, 2011:96).

It must be mentioned that water, electricity, and postal and telecommunications service provision is privatised to parastatal agencies in Eswatini. Based on the literature, these were not treated as devolved services. Saito (2011:491) holds that privatisation is more associated with the division of tasks than decentralisation. Urban subnational governance, however, demonstrated devolution of state power, because authority to make by-laws and raise revenue by charging levies, rates, service fees and penalties is granted by the Urban Government Act of 1969.

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On a positive note, table 1 does reveal that the Government of Eswatini decentralises a wide range of services. However, most of the decentralised services collated in table 1 are not incorporated into those listed on the Eswatini Government's website. This inability to articulate the full spectrum of decentralisation in Eswatini was linked to poor intergovernmental relations, limited knowledge of decentralisation and capacity inefficiencies. All government portfolios must be conversant of public administration processes like decentralisation. Decentralisation is not the responsibility of a single government portfolio because governments generically decentralise certain services. For example, finance portfolios tend to decentralise revenues and develop intergovernmental transfers. Education, health, agriculture, and public works are also commonly devolved to lower levels. The Ministry responsible for local government, in the case of Eswatini, the MTAD, is supposed to merely ensure that adequate subnational institutions are in place and manages them (Smoke, 2003: 12).

The primary goal of the research was to investigate integrated development planning by Regional Government. The next section reports on Regional Government in Eswatini.

### 5.2.2. Regional Government

Information on the structure of the Regional Government was obtained from both primary and secondary data. Regional Government is a subnational sphere of government below the National Government. According to section 82(1) of the Constitution, Eswatini is divided into four administrative regions. It states that regions are divided into Local Government areas for development and Tinkhundla areas for political organisation, in sections 80 and 225 of the Constitution. Table 2 presents the four regions and the number of Tinkhundla areas within each regional jurisdiction.

Table 2: Regions, sub-regions and number of tinkhundla areas per region

| Region | Sub-Region | Number of Tinkhundla Areas |
|---|---|---|
| Hhohho Region | Piggs Peak | 15 |
| Manzini Region | Mankayane | 17 |
| Shiselweni Region | Hlathikhulu | 12 |
| Lubombo Region | Siphofaneni | 15 |
| **TOTAL** | | 59 |

Source: Author's own representation of data from Government of Eswatini Main Portal

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The geographical size of each region makes it unfeasible for the four Regional Governments to deliver services effectively. For this purpose, there are four sub-regions, thereby partitioning a single region into two, see table 2.

The primary data showed that the duality of the Eswatini Government system is more pronounced at the Regional Government level due to direct accountability to and for Constitutionally recognised Traditional Institutions.

Each Regional Government has two hierarchical leaders: A Regional Administrator (RA) and a Regional Secretary (RS). The RA has oversight responsibility for Chiefs and therefore reports to the King (in his capacity as a Traditional Authority), while reporting on bureaucratic administration to the Principal Secretary (PS) at the MTAD.

In line with Section 82(4) of the Constitution which stipulates that the Regional Government is responsible for coordinating economic and social development in administrative regions, the RS is accountable for coordinating development programmes that are implemented at the Tinkhundla sphere of Government and is assisted by a Regional Council of representatives from Tinkhundla areas. The RS reports to the RA on political affairs and collaborates administratively with the Director of the Decentralisation Unit at the MTAD.

A discussion on the Dual nature of subnational government in Eswatini follows below.

5.2.2.1. Duality of Subnational Government

Despite the inexistence of an intergovernmental relations framework, primary data pointed to the interdependence of all government levels, with the Regional sphere of Government acting as the entity that connects National Government with lower levels. The majority of research respondents indicated that National Government determines the policy direction and priorities, and Regional Government convenes Tinkhundla and Chiefdom levels of Government that manage the process of localisation. The role played by the Tinkhundla sphere of Government is to oversee the implementation of development programmes, connect and represent Chiefdoms in the development process. The Tinkhundla level of government reports to the Regional government. Figure 2 exhibits these intergovernmental relations.

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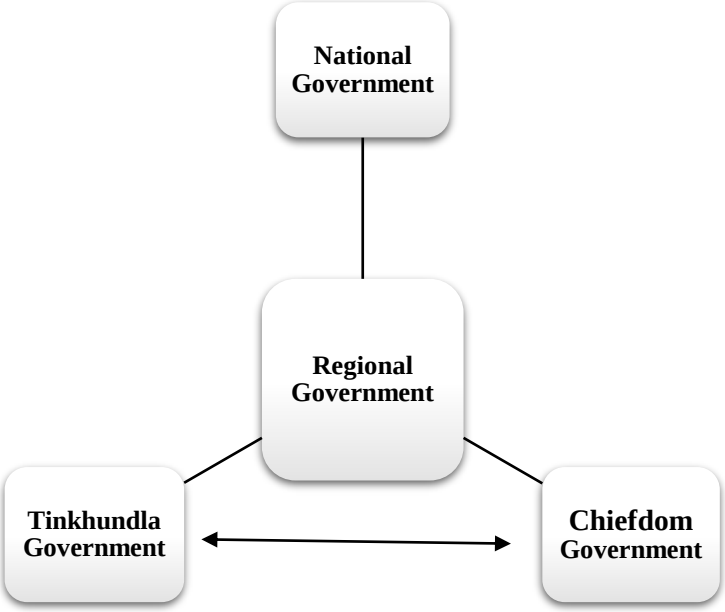


*Figure 2: Intergovernmental relations between spheres of Government*

Although Chiefdoms are legally supposed to report to the Tinkhundla sphere of government, primary data discovered that the prominence of Chiefs in society strengthens the influence of the Chiefdom sphere of Government. As mentioned previously, Chiefs are the footstools of the King, they symbolise unity and are regarded as Fathers to communities based on Sections 233 and 227(6) of the Constitution. Combined with their power over rural land tenure, and the legitimacy to convoke citizens, the evidence pointed to the propensity for power at the Chiefdom Government level to overshadow that of the Tinkhundla Government. These power relations need to be studied further.

By the fact that Chiefdom Government exercises Eswatini Law and Custom, the Tinkhundla and Regional spheres of Government inadvertently exercise customary law. The Constitution and Decentralisation policy insinuate that there is a seamless co-existence of Eswatini Law and Custom and Roman-Dutch Common Law systems. Research respondents also attested to the compatibility of the dual government system, but the primary data generated in this study contradicts this assertion. A causal relationship was identified between the administrative challenges which the majority of research respondents acknowledged and a lack of clarity and legislative guidance on the aspects of Eswatini Law and Custom that affect government administration. The operational overview of Regional Government that was provided by research respondents also varied. This discrepancy was linked to a lack of uniformity in the operational function of Regional Governments.

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A direct link between the lack of standard operations at Regional Government and Chiefdom conflict resolution was further drawn. Primary data uncovered that Regional Government presides over conflicts that are unresolved at the Chiefdom level. A pattern was also observed that conflicts that are escalated to Regional Government involve Chiefdom boundary, succession, land allocation and intestate disputes. Due to the absence of guiding legislation, resolution of Chiefdom problems take effect at the discretion of the Regional Government.

The primary observation was that Regional Governments employ several strategies when confronted with Chiefdom conflicts. Some refer to the Swaziland Administration Order of 1998, despite the problematic nature of some sections contained in this legislation. The Swaziland Administration Order of 1998 was enacted before the 2005 Constitution was passed into law. The policy has thus been criticised for alleged inconsistency with the Bill of Rights in that it allegedly subjugates Eswatini nationals to Chiefs, who are given the authority by the Act, to enforce land dispossession and punitive measures that have been reported as unlawful in the past (Bukurura, 2001:427-431).

Primary data indicated that other Regional Governments function reactively, whereby priorities and work scope are determined by emerging eventualities. Creating poor management of the strategic objectives, growth and development of Regional Government. Overall diverting the focus and resources of Regional Government from development and policy agenda setting and management, to ad hoc resolution of Chieftaincy disputes and coordination of cultural events and meetings specified in section 115(6) of the Constitution i.e. King's Birthday Celebration, Umhlanga (Reed Dance), Lusekwane and Incwala.

Additionally, primary data showed that legislation has not been enacted to enable the rural subnational government to perform Constitutional powers assigned to Local Government authorities. According to section 225(3), administrative regions are partitioned into local government authorities. The Constitution in section 222 states that subject to other law, Local Government authorities shall possess the power to raise revenue and make by-laws. Section 221(3) additionally expressed that this sphere of government may plan and execute policies, depending on unspecified capacity and development. Research respondents noted that relevant legislation currently seeks to establish the Regional Government structure and does not specify functional authority and power. For this reason, Regional Government only coordinates development programmes and does not hold functional jurisdiction to implement integrated development planning.

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Research respondents revealed that an informal multi-organisational partnership was formulated to enhance the efficiency of the Regional Government to coordinate development. The partnership establishes committees called Regional Development Teams (RDTs) in each region. The official tasks for RDTs are the production of regional integrated development plans, the creation of strategies and interventions to reduce socio-economic inequalities, and solutions to address regional development needs.

The main objective of this research was to review regional integrated development planning in Eswatini. The next section presents findings on the progress that the Country has made, through the RDT.

5.2.2.2. Regional Integrated Development Planning

Findings from this section were obtained from primary data. As highlighted in the previous section, regional integrated development planning is a function assigned to the RDT. The RDT is a collaborative partnership leveraging vertical and horizontal intergovernmental relations. Various National Government portfolios are represented in RDTs. RDTs are essentially a network of public, private and non-governmental organisations. Specifically, Government Ministries of Agriculture, Housing and Urban Development, Education and Training, Labour and Social Security, Home Affairs, Economic Planning and Development, Minerals and Natural Resources and Correctional Services and the Eswatini Police Service participate in RDTs. Research respondents specified that other Government Ministries are invited to contribute to the proceedings of RDTs when relevant sectoral expertise is required. Development actors from private and non-governmental organisations are also represented. Tinkhundla principal officers (Tindvuna teTinkhundla) and Tinkhundla Secretaries, are also included in the RDTs of some regions. Each RDT meets monthly, although there are instances where meetings are rolled over to the following month. The RDTs from the four administrative regions meet quarterly.

RDTs are responsible for regional integrated development planning, strategic action to reduce socio-economic inequalities and address regional development needs. The primary data revealed implementation shortfalls that have given rise to regional integrated development planning inertia. First, the multi-organisational forum currently acts as a progress monitoring platform whereby stakeholders provide programme implementation updates to Regional Government. RDTs are also an avenue for development actors to engage the Regional Government on project pipelines in the interest of gaining access to Tinkhundla areas and

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Chiefdoms. Secondly, these stakeholder interactions are driven by the goals and objectives of development agencies because of the absence of a framework that stipulates Regional Government development priorities alongside monitoring and evaluation guidelines. Lastly, combined with the inexistence of clearly defined operational scope, objectives and principles governing the multi-organisational partnership, the informality of stakeholder engagement causes failure to develop regional integrated development plans. The overall collaboration is largely dependent on project pipelines.

Primary data indicated that Regional Governments develop strategic plans to operationalise national objectives and programmes to guide implementation at Tinkhundla and Chiefdom levels of Government. Also, worth noting is that NGO and international donor-funded development projects frequently attach the production of Chiefdom and Tinkhundla Development Plans to project deliverables. Secondary data confirmed that such plans are often in line with the objectives of a project under implementation and fail to integrate multi-sectoral programmes and policies based on the comprehensive assessment of local and regional development needs. In administrative regions where Tinkhundla and Chiefdom Development Plans of this kind have been developed, Regional Government consolidates the plans into a single regional development strategy.

Primary data confirmed that the Regional Government structure includes a planning department that employs a Planning Officer. Research respondents provided evidence to suggest that the scope of work of the department is attached to community empowerment programmes delivered through the Community Development Unit at the MTAD. The responsibilities of Regional Planning Officers are to monitor community development projects and supervise Community Development Officers (CDOs) alongside Community Development Committees (CDCs) at the Tinkhundla sphere of Government. The programme provides entrepreneurial skills development and funding for income generation projects to alleviate poverty. Secondary data demonstrated that Tinkhundla areas and Chiefdoms have successfully constructed communal dip tanks and infrastructure for the informal trade of agricultural and handicraft products.

The primary data revealed that the work scope of regional planning departments is poorly formulated. Planning Officers function like seconded MTAD staff and do not implement regional integrated development planning. This is suggestive of poor management of the strategic direction and objectives of the Regional sphere of Government exacerbated by the

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policy limitations. The study acknowledges that the relevance of the community empowerment programme is validated by the high incidence of poverty in Eswatini. These programmes are implemented to diversify poverty reduction action at the household level, and they provide income for individuals in the short term. However, resources would be better utilised by investing in longer-term development initiatives that build social and economic infrastructure to elevate the quality of life and have a higher impact on poverty. Further evaluation is required to investigate the utilisation and impact of community development funds.

The lack of implementation of regional integrated development planning was causally linked to policy insufficiency. The main legislative framework sought to establish Regional Government structures in 1978. Since then, there have been no policy amendments and supplementary Acts of Parliament to legitimise the Regional Government's power to perform functions such as policy integration, integrated development planning and resource mobilisation.

Public policy plays a pivotal role in distributing power to public institutions for service delivery. The power granted by policy relinquishes resources such as money, authority, political support, and information. When an institution lacks resources, it becomes dependent on another entity. Resource scarcity promotes inter-agency collaboration which connects development actors with mutually beneficial objectives. Multi-agency partnerships, like the RDT, create interdependence. Interdependent agencies have varying degrees of power and the agency which gains the upper hand is the one that controls resources. Power produces cooperation, strategy integration, bargaining, negotiation and even manipulation (Lowndes & Skelcher 1998:304; Kahn, Madue & Kalema, 2011:23-24).

The Government of Eswatini must be given credit for establishing a multi-organisational partnership of this magnitude, harnessing horizontal and vertical intergovernmental relations and public-private partnerships (PPPs) for service delivery. According to Lowndes & Skelcher (1998:302), partnership achieves social coordination of government programmes. Swanepoel and De Beer (2011:80-81) assert that group decision making is crucial in the development process because it generates diversified government response to social problems. Where heterogeneity is guaranteed by the assembly of experts in possession of varying competencies and experience.

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The RDT model presents the opportunity for improved coordination of development activities and technical skills transfer through the interaction of development role players. Moreover, the representation of the Tinkhundla sphere of government is reflective of the primacy of community needs in the development process. However, the inclusivity of RDTs can be amplified through the incorporation of community associations and interest groups. Theron (2008:8) suggests that collaboration with community associations produces better perception of development realities into the decision-making process.

The Eswatini Government established RDTs for service delivery and development coordination. According to research respondents, the incentive for participation from public and private development actors is obtaining support for development programmes targeting Regional and Tinkhundla populations. The Regional Government does not have sufficient resources and power to deliver the services provided by the multi-sectoral stakeholders and therefore maintains the PPPs in furtherance of regional development. Due to this, the Regional Government cannot manipulate the agenda of stakeholders because the partnerships are based on the organisational scope and obligations of the stakeholder. The nature of intergovernmental relations, in this case, is based on interdependence and negotiation.

To illustrate this point, research respondents revealed that Regional Government has identified a need to decentralise Ministry of Home Affairs immigration services to the Tinkhundla sphere of Government and improve subnational road maintenance, a competence assigned to the Ministry of Public Works and Transport. Policy restricts Regional Government's functional competence over decentralised services, and resource mobilisation to invest in such joint development programmes. Subsequently, Regional Government advocates and negotiates with the Ministries of Home Affairs and Public Works and Transport for additional decentralisation of these services. Similarly, both Ministries depend on Regional Government to facilitate the formulation of programmes sub nationally.

The government made efforts to launch a Regional Development Planning Model in 2010. However, as mentioned in Chapter 3, the model was not able to provide coherent procedural and practical guidelines and assign intergovernmental roles and management. Moreover, and perhaps most significantly, these efforts did not result in the production of regional integrated development plans. In fact, primary data indicated that this initiative was wiped out of institutional memory due to staff changeover, a factor that exposes poor record management. Records contain information critical for the duplication of organisational procedures and

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operations, therefore records must be managed and stored logically for future use (Penn, Pennix & Coulsen, 1994:8; Pike, Rodriguez-Pose & Tomaney, 2017:49).

A single region comprises several Tinkhundla areas. Tinkhundla Government was therefore reviewed. The next section details the findings.

### 5.2.3. Tinkhundla Government

This section discusses findings from the secondary data analysis. The secondary data demonstrated that the concept of Tinkhundla is dualistic. It characterises a political philosophy while at the same time referring to a subnational government structure. Tinkhundla as a subnational government structure is more relevant in this section.

Tinkhundla Government is deliberately located in communities to incorporate their needs in the policy process. It fosters public participation because an Inkhundla traditionally interacts and engages citizens. The term Inkhundla (Tinkhundla expressed in singular form) originates from the Nguni dialect, inclusive of Zulu, Xhosa and Eswatini languages. Inkhundla is a meeting place where socio-economic, religious, political, and cultural matters are discussed by communities (Mamba, 2006:3). This description aligns with the 2015 MTAD Strategic Framework that states that Inkhundla is a place where a community convenes to either socialise or hold discussions on common issues and problems.

Table 3: Number of regions, sub-regions, tinkhundla areas and chiefdoms in Eswatini

| Region | Sub-Regions | Number of Tinkhundla Areas | Number of Chiefdoms |
|---|---|---|---|
| Hhohho | Piggs Peak | 15 | 97 |
| Manzini | Mankayane | 17 | 101 |
| Shiselweni | Hlathikhulu | 12 | 87 |
| Lubombo | Siphofaneni | 15 | 100 |
| **TOTAL** | | 59 | 385 |

Source: Author's own representation of data from Government of Eswatini Main Portal

Accordingly, in Eswatini, Inkhundla historically signifies a place where public announcements were made, troops gathered, and governance and development issues were discussed.

The Tinkhundla System of Government is derived from this historical context. The underlying philosophy for Tinkhundla is that public participation and inclusion, are inculcated in

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traditional structures and sustain the Constitutional democracy. An Inkhundla area encompasses a cluster of adjacent Chiefdoms. In total, there currently are 59 Tinkhundla areas and 385 Chiefdoms. The number of Chiefdoms per region is shown in Table 3.

Only 5 Tinkhundla areas are located in urban areas. Each Inkhundla area, except those located in urban areas, elects a governing body, called Bucopho, which has a corporate status, for a five-year term of office. The Inkhundla Government is supported in performing administrative functions and development coordination objectives by the following functionaries:

- Bucopho - Section 81 of the Constitution, defines Bucopho as an executive committee elected from among representatives of the Chiefdoms that constitute an Inkhundla area. The main function of the executive council is to ensure that development in the respective Inkhundla is aligned with community needs. Individual representatives of Chiefdoms are also called Bucopho.
- Indvuna Yenkhundla – Is the administrative coordinator of an Inkhundla Government authority, he or she presides over Inkhundla meetings and coordinates development in Chiefdoms via Bucopho (Chiefdom Councillors). This is a position that is elected during the general election.
- Inkhundla Executive Secretary – Is responsible for coordinating the budget, development projects and liaising with development implementing agencies about projects under implementation in an Inkhundla area.
- Member of Parliament (MP) – Is an elected representative of an Inkhundla in the House of Assembly in Parliament.

Theoretically, the Tinkhundla sphere of Government collaborates with Chiefdom Government to identify community needs. Then Regional Government coordinates development programmes from public and private sectors that address those community needs. National Government sets development objectives, outcomes and programmes, based on policy passed by the Legislature. The contribution of Parliament is the enactment of policies based on development objectives and community needs known by members of the Lower House of Parliament, elected from Tinkhundla areas. Figure 3 portrays these intergovernmental relations in the policy cycle.

Conceptually, public participation is engrained in the ethos of the tinkhundla philosophy, as such, there is no public participation framework. Citizens participate in policy through

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involvement in Chiefdom meetings and events. Bucopho (Chiefdom Councillors) are residents in their constituencies and gain knowledge of community needs from daily interaction with community members and through Chiefdom processes i.e. meetings or conflict resolution. The development needs identified at the Chiefdom level by Bucopho (Chiefdom Councillors) are escalated to the Tinkhundla Government level. Indvuna Yenkhundla and Bucopho (Chiefdom Councillors) are ultimately accountable to residents, who exercise self-determination and express satisfaction with elected representatives during the general election. The public policy cycle needs further study to understand the impact of public participation on policy.

The secondary data revealed that legislative inadequacy coupled with poor institutional capacity inhibits Tinkhundla Governments from pre-emptively developing programmes to eradicate poverty, expand local economies, and develop the necessary systems and infrastructure to deliver social services. Chiefdoms have successively become the locus of power on the merit that Chiefs hold decision-making capability. In conjunction with the father figure status accorded to Chiefs by section 227 of the Constitution, Inkhundla administration does not relate equally with Chiefs.

This is despite the fact that the Tinkhundla Government sphere is supposed to oversee Chiefdom Government administration.

As a result, the Tinkhundla Government level facilitates development programmes that are planned centrally or by private and NGO sectors. Such programmes range from awareness campaigns, information dissemination and coordination of data collection for national surveys and studies as well as development initiatives that address food security, health, and any other socioeconomic development-related needs in Eswatini.

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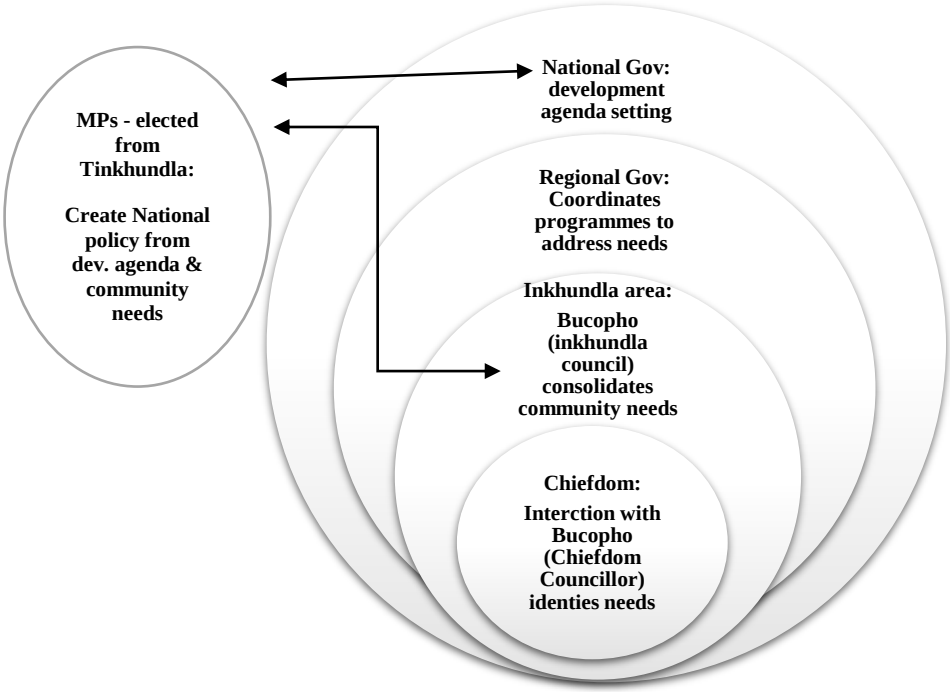


*Figure 3: Intergovernmental relations in the policy cycle*

Chiefdom Government administration is discussed in the next section.

### 5.2.4. Chiefdom Government

Chiefdoms are recognised as the lowest level of government by the Decentralisation Policy and MTAD Strategic Framework. The relationship and the interaction between Tinkhundla and Chiefdoms were explained in previous sections. At this point, the role of Chiefs in government administration is discussed.

Taken from secondary data, section 227(1) recognises Chiefs as Traditional Institutions. The implication is that Eswatini Law and Custom is applicable in the completion of their duties, as stated in section 227(2)(f) of the Constitution. Section 233 further stipulates that Chiefs are footstools of the King. In addition to that, section 227(6) asserts that Chiefs symbolise unity and a Chief may be regarded as a father to the community.

Chiefdoms collaborate with Tinkhundla Government to ensure that development initiatives are implemented. As mentioned in the previous section, examples of such programmes are awareness campaigns, national survey data collection, and food security or public health-related programmes. Primary and secondary data both revealed that in some cases, development bottlenecks arise due to disputes around Chiefdom boundaries and succession. The Regional Government, as the custodian of development coordination, gets involved in the resolution of such conflicts without legal guidance, which calls for the suspension of

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projects. The PRSAP (2006:122) refers to this challenge and advocates for the codification of Eswatini Law and Custom so that it outlines succession procedures and Chiefdom boundaries.

Another finding was that the power that Chiefs exercise sometimes propels development actors, especially from non-profit, faith-based, civil society organisations, to by-pass Regional Government and start implementing unreviewed projects on the authority of Chiefs, a clear signal of legislative ambiguity.

The Tinkhundla and Regional Administration Bill of 2014 was drafted to address legal ambivalence in subnational government administration. The Bill was reviewed, and the findings are presented below.

### 5.2.5. Tinkhundla and Regional Administration Bill of 2014

Primary data denoted that the Tinkhundla and Regional Administration Bill was drafted to address the imminent challenges resulting from poor policy, unclear operational functions and uncodified Eswatini Law and Custom. It seeks to unify urban and rural subnational government administration and reform the decentralised government system, enhance institutional capacity and government efficiency in Eswatini.

An analysis of the Bill revealed that it repeals the Regional Councils Order of 1978 and the Urban Government Act of 1969. When the Bill is enacted, the structure of subnational government can be expected to be consistent with Constitutional provisions on local government. Thereby, unifying subnational government and assigning a single name to rural and urban subnational government authorities. The Bill collectively refers to subnational government authorities as Tinkhundla authorities that are assigned differentiated categories. Tinkhundla authority classification is based on functional competencies and the percentage of operational budget generation capacity. The various Tinkhundla authority categories are described below:

- Class A – Regional Governments with authority to create by-laws, raise revenue and produce development plans as stipulated in the Constitution.
- Class B – Tinkhundla authorities in possession of the capacity to plan and manage functions and powers contained in the first and third schedules. Class B authorities enjoy the capacity to raise at least 50% of the annual operational expenditure budget.

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- Class C - Tinkhundla authorities with the capacity to plan, manage and deliver only two functions under schedules one and three. This category possesses the capacity to raise 30% of the operational budget.
- Class D – Tinkhundla authorities with the capacity to plan, manage and control only the administrative functions of class B Tinkhundla authorities. This category may perform first and third schedule competencies with support from the central government.

According to the Bill, Tinkhundla authorities can be reclassified as they gradually develop institutional capacity to manage and control more functions. Authorities can also be promoted to a category with additional functionality or demoted to one with reduced powers and functions.

The Bill resolves operational challenges incited by functional ambiguity at the Regional sphere of Government. It provides operational and functional clarity for all subnational government entities. Competencies for all Tinkhundla authorities are explicitly defined in the first and third schedules. These are tabulated in table 4.

Another problem area that the Bill resolves, pertains to the role of Eswatini Law and Custom in as far as it relates to government administration. It creates an organisational structure that is responsible for Chiefdom matters in each administrative region and Inkhundla area.

The Regional Council of Chiefs is expected to advise Regional Government on Eswatini Law and Custom and oversee the Inkhundla Council of Chiefs. The Inkhundla Council of Chiefs is the organ that facilitates the implementation of development projects in Tinkhundla areas by allocating common resources such as land, roads, and rivers. This structure is also responsible for interpreting the sections of Eswatini Law and Custom that impinge on Tinkhundla Government administration, into by-laws. The enhancement of efficiency at the Regional sphere of government is anticipated with the removal of Chieftaincy matters from its direct control and management. Additionally, the Bill establishes a Chiefdom Office in each Chiefdom, responsible for facilitating and coordinating development programmes.

The Tinkhundla and Regional Administration Bill regulates intergovernmental relations and incorporates mechanisms for fiscal collaboration and conflict resolution and public participation. The Bill also grants authority to the MTAD to control and manage urban and rural subnational government and intervene in an Inkhundla authority that is in financial distress. If implemented correctly, the Legislation has the potential to comprehensively

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overhaul subnational government in Eswatini, improve the institutional capacity of rural subnational government to achieve balanced development.

Regrettably, primary data revealed that there is no indication that the Government of Eswatini will pass the Bill into law, in the foreseeable future. The lack of political will and resources to enforce the provisions contained in the Bill, have inhibited progress in the enactment of the legislation.

Table 4: First and third schedule functional competencies

| Schedule | Functional competencies | Responsibility |
|---|---|---|
| First | Planning, raising revenue, primary health care, education (excluding tertiary education), local infrastructure services including water and sanitation, local roads and electricity, environmental control and management, social welfare, public convenience and leisure facilities, registration and enforcement of the registration of births, marriages, and deaths, issuance of national identity documents, passports, burial certificates, administration of justice over petty crimes, traffic control and local policing, administration of estates, animal movements control and agriculture services. | Class A, B and C Tinkhundla authorities<br><br>Class D Tinkhundla authorities supervised by central governing body |
| Third | Establishment, acquisition, erection, maintenance, promotion, assistance, and control of the following areas: cemeteries, crematoria, mortuaries, and ancillary services, burial of unclaimed bodies of destitute persons, omnibus stations and office accommodation, cafes, restaurants, refreshment rooms, health centres and crèches, public halls, libraries, art galleries and museums, slaughterhouses, cold storage facilities and premises for the inspection or processing of milk, meat or hides and skins markets, botanical and zoological gardens, recreational facilities, laundries and other places for washing clothes, canteens, social centres, and clubs including such facilities for employees and staff, public restrooms, pounds for stray animals and clinics for the treatment of sick animals, camping and grazing grounds, dipping tanks, public weighing machines, public monuments, housing and accommodation, public decency, public order and prevention of damage to public property | Class A, B and C Tinkhundla authorities<br><br>Class D Tinkhundla authorities supervised by central governing body |

Source: Government of Eswatini. 2014. Tinkhundla and Regional Administration Bill. Mbabane: Government of Eswatini.

According to Cloete (2018:313) policy changes that propose major public administration reforms and changes, like those prescribed in the Tinkhundla and Regional Administration Bill, tend to encounter unending legal obstacles, ideological resistance and exorbitant financial implications which hamper policy change.

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Be that as it may, the MTAD is committed to strengthening the coordination of development programmes and their monitoring and evaluation and has therefore embarked on an exercise to develop a Development Status Index to reconcile all development initiatives and services offered in the regions. The data that are gathered from the Development Status Index will be used to identify development gaps. The goal is to manage development so that projects are designed to address development inefficiencies. The end goal is to create an intergovernmental development repository where all development actors deposit project data to enhance monitoring and evaluation, records of management and possibilities of collaboration.

## 5.3. CHALLENGES

Arising from this discussion, the following factors affect regional integrated development planning:

- Legislation has been a substantial limitation for regional integrated development planning in Eswatini. Policies that currently regulate Regional Government and decentralisation are inadequate and only serve to establish institutional structures without assigning power and functional competencies. Resultantly, there is a lack of uniformity in the function and operation of the Regional Government. As it is, Regional Government Officials have to exercise their discretion to determine roles and functions. In the wrong hands, such discretion can give rise to a dangerous abuse of power and maladministration.
- Eswatini Law and Custom, in as far as it affects government administration, is a grey area that is causing leakages of financial and human resource efficiencies which could be utilised more effectively in planning, facilitating and coordinating regional development.
- Decentralisation in general does not conform to Constitutional provisions on local government. Decentralisation management, development planning and institutional capacity, technical skills, and resource mobilisation at the MTAD, Regional and Tinkhundla Government levels are weak due to a lack of enabling policy.
- The ramifications of weak legislation are manifested in the inability of the MTAD to manage decentralisation and institute necessary reforms in the subnational government system in Eswatini to unify urban and rural local government, improve

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decentralisation of government services and policy integration. The MTAD currently does not have the power and resources to develop its institutional capacity.

- Another consequence of the policy insufficiency is that Regional Government is unable to raise revenue, independently make decisions for institutional capacity growth, and use any form of power to influence other Ministries to, for example, maintain debilitating public infrastructure or provide services within its jurisdiction.
- The institutional capacity of Tinkhundla Government is also weak, due to policy limitations. This centralises power to Chiefs, who do possess decision making power based on customary law. Therefore, reducing the contribution of this level of government in bottom-up development. Consequently, some development agencies by-pass all other spheres of Government and directly consult Chiefs to implement unapproved development programmes that can potentially cause harm to Eswatini citizens.
- The Government has done well in establishing RDTs to enable Regional Government to coordinate development programmes independently in the absence of legislation. However, RDTs operate without sufficient intergovernmental and monitoring and evaluation guidelines. Thus, stakeholders in RDTs lack commitment to regional problems and participate only to advance organisational goals. Interest groups and community associations are also not represented in RDTs.
- Intergovernmental relations are weak, this has contributed to the fragmentation of decentralisation efforts and coordination.
- There is a weak selection of donor-funded community empowerment projects because implemented projects are small in scale and have a low impact on poverty reduction.
- Records management and documentation of government processes are weak in Eswatini. This results in porous institutional memory and under-development of public administration scholarship in Eswatini.
- Finally, the process for enacting a law is extremely slow, the Tinkhundla and Regional Administration Bill has been pending since 2014, and there is little evidence to suggest that it will be passed into Law soon.

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# CHAPTER 6 – RECOMMENDATIONS & CONCLUSION

## 6.1. INTRODUCTION

This study was undertaken to assess the implementation of regional integrated development planning in Eswatini. The primary aim of this chapter is to present the recommendations that are proposed contingent on the challenges which were identified and discussed in the previous chapter. A summary of the main objectives of the study and study findings are also offered.

In the next section, the objectives of the study are summarised.

## 6.2. MAIN OBJECTIVES OF STUDY

The objectives of the study were:

- To investigate the implementation of regional integrated development planning in Eswatini
- To understand the application of the dual Eswatini Law and Custom and Roman-Dutch Common Law systems, and institutions
- To learn the decentralised system of Government in Eswatini
- To assess the intergovernmental relations between the various spheres of government in the development process
- To explore ways by which regional integrated development planning could be strengthened in Eswatini

## 6.3. SUMMARY OF FINDINGS

The main findings emanating from the research are connected to the lack of an enabling legislative framework that would be conducive for the Regional sphere of government to perform regional integrated development planning. In summary, the research revealed that:

- The Government of Eswatini decentralises a plethora of services. Unfortunately, the decentralised government system in Eswatini is not being implemented and managed as prescribed by the 2005 Constitution. This was causally linked to an absence of enabling legislation to reform the system and eliminate the fragmentation between urban and rural subnational government administration. The legitimacy of the MTAD and rural subnational government authorities are negatively impacted by this separation because they are unable to legally exercise equal powers of decision-

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making, revenue generation and integrated development planning as urban counterparts.

- Poor legislation has had a substantial effect on the legitimacy of the regional sphere of government to implement regional integrated development planning. Currently, the main activity performed at this sphere of government is the coordination and facilitation of development programmes that are implemented by various public and non-governmental development actors. This is achieved through a multi-organisational partnership called the RDT, present in each administrative region.
- Several government portfolios, private and non-governmental organisations are represented in each RDT. This interaction accounts for horizontal and vertical intergovernmental relations. It also establishes a network with non-governmental development actors.
- The dual application of Eswatini Law and Custom and Roman-Dutch Common law is incoherent, produces operational ambiguity and development bottlenecks.
- A Tinkhundla and Regional Administration Bill was drafted in 2014 to reform the decentralised government system, relinquish power to raise revenue, create by-laws and plan for development, clarify the sections of Eswatini and Law which interfere with efficient government administration and assign functions to subnational government authorities, particularly the competence to implement integrated development planning at the regional sphere of government.

## 6.4. RECOMMENDATIONS

Based on the challenges identified by this study, the following can be offered as recommendations:

- Parliament must pass the Tinkhundla and Regional Administration Bill of 2014 into law, to provide an enabling policy environment for the convergence of urban and rural subnational government in Eswatini. The benefits of doing so will be realised through the efficiency of subnational government administration, the reform of the decentralised government system that will be more conducive for intergovernmental relations, regional integrated development planning, bottom-up development, poverty reduction and even development distribution. The MTAD will also be given legitimacy to fulfil its designated mandate for the optimal utilisation of financial and human resources alongside building institutional capacity.

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- The enactment of the Tinkhundla and Regional Administration Bill will also provide clarity on the role of Eswatini Law and Customs, especially the areas of Eswatini Law and Custom that interfere with the implementation of the Government's development objectives. Resources in Eswatini are dwindling, the incidence of poverty is reduced at a slow pace and economic growth is stagnant. Therefore, vital development projects cannot be stalled by Chieftaincy disputes.
- Eswatini Law and Custom must be codified to provide clarity on Chieftaincy succession and boundaries.
- In the absence of definitive timelines for the enactment of the Bill, the strategic objective and direction of the Regional Government must be re-evaluated to identify core and support functions to organise the execution of roles and functions currently performed at the Regional level of Government. Chiefdom related issues must be separated from the strategic core of the Regional Government. Findings from the institutional review must be documented into Regional Government operational guidelines and principles that are gazetted. The guidelines should include all administrative processes and outline best-practices. The mission and goals of Regional Government departments must be stipulated, and the scope of work amended accordingly. Chiefdom problem resolution must also be regulated and reserved for specific days of the week, on Mondays or Wednesdays for example. The guidelines must assign responsibility to address customary governance issues and the coordination of national cultural events to existing planning department or administrative staff. The guidelines must also create standard procedures for handling recurring Eswatini Law and Custom recurring concerns. This will free up substantial time which can be redirected towards matters relevant to the strategic core and also formulate uniform Regional Government functions and optimal resource utilisation.
- The Regional Government operational guidelines and principles must outline terms and conditions for multi-sectoral stakeholders in the RDT to strengthen commitment. A monitoring and evaluation framework must be included in the operational guide so that project progress reports are standardised and provide information that will enable Regional Government to monitor regional development targets.
- The RDT must include community associations and interest groups in the collaborative partnership to diversify perspectives and approaches and strengthen government response to community development needs.

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- Investment in the capacity for Planning Officers employed by Regional Government is necessary. This office can ensure that development funds are utilised in the implementation of more impactful projects for poverty reduction and regional development. Development planning and intergovernmental management skills are needed for the Regional Government to effectively plan and coordinate cross-cutting policies and programmes. These skills are crucial in preparation for the reformed subnational government structure. Development Officers will learn critical elements for regional development to identify sectors, stakeholders, socio-economic conditions, environmental factors, and strategic areas. These components yield strategies and plans for resource mobilisation with the purpose of investment in infrastructure, production activities and service delivery for social, economic, political, cultural, environmental, and sustainable growth (Yuen, 2013:v). Such skills will assist the government to invest in more impactful and strategic community development projects.
- In preparation for policy reform that will merge urban and rural subnational government administration as well, an MOU must be formulated and signed, to involve the MTAD in the management of Urban Local Government. The MOU between the MTAD and the MHUD must outline formal procedures for the collaboration. This will develop the MTAD's institutional capacity to manage urban areas and the transfer of knowledge of subnational government from an entity with more experience. By doing so, the Government will incrementally improve the technical capacity of subnational government institutions.
- It is essential for the Government of Eswatini to advance technical expertise in public administration, decentralisation and intergovernmental management. Policymakers and all public servants must be sensitised and conscientised that decentralisation is not the sole responsibility of the MTAD and that it is an integral part of government. The functions of all Government Ministries must be appraised, and the complete list of decentralised services must be recorded and updated on Government official communication and documentation. This will ensure that the Government leverages on the successes of other portfolios to improve the areas of weakness and possibly realises cost savings and elimination of duplication.

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- The government must consistently produce detailed annual reports, make policies and all official documentation available online. This will enable researchers to study government processes to advance public administration scholarship.
- The decentralisation model premised on the Tinkhundla philosophy has inordinate potential because over 70% of the population resides in rural areas and their daily existence relies on inherent customary structures. People are mobilised organically through this system, if the necessary reforms are fully implemented, development based on participatory processes can be attained. Eswatini has rich arable soils conducive to agriculture. Many opportunities and by-products can be derived from natural resources like fauna, flora, breath-taking scenery, and rich cultural heritage. These natural resources can be harnessed sustainably to create strong and viable economic hubs within Tinkhundla areas, to create tourism and agriculture-led regional economies without losing the rich heritage. This will bolster sustainable social development.

## 6.5. POTENTIAL THEMES FUTURE STUDIES

Evidence generated by this study suggests that the following themes require further study:

- The policy cycle in Eswatini
- The role of traditional authorities in government administration
- The impacts of community development funds on poverty reduction
- Public participation in Eswatini.

## 6.6. CONCLUSION

The Tinkhundla System of Government is rooted in traditionalism, with four levels: National Government, Regional Government, Tinkhundla Government and Chiefdom Government. The Tinkhundla philosophy represents Eswatini Law and Custom characterised by decentralisation, public participation and popular representation.

The major findings of the study are connected to the colonial legacy and poor legislation. It was revealed that decentralisation is not implemented according to local government Constitutional provisions. Subnational government is divided based on urban and rural jurisdiction and the rural subnational government is not accorded the same power and authority as urban subnational government. The unconducive legislative environment harms the MTAD's ability to manage decentralisation and the functional competencies of the

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Regional Government. Subsequently, regional integrated development has not been implemented in Eswatini. Instead, Regional Government coordinates development through a multi-sectoral partnership with public and private organisations called the RDT. RDTs assist the Regional Government to track development implementation and deliver services.

Evidence from the research indicates that the enactment of the Tinkhundla and Regional Administration Bill of 2014 will make a significant contribution towards granting the MTAD power and authority to control decentralisation in Eswatini, unify rural and urban areas subnational government and ensure that the parts of Eswatini Law and Custom that are relevant to government administration are codified to avoid challenges from Chieftaincy that stifle development. Currently, the timeline in which the Bill can be expected to be enacted into law is unclear, due to poor political will, and financial constraints to implement the reforms stipulated in the policy.

The study mainly recommends that the Tinkhundla and Regional Administration Bill of 2014 is enacted into law; that an MOU between the MTAD and the MHUD is adopted to involve the MTAD in the management of urban subnational government and that; Regional Government operation guidelines and principles are created and gazetted to strengthen the strategic objectives and direction of Regional Government, intergovernmental management and provide uniform functional administrative procedures.

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