

ABSTRACT

Strengthening Local Authorities in Swaziland: Challenges of the 90s

Proceedings from a Conference held December 10-12 1990

This document contains the proceedings of a conference on strengthening local authorities, held in Swaziland December 10-12 1990. The conference primarily sought to identify the principal issues constraining the effective management of the urbanization process by local authorities and make recommendations designed to effectively address such constraints. Secondly, the conference attendees formulated functional and practical action plans aimed at bringing the recommendations proposed at the conference into fruition.

Some of the recommendations to emerge from the conference are as follows:

- Revise obsolete, inadequate and inappropriate laws and regulations
- Create of an appropriate government ministry responsible for overseeing local authorities
- Strengthen coordination between agencies responsible for provision of housing, land, infrastructure services and the management of urban development
- Identify and utilize alternative sources of revenue
- Increase public awareness of laws governing council authority within the urban area
- Promote private sector involvement in urban development
- Increase accountability of local representatives

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**STRENGTHENING LOCAL AUTHORITIES
IN SWAZILAND:
CHALLENGES OF THE 90s**

**(a conference for the greater empowerment of local
authorities in managing and facilitating
socio-economic development)**

10-12 DECEMBER, 1990

PROTEA PIGGS PEAK HOTEL

SWAZILAND

REPORT

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PREFACE

It is twenty two years since the establishment of local authorities in Swaziland by The Urban Government Act, 1969. Over this period only two municipalities have been declared (in Mbabane and Manzini) and eight towns (viz. Hlatikulu, Lavumisa, Mankayane, Matsapha, Nhlanguano, Piggs Peak, Siteka and Nuvulane).

In 1966 about 50,000 people (or about 14% of Swaziland's total population) was urbanised out of which approximately 30,000 lived in Mbabane and Manzini. By 1976, 100,000 people (or about 20% of the total population) lived in the urban centres with approximately 55,000 living in Mbabane and Manzini. Projections indicate that given the same rate of growth by the end of this decade (now only nine years away) approximately 450,000 people (or 45% of the projected population of Swaziland) will be urbanised with a staggering 200,000 people living in these two towns.

The *raison d'être* of local authorities is to promote, facilitate and manage the orderly growth and development of the areas under their jurisdiction. This begs the question: will local authorities, in their present form, be able to accommodate (in sanitary conditions); provide adequate educational facilities; facilitate the creation of adequate employment opportunities and develop efficient transportation infrastructure and systems for the many thousands of people that will inhabit the towns in the next few years and beyond? Already there is evidence that suggests that the management of urban growth is bursting at the seams particularly having in mind, the proliferation of informal human settlements both within and on the fringes of town boundaries.

It would seem that local authorities are virtually helpless in the face of a growing tide of people that emigrate from the rural into the urban areas in search of scarce employment opportunities and the perceived attractions of town life.

The fact that local authorities are weak cannot easily be gainsaid and this may be principally attributed to the following:

- i. The Urban Government Act, 1969 is the principal instrument establishing local authorities and defining their powers and functions. Although this Act is a comprehensive piece of legislation, "modelled on the British system of local government as it was in the late 1960's it is a curious mixture of giving with the one hand and taking with the other, as if the Government and its advisers of the day could not make up their minds if the full-blown concept of urban government could be successfully transplanted to Swaziland". Hence the numerous points at which local authorities are required to obtain ministerial approval. Moreover the principal Act and ancillary legislation have never been comprehensively reviewed in order to determine their adequacy and appropriateness to the ever-changing urban environment.
- ii. Ministerial responsibility for local governments has changed frequently from one Ministry to another: first it lay with the defunct Ministry of Local Administration, then the abolished Ministry of Home Affairs (and its successor the Ministry of Interior) and finally find themselves landed in the less than happy state created by the administrative application of Legal Notice No. 142 of 1985 in terms of which it is the Prime Minister who is ultimately (and eventually) responsible via a circuitous route through the Tinkhundla Head Office.
- iii. Local authorities rely very heavily on rates income for their revenues. For instance, Mbabane's budget for the year ended 31st March, 1990 indicates that 72.6% of that municipality's revenue was derived from rates. As the costs of managing the towns increase local authorities have become inclined to levying higher rates in order to meet the required additional expenditure. However, there is evidence suggesting ratepayer resistance to spiralling taxation. The recent Ngwane Park rates issue may be instanced in support of this contention.

Furthermore, the annual estimates of both municipalities clearly indicate that Government's contribution to their finances, particularly with respect to grants *in lieu* of rates and subventions, has detracted from the principles established by the landmark J.K. Akingbade Report of 1971: A review of the finance of local authorities in Swaziland. For instance, the Report recommended that Government should pay 75% of the rates that would otherwise be payable with respect to properties exempted by virtue of Section 7 of The Rating Act, 1967, including all the properties registered in the name of the Government.

The amounts of E237,000 and E592,000 paid by Government as grants *in lieu* of rates for government buildings and residences, respectively, for the 1990/91 financial year, are clearly a gross underpayment, bearing in mind the large number of government properties in Mbabane.

- iv. Local representatives are not truly representative of the constituents they maybe presumed to speak on behalf of. The machinery for the appointment and election of councillors has remained dormant since the repeal of the Constitution of Swaziland in 1973. In the intervening period Councillors have been appointed by the responsible Minister for such terms as he may please, often not exceeding one year.
- v. There are various government departments, parastatals and other agencies involved in the management of various aspects of urban development characterised by unco-ordinated planning and execution of works by local authorities and such agencies.

Additionally local authorities and private enterprise have had little by way of formal contact with one another and yet these entities ought to be partners in the process of urban development.

It was against this background that this first ever conference of local authorities in Swaziland was held. The theme of the conference was "Strengthening Local Authorities in Swaziland: Challenges of the 1990's: a conference for the greater empowerment of local authorities in managing and facilitating socio-economic development."

First and foremost the conference sought to identify the principal issues constraining the effective management of the urbanisation process by local authorities and make recommendations designed to effectively address such constraints. The various syndicate groups identified a number of issues and made recommendations in respect thereof which may succinctly be stated thus:

(a) Obsolete, inadequate and inappropriate laws and regulations

The amendment of principal and subsidiary legislation should be pursued as a matter of urgency. A Local Authorities Task Force was established composed of the Principal Secretary (Tinkhundla), the Chairmen and Town Clerks of the respective Town Councils. The Task Force shall be responsible for facilitating discussions between councils, government departments, parastatals, professional bodies and the private sector regarding the proposed amendments to existing law.

A report on the product of these consultations (including draft Amendment Bills) will be submitted to the Prime Minister at the end of August, 1991, for his consideration and their subsequent tabling in Parliament.

(b) An appropriate Ministry responsible for local authorities

Cognizant of the moment of local government in the management of urbanisation in the coming decades the conference noted that it is apposite to establish a permanent and functional 'home' for local authorities. The conference recommended the establishment of a Ministry of Local Government, Land and Housing. It is desirable that such Ministry should be manned by a support staff that is *au fait* with

the complex affairs of urban management and local government such as an economist, engineer, finance officer and possibly legal adviser.

- (c) Lack of co-ordination between agencies responsible for the provision of housing, land, infrastructural services and the management of urban area development

There are a number of agencies responsible for the provision of housing, land and infrastructural services. Such functions are peculiarly of a local government nature and were intended to fall within their scope of functions by the principal Act. Local authorities, properly so-called, should take full responsibility for public land, housing and the provision of infrastructural services within the urban areas.

With respect to utilities local authorities would, under the proposed arrangement, obtain a wholesale price in purchasing the particular utility from the agency presently providing it, and would then retail its supply to the users.

- (d) Failure to realise to the full the sources of revenues contemplated under section 86 of the Urban Government Act, 1969.

Apart from rates income and fees and charges forming, as they do, the main sources of council revenues there is a plethora of other sources that have remained untapped, such as:

- i. one half of all fines imposed by a court of competent jurisdiction within the municipality in respect of any contravention or failure to comply with the provisions of this Act, the Public Health Act No.5 of 1969, or of any other law specified by the Minister by notice in the Gazette and of any subordinate legislation made thereunder;
- ii. all charges or profits arising from any trade, service or undertaking carried on by the council;
- iii. all sums realised from leases, sales or other transactions, etc.

It is apposite to suggest that councils should pursue the full scope of revenues due to them in order to broaden their revenue bases.

- (e) Failure to identify and utilise the alternative sources of revenue

Alternative sources of revenue have never been pursued by local authorities. It may be considered, for instance, to issue tax-free municipal bonds and the levying of fees on buses and heavy vehicles (for their use of municipal roads) as a means of broadening the revenue bases of councils.

Joint ventures with the private sector in the development of Council land for commercial purposes is a further strategy that would increase the revenues of local authorities and thus reduce their reliance on property tax and on government grants and subventions.

- (f) Lack of public awareness of laws governing council authority within the urban area.

There is a schism between local authority practitioners and the urban citizenry, concerning knowledge of the contents and implications of urban legislation so far as it concerns the rights and duties of the latter. Clearly councils would do well to continuously appraise their constituents of local development projects, finances, rating and other matters of local interest.

- (g) Promotion of private sector involvement in urban development

In the past there has been very little contact between local governments and the private sector, generally, (and small scale business in particular); and where such contact has existed it has been pre-

disposed towards the regulative rather than the facilitative.

(h) Unaccountable local representatives

The circumstances surrounding the unaccountable nature of local representation have been discussed briefly above. The *sine qua non* of acceptable and effective local government is accountable local representation. The government should, as a matter of urgency, take such steps as are necessary to put in place the machinery for the election of councillors.

Secondly, the syndicate groups formulated functional and practical action plans aimed at bringing the recommendations proposed at the conference into fruition.

The Task Force established by the conference will be responsible for referring to the Prime Minister those policy issues outside the powers of local authorities and matters requiring legislative amendment. Local authorities will *pari passu* review matters of policy falling within their competence. The Prime Minister will be periodically informed of any policy changes made by the respective local authorities.

I. OFFICIAL OPENING ADDRESSES

A. His Excellency the Right Honourable Prime Minister, Mr. Obed M. Dlamini

It is indeed a pleasant duty for me to welcome you all to this historic conference which seeks to find some ways and means of enhancing the effectiveness of the services rendered by all local authorities in the urban areas of our country.

On behalf of His Majesty's government, I wish to express our most profound thanks to the United States Agency for International Development; the United Nations Development Programme; the World Bank and other agencies for their valuable financial and other logistical support which have made it possible to successfully convene this important conference here today.

I would also like to thank the organisers of this conference for their discerning ability in correctly identifying one of the most pressing socio-economic problems facing Swaziland today, namely the need to strengthen the key role played by local authorities in the development process of our country and the ability of these authorities to effectively cope with Swaziland's challenges in the 1990's.

Mr. Chairman, our local authorities are already grappling with many difficult problems with severely limited resources. The challenges for the 1990's and beyond are going to be even more daunting in their complexity and enormity.

It is in this context, Mr. Chairman, that I see the importance and the wisdom of this conference. Indeed, a conference of this nature is, in my view, already long overdue!

The mounting problems that are currently experienced by our urban authorities cannot be divorced from, and are indeed a reflection of, the overall socio-economic challenges facing the entire country on a national level.

Many urban centres of our country are experiencing a rapid growth in their population numbers caused by the country's high birth rate and the increasing flow in rural-urban migration. Although the phenomena of high birth rate and rural-urban migration are a common feature of most developing societies of the world their combined impact on the services of local authorities in Swaziland is however, more severe because we did not plan before hand for this eventuality. We have consequently been caught unprepared and we are being overwhelmed by the enormity of the population demand for land; housing; jobs; water; sanitary and other social services.

The question that immediately comes to mind is: what should we do? As a nation we have very limited resources with which to pursue our national development objectives. This general scarcity of resources becomes even more pronounced when it comes to local authorities. In short, we are facing a situation in which the available development resources are becoming more and more outstripped by the rapidly growing needs of the

increasing population.

It is, therefore, absolutely essential that the limited resources we have at our disposal are both properly controlled and utilised as effectively as possible.

As local authorities you should look very closely at the type of expenditure on which you spend the ratepayers' money. For instance, is all your labour force being fully and productively employed? Is your labour force being closely supervised to ensure that the local authority gets its money's worth from the services of all its employees? Does the local authority need all the vehicles in its transport fleet? Are the vehicles always used for the benefit of the local authority?

These are indeed pertinent questions which, if addressed, could significantly reduce the present size of your recurrent budgets.

Mr. Chairman, I know for a fact that it is not uncommon in Swaziland to find a group of employees of a local authority, particularly groundsmen, lying on their stomachs under a tree or roasting meat during working hours!

The need for local authorities to exercise strict control over all their recurrent expenditure cannot be over-emphasized if we are to avoid devoting most of our limited financial resources to recurrent expenses and very little, if at all, to capital projects.

If you allow most of your revenue resources to be used in financing an ever-increasing and uncontrolled recurrent expenditure, there would be no funds left for developing the infrastructural facilities of your towns and such a state of affairs would definitely result in growing dissatisfaction on the part of your ratepayers.

I fully concede, Mr. Chairman, that the amount of annual subvention received by local authorities from the Central Government is not, by any means, adequate. However, as you will no doubt appreciate, the Central Government is also affected by the general scarcity of financial resources with which to undertake a wide variety of national development projects. For instance, one of the strategies for stemming the present tide of rural-urban migration requires that the government should invest an increasing amount of resources in our rural development programmes in order to enhance the economic standard of living in these areas thereby making it increasingly more attractive for people to remain in them.

Nonetheless, I fully appreciate, Mr. Chairman, that the process of making rural areas more economically attractive cannot be accomplished overnight. This is a long term goal that will take a considerable amount of time and resources to fulfill.

Indeed, even in developed countries, the steady stream of people moving from the countryside to the cities is yet to stop.

Thus what is of immediate concern to Swaziland is to strengthen the capabilities of our various local authorities, to absorb the increasing population in the urban areas and to systematically (and effectively) cater for the needs of the growing urban population regarding the provision of housing, sanitation and other services.

Mr. Chairman, there is one very unfortunate tendency which seems to be endemic in government and other semi-government bodies in Swaziland. It is the inability to promptly resolve problems. We tend to spend months, even years, conducting a series of feasibility studies on a problem and, in the meantime, many of these studies get overtaken by events and are, consequently, never implemented.

I, therefore, wish to urge you to adopt a more pragmatic approach in dealing with the many pressing problems of urbanisation. It is definitely unwise for us to spend ten years theorising about what to do about people who are squatting and creating unsightly slums in our urban areas because after ten years it would be more difficult and more expensive to resettle such people.

In other words, there is a need for streamlining our existing decision-making procedures if we were to respond adequately and timeously to the many heavy demands of a rapidly urbanising population.

As local authorities it is very important for us to have effective fora and channels through which to communicate regularly with our employers, the ratepayers of our towns. It is very essential, for instance, for local authorities to publicise to the residents of their towns the nature and the importance of the various capital projects to be undertaken by each local authority during any given financial year. In other words, the residents of each town should have some knowledge of the proposed short-term development programmes to be undertaken in their town so as to reassure the ratepayers that their money is being put to good use by the local authority.

Whenever a ratepayer or a group of ratepayers has a grievance relating to any of the functions of a local authority, it is very essential that such a grievance be fully attended to and a satisfactory explanation given to the complainant.

As local authorities, we should always endeavour to educate our ratepayers about the provisions of the law relating to rates and other matters affecting urban dwellers. Under no circumstances, should we ride roughshod over ratepayers just because the law is on our side.

Mr. Chairman, there is a growing trend in many countries nowadays to place greater emphasis on the development of small businesses which normally require less capital investment and are more adaptable to economic changes.

Lack of capital is always the major obstacle to any small entrepreneur wishing to start any type of business operation in this country, whereas small business, especially in the service sector, could help in the creation of much needed jobs in the country.

I, therefore, wish to urge this conference to look into the ways and means by which local authorities could help facilitate, rather than impede, the development of small business enterprises in their areas.

For instance, the vegetable vendors in our towns have, for many years, been prevented from selling their products in the streets. In these days of high unemployment we may perhaps have to find a way of not stifling altogether the enterprising spirit of our street vendors.

With these words it is now my singular pleasure to declare this conference officially open. May I wish you all very fruitful deliberations and I look forward to receiving, in due course, a copy of your report on the proceedings of this meeting.

B. Deputy Director, USAID/Swaziland
Ms. Mary Huntington

I would like to begin by expressing my pleasure, both personally and on behalf of the United States Agency for International Development, in briefly addressing the opening of this conference on the strengthening of Town Councils in Swaziland. The objective of the

conference is to identify strategies by which the local authorities of the kingdom can play more efficient and creative roles in managing the process of urbanisation which is an increasingly important component of Swaziland's overall social and economic development. In defining these strategies, and action plans for implementation, this conference will consider four interrelated areas of critical concern to local authorities, including:

1. Constraints imposed by and opportunities inherent within existing legislation and policies governing local authorities, particularly with regard to "grey" areas of the law which may act to cause confusion and delays as a result of jurisdictional overlaps, gaps or redundancies between local and national authorities;
2. Models of local government administration which may identify alternative management approaches to improving the delivery of services and infrastructure;
3. Existing and potential sources of local government finance, and steps which may be taken to improve local revenue generation and investment; and,
4. Ways in which local governments can create environments which are more conducive to private sector development and investment with particular emphasis on the small-scale and informal sector which is so important to the promotion of Swazi entrepreneurship and employment.

USAID/Swaziland and our Regional Housing and Urban Development Office in Nairobi are particularly pleased to co-sponsor and participate in this conference which is a direct outgrowth of the seminar "urbanisation workshop" held in this same venue in May of this year. We applaud the deliberations which have flowed from that workshop and view this conference as a sign of concrete progress towards removing identified obstacles to the effective management of urbanisation.

The role of local governments in the development of any modernizing society is crucial. Local governments are the nearest reference point of authority for the majority of citizens; local council representatives should, under the best of circumstances, be intimately aware of the needs and desires of their town-mates, and must be empowered to respond directly to these aspirations. Even the most erudite national policies and laws will never have full beneficial effect unless they are complemented by and reflective of effective local planning and development capabilities.

As we discussed in May, the process of urbanisation can be a double-edged sword, leading to prosperity and equitable development when properly managed or to poverty and cultural

disintegration when foresight is lacking. To date, urban growth in the kingdom has been largely positive in nature, as thousands of jobs have been created improving the standards of living of many Swazis. As the pace of growth quickens, however, management capacities must be broadened and honed to remove obstacles while protecting the common weal. It is this challenge that this conference must meet, and I have every confidence that your labours here will produce the required results. I wish you all the best in your endeavours and look forward to your delivery of an early Christmas present to the Swazi people in the form of plans to strengthen and make more responsive local governments throughout the kingdom.

C. Resident Representative, United Nations Development Programme, Mr. S.O. Akpata

Let me say how delighted I am to be here today, on behalf of the United Nations Development Programme, (UNDP) at another, in fact a second, conference/ workshop this year, in which our assistance to the National Housing Board has made us one of the sponsors. We are proud to be associated with the tackling of problems and challenges related to urbanisation. I believe this is the first ever conference on local authorities in Swaziland. Our presence here today means a lot to us.

This conference which, put simply, is on the strengthening of local authorities in order for them to manage and facilitate socio-economic development, is right on the alley of UNDP's interest and goals. I can immediately say that the issue that will be dealt with here and the solutions and recommendations reached will be of great interest to us in our own plans especially as the UNDP and the Government begin to develop Swaziland's Fifth Country Programme.

A lot has been said (and rightfully so), about grassroot involvement in development. I see the role of local authorities in this process. Our involvement in the National Housing Board and its activities brings us very close to the local authorities. For instance, no houses can be built without the prior consent of the local authority concerned. Thus, as we assist in the Town Councils, local authorities etc., to enable them to service our objectives is (for us) an added incentive. Broadly speaking, however, in the scope of development, a better equipped local authority enhances the multifarious socio-economic successes of a nation - be it in adequate sanitation, improving the environment, private sector investment (by providing incentives) or by having organised collection of revenue. I am convinced that this conference will delve into all the ambits of all that is needed to strengthen the local authorities.

Honourable Prime Minister, Ladies and Gentlemen, let me end up by saying that I wish the conference a fruitful deliberation: we look forward to reasonable and commendable recommendations. UNDP stands prepared and available to be of assistance as and when called upon.

II. KEYNOTE ADDRESS

The Honourable Deputy President, House of Senate Senator Arthur Khoza

The theme of today's conference implies (about) three things; and these are:

- (a) that local authorities are weak; and that because they are weak, they cannot - such as they are - cope with the challenges of socio-economic development in the 1990's - hence the need for their strengthening; i.e. a problem exists.
- (b) that there is a realisation or recognition that because Swaziland local authorities are weak there is a desire or determination to do something about their status - i.e. there is willingness to solve the problem.
- (c) that the something to be done about the status of local authorities is "greater empowerment" so that they can "manage and facilitate socio-economic development" i.e. the solution.

The first task is to - if we are to do justice to our conference's theme - understand what we mean by "local authority" and what functionally local authority should be identified with. We may go through the Independence Portfolio allocation, The Kaboga Report, the Roome report, The Urban Government Act, The General Administration Act, and reports of numerous workshops or seminars. The conclusion will be one: The problem of local authorities in Swaziland revolves around six areas, namely planning, housing, finance, legislation, land, and the relationship between the central Government and the local authority/government.

The point is that any local authority is local government. The central government is charged with the overall responsibility for national socio-economic development. Through Parliament, the Central Government obtains the mandate to disburse funds for development in all sectors.

At the same time, local authorities' or local government's responsibility is one of local socio-economic development!

The name may be Town Council, municipality or City Council or Town Board. That is not nearly as important as the power or the authority to deliver the goods. What is of cardinal importance is that:

- (a) both the national Parliament and the local authorities must be seen to be operating via a popular mandate i.e. they must be elected by the people they serve; and should not be appointed in a manner which makes the servants unaccountable or not answerable; and the populace, supposed-to-be-served, voiceless.
- (b) there must be very clear criteria as to when a Town Board becomes a Town Council, and when a Town Council becomes a City Council. Right now, your guess is as good as mine. Is it the population of the town? Is it the existence of a Cathedral? If it is one of the two criteria or both, then Manzini and Mbabane qualify for a City Council status!

I have already stated that local authority is local government. I would like to, at this moment, draw a parallel between central and local government, on the one hand, and the state and the individual on the other hand.

The state does or should do what the individual cannot do. Similarly, the Central Government should do what local government (or authority) cannot do. For when both do the same thing - in the same area - and more or less to the same extent, then duplication, indeed conflict becomes worse when you

consider that the authority of the two is unequal.

Empowerment of local authorities - greater empowerment - then means that there must be power or authority rationalisation vis-a-vis socio-economic development. Put differently, if you like, this means that there must be a division of labour. Such rationalisation of power or authority, such division of labour should not be limited to control only. It should - and must - include the freedom to initiate, to regulate, to interact with the private sector, and to do such other things as are in harmony with the aspirations of the local populace.

Speaking about the need to strengthen local authorities in Swaziland, one is struck by a very strange dichotomy in the observance or implementation of the constitution of the country.

Normally, where the Rule of Law is upheld, the Constitution of the country is regarded as the supreme law of the land. This means that any law which is seen to be inconsistent with the Constitution should be brought into line.

The Regional Councils Order, 1978 has one clear message for and to all of us - DECENTRALISATION. This means a move away from "the centre to the periphery policy". It means the "grassroots" first. It means the "greater empowerment of local authorities".

Just to give you an idea of the decentralisation envisaged and promulgated through King's Order-in-Council No.22 of 1978, some of the duties and functions shall be:

- To co-ordinate national and economic activities at District level;
- To implement national and government policies and projects at District and Tinkhundla level;
- To initiate and identify priority projects and the needs of the people residing in their Districts in accordance with national development plans".

Dealing with the "centre to the periphery syndrome" or the "Trickle-down policy" I need only refer to the Government of Swaziland Budget for 1990/91 - Head 06 - page 32. The budget given for Town Administration is as follows:

<u>1990/91</u>	<u>1989/90</u>	<u>1988/89 (Actual)</u>
7,656 m	6,524 m	6,574 m

This, of course, includes subventions and grants for all sorts of activities.

The serious indictment, however, lies in what really is and what is thought to be! I now read what will suggest to all right thinking persons that we should not be meeting here today:

Activity Description (Township Administration)

"Planning the most economical and effective development of urban and rural physical growth centres, planning installation and installation and inspection of township authorities. Developing their role as providers of local services, and meanwhile, coordinating the activities of government agencies which provide direct services in their areas of authority".

The question now becomes: Is the budgetary allocation for Township Administration reasonable and realistic? Is it the case that local authorities do what the "Activity Description" tells Parliamentarians?

This, I say, because our focus is on local needs, local development plans, local solutions, local means, local constraints and local authority to handle the whole host of them!

Yes, we shall be told, as we have been before, that His Majesty's government is committed to national socio-economic development - urban and rural. If that is the case - genuinely so - why are we speaking about the need to empower local authorities so that they may "manage and facilitate socio-economic development" twenty years after independence?

To me, the answer seems to be as follows:

- simply because there exists a dichotomy which has not been identified and tackled.
- simply because the overriding tendency has been to do things as they were done in yester years - even during colonial days - contrary to publicly stated dynamic development objectives.

With regard to the need to strengthen local authorities our problem in Swaziland has been (and still is):

- centralisation of power or authority for its sake and contrary to the 1978 decentralisation initiative.
- we have stuck - for no good reason - to the position where national development plans are centrally conceived, prepared, launched and executed without involving the grassroots.
- we have kept local authorities at the receiving end - exactly where they were during colonial days;
- we do not seem to be aware that it was never the intention of colonial policy to develop - yet we seem to be religiously following some of the practices left in place.

The need to decentralise and to find a suitable home for local authorities is underlined by the time-honoured sociological concept of "status and role". As I have said before, this is envisaged in King's-Order-in-Council No.22 of 1978 - The Regional Councils Order.

Some people will argue that The Urban Government Act is clear and that Town Councils need only ask. That, I submit, is not what this conference is about. The major flaw in the whole arrangement is giving too little for always! The quarrel is simply that the existing legislation assumes that our Town Councils and Town Boards are like babies that will never grow!

The question is: instead of prescribing the minimum sentence, why not - in this day and age - not prescribe the maximum and grant operational autonomy to local authorities -and only worry about the upper limit?

Finally, in order for Swaziland's local authorities to adequately meet the challenges of the 1990's, the government of the Kingdom must:

- decentralise, empower decisively;
- create a relevant home for local authorities;
- adopt a "Bottom up" approach to development, in accordance with KOIC No. 22/1978;
- abandon the "centre to periphery approach" or the "Trickle down policy",
- release the pent up development energy at the level of local authorities
- give local authorities the latitude to engage private sector services as and when necessary - in a manner quite different from that envisaged in sections 56 and 58 of The Urban Government Act.

Let me hope that from here, we shall drop nostalgia and move in the direction we were meant to i.e., not sleeping through a revolution.

III. DISCUSSION PAPERS

A. MANAGEMENT OF THE URBANISATION PROCESS

Paper I presented by: Mr. R.B. Sibandze
Town Clerk,
Mbabane Town Council.

I welcome the opportunity to talk on the role of Local Government process in Swaziland and the challenges for the 1990's. Mr. Chairman, I will endeavour to be brief, practical and be simple in my approach and presentation. The idea is to prepare Local Government machinery in such a way that it meets the demands of the next century.

Introduction

Local Government is essentially a method of getting various services run for the benefit of the community. This is being done by Central Government's delegation of certain powers and responsibilities and defining boundaries of the said local authority through an Act of Parliament. It involves residents of that community who participate through elections or nominations, as the case may be, to be councillors.

One of the main reasons for creating local authorities is to relieve central government of the burden of providing certain services to communities at the local level and be nearer to the people. To a large extent have their participation (as Councillors) this leaves central government's hands almost free to concentrate on issues at the national level.

The idea of strengthening local authorities therefore, should receive full government support, should not be looked at as one of the usual conferences or seminars where we talk, write colourful reports which no sooner are they completed then they do end up gathering dust in our shelves.

What needs to be stressed is that local authorities, as Governments at the local level and at the grassroots, form part of the foundation of a sound national or central government. We are, Mr. Chairman, encouraged that His Excellency accepted opening this seminar and hope that this is going to be the beginning and not the end.

Strategies for co-ordination of planning and programme implementation between Town Council's and public utilities - Challenges for the 1990's

First and foremost, I must say that if the above is to be effective there is need for decisions to be made and action taken both at the local level and central level. To do this, it will be necessary:-

- (a) That Central Government must become alive to the important role local government plays in national development as a matter of fact.
- (b) Central government should consider seriously local government as one of its priorities

by according it a department in the Ministry responsible for Local Government Administration. (If not, a Ministry of Local Government and Housing like in other countries).

- (c) The department must have competent people in local government affairs the minimum can be four such officers:
- i. A local government officer,
 - ii. Local government finance officer, and
 - iii. An engineer.
 - iv. Having an economist would go a long way towards promoting development.
- (d) The Local Government Department would therefore co-ordinate the activities, organise a think tank on local government affairs such as this seminar, make proposals to government on how the town councils can be improved and assist town councils also in various matters related to local government and avoid the situation where at the moment its a matter of a one man band or job.

In a nutshell for central government to accept and implement the above would be a step forward towards planning to meet the challenges for the 1990. This would enable government to look into ways and means of how they can strengthen local government having already strengthened local government in central government itself. As local government is not a matter for Mbabane Town Council and Manzini Town Council only but also concerns the other smaller urban centres. For instance, there has been talk in Parliament on giving Nhlanguano proper local government status but because there is no proper local government machinery or a department in government no one followed up that matter it will therefore keep coming and going and no sooner will we find the next century catching up with us if still no action is taken. This will be so with the other smaller towns.

Creation of a National Urban Development Policy with regard to the role of Town Council's in the upgrading of informal settlements

The creation of such policy would have to be within the framework of the National Housing Policy.

The present National Housing Policy which is still in draft. In its introduction reads:

"By means of this National Housing Policy the government of Swaziland expresses its determination to address the housing problems now facing Swaziland. In this policy, Government establishes the framework for a re-organized national housing delivery system, the aim of which is to increase the supply of affordable housing in Swaziland. The Human Settlements Authority (HSA) and the national housing system are critical to the successful implementation of this policy."

It further states in Section (v) that -

"Local Authorities: Responsible for the health and welfare of their citizens: thus, involved in assuring housing needs are met. Primary role in upgrading and maintaining physical infrastructure and assuring that local needs are met and addressed by those entities responsible (e.g. HSA, NHB, PPB)."

Finally, in page 20 the policy spells out the role of Town Councils, as follows:-

"Government, through the local authorities will, in a co-ordinated manner, facilitate the

upgrading of informal settlement areas through the provision of land tenure, basic services and cases to home improvement loans."

Housing policy outlined that the draft National Housing Policy says about the upgrading the informal settlements it leaves only one or two things to be done if we are to meet the challenges off the 1990, namely:

- (a) To adopt the draft Housing Policy so that it becomes law.
- (b) That a housing department in a Ministry properly staffed with qualified competent officers be set up in the Ministry responsible for housing to deal with housing. If not, a Ministry of Local Government and Housing as already mentioned.

Human Resources Analysis

My understanding is that you need to find out whether you have the right people for the right jobs, i.e., suitable qualified and in some cases suitable experienced as the case may be (experience is the great teacher).

You have also to find out or analyse whether those who are not qualified can be trained and the type of training they require, and assess Mbabane Manzini and governments manpower needs as far as local government personnel is required.

Recommendation:

The appointment of a consultant to do a human resources analysis for both Mbabane and Manzini and the local government sector within government.

Contacts between traditional authorities and local authorities, its importance especially in the event of the extension of urban boundaries to include Swazi Nation Land

Owing to the political structure of this country, direct contact between local authorities and traditional authorities regard the incorporation of Swazi Nation Land within the urban areas is contracted indeed. Contact may be achieved through the highest authority in Government which would also have to channel such issues through the rightful channels of communication to the appropriate traditional authorities.

The need to acquire such land for providing settlements for the ever increasing population within the urban areas cannot be over emphasised, let alone providing for future development of the towns. Urgent steps should therefore be taken to make sure that land for both present and future needs of the urban population are catered for.

Recommendation:

- (a) That government at the highest level and the Ministry responsible for land should initiate discussion with His Majesty's office on the subject of Swazi Nation Land.
- (b) That a representative of one of the local authorities be a member of these negotiations.

Summary of Recommendations

1. I wish to say that to make this seminar effective and worth the money spent it will be necessary to appoint AN ACTION COMMITTEE WHICH WILL FOLLOW UP THE RECOMMENDATION TO THE POINT WHERE THEY ARE ADOPTED BY CABINET.
2. After Cabinet has adopted these recommendations and others which will come from this seminar, it should then set sail and co-ordinate its implementation through the appropriate government machinery to be determined.
3. Strategies for co-ordination of planning and programme implementation between town councils and public utilities - challenges for the 1990's
 - (a) That Central Government must become alive to the important role local Government plays in national development as a matter of fact.
 - (b) Central government should consider seriously local government as one of its priorities by according it a department in the Ministry responsible for local government administration. If not a Ministry of Local Government and Housing like in other countries.
 - (c) The department must have competent people in local government affairs the minimum can be four such officers,
 - (i) A Local Government Officer
 - (ii) Local Government Finance Officer, and
 - (iii) An Engineer
 - (iv) An Economist.Having an economist would go a long way towards promoting urban development.
 - (d) The Local Government Department would therefore co-ordinate the activities, organise a think tank on Local Government affairs such as this seminar. Make proposals to government on how the town councils can be improved and assist town councils also in various matters related to local government and also the smaller town which have town boards and avoid the situation where at the moment its a matter of a one man band or job.
4. Creation of a National Urban Development Policy with regard to the role of Town Councils in the upgrading of informal settlements
 - (a) To adopt the draft housing policy so that it becomes laws with amendments where necessary.
 - (b) That a housing department in a Ministry properly staffed with qualified competent officers be set up in the Ministry responsible for housing to deal with housing. If not a Ministry of Local Government and Housing as already mentioned.

5. Human Resources analysis:

(a) Appointment of a consultant to do a human resources analysis for both Mbabane and Manzini and the Local Government sector within government.

6. Contacts between traditional authorities and local authorities, its importance especially in the event of the extension of urban boundaries to include Swazi Nation Land.

(a) That government at the highest level and the Ministry responsible for land should initiate discussions with His Majesty's office on the subject on Swazi Nation Land.

(b) That a representative of one of the local authority be a member of these negotiations.

Paper 2 presented by: Dr. Howard Sumka
Deputy Director, RHUDO
(Nairobi),

ROLE AND STRUCTURES OF LOCAL GOVERNMENT

I. INTRODUCTION

This paper addresses a) the role of local government in the urbanization process and b) the relevance of the structure of local government to its performance of that role. The paper will present a brief background on urbanization in Swaziland, and some generic comments on the urbanization process. It will note the situation of Swazi local government but concentrate on the American situation and experience, drawing parallels and models where appropriate. The purpose of this is to offer some food for thought for the workshop discussions of how local authorities can adapt to meet the challenges of rapid urbanization in Swaziland. These discussions are a follow-up to the May, 1990 workshop on the challenges of urbanization. I am pleased that the RHUDO was able to be part of that workshop and hope that this one will be as great a success as the first.

II. URBANISATION IN SWAZILAND

The 1986 census recorded over 154,000 people living in urban areas, about 23% of the total resident population. More than 65% of the urban population were living in the Manzini-Matsapha-Mbabane corridor. This corridor saw a growth of 61% between 1976 and 1986. Several smaller urban agribusiness centers have also been growing quickly, but only two had populations approaching 10,000 by 1986. The U.N. projects a 7.17% average annual growth rate for Swaziland's urban population for the foreseeable future. This rate would push the urban population over 160,000 by 1999 and over 260,000 by 2009.

Although there is little precise data, experts observe that the majority of recent urban growth within the Manzini-Matsapha-Mbabane corridor has been informal in nature -- only a minority of immigrants to the corridor have settled in serviced residential areas by purchasing or renting established accommodations. At least 60,000 people appear to live in the corridor's informal settlements, where growth has been generally unplanned, unserviced, and uncontrolled. One author calls this "urbanisation without development".

The incorporation of the informal settlements of the peri-urban areas into the Manzini municipal boundaries is nearly certain. The Town Council has already been directed by the national government to service these areas. That will be no small task, as only about 50% of the informal settlers have access to piped water, 18% to toilets, and 9% to electricity according to a 1988 study. In the corridor, in general, all basic urban services except roads and electricity are near or beyond capacity. Health hazards resulting from the overuse of such services as water supply, sewerage, and abattoirs have already been identified by local government officials.

Obviously, the Town Councils face many immediate challenges in the Manzini-Matsapha-Mbabane corridor; and these challenges may soon be duplicated in Swaziland's smaller urban centers. Recognizing that urbanization cannot be stopped, local governments are now right to consider what role they can take in the process, and how best to adapt to perform their new role well.

III. ROLE OF LOCAL GOVERNMENT IN THE URBANIZATION PROCESS

Urbanization is an inevitable feature of population growth and national economic development all over Africa. The urbanization process involves not only the physical expansion of a community, but also a vast array of changes in a community's technological, economic, and social structures. Growing communities may see the evolution of multi-storey buildings, non-traditional family units, new methods in commerce and industry, high capacity sewer systems, etc.

Local authorities are in a position to create and maintain a rational framework for their communities' physical, economic, technological, and social growth. With the objective of defending and enhancing the public good as urbanization progresses, they can contribute to the process in three general ways [Figure 1].

First, local authorities can help to sketch the physical pattern of community development. In the past, local authorities tried to write and enforce 'master plans', which were meant to map the land use and infrastructure patterns of a city for twenty years into the future. But these master plans were unable to keep up with the real growth and demands of the cities. Governments that attempted rigidly to enforce their plans found growth increasingly taking place outside of the law, and found their relationship with the growing private sector increasingly hostile.

It does not have to be this way. Instead, local authorities can use a more flexible, consultative approach to planning that takes the dynamism of the private sector into account, for example allowing public hearings to guide the writing and revision of plans and standards. There is still a valid need for local authorities to establish performance zoning to avoid serious land use conflicts and development on environmentally unsuitable sites, or to supervise the judicious placement of trunk infrastructure (roads, sewers, power lines) to open land to development in a purposeful way.

Second, local authorities can assure that basic services are provided. Basic services are a particular concern as poor populations become concentrated in urbanizing areas. In the U.S., local authorities were originally spurred to construct water and sanitation infrastructure by the need to prevent epidemics that started in slum areas and could spread throughout the whole community. Local authorities need not necessarily provide basic services themselves -- shelter has traditionally been constructed and/or managed by the private sector given locally guaranteed security of tenure and occupancy.

Third, but definitely not least, local authorities can create an enabling environment for private investment, which is both the catalyst for and the substance of urbanization. A community's development will be more sustainable over the long run if subjected from the outset to the discipline of markets and real prices. Local authorities can encourage private investment by minimizing business licensing and regulatory controls and facilitating paperwork. At the same time, they can establish minimal development standards that achieve essential health and public welfare needs without discouraging investment.

In all of these things, the local authority does not act alone. It is both constrained and supported by a web of relationships to central government offices, service providers, and the private sector. Furthermore, the constitution and behavior of the local authority have a large bearing on its capacity and effectiveness.

IV. INSTITUTIONAL CONTEXT OF LOCAL GOVERNMENT OPERATIONS

In Swaziland town councils are creations of Parliament and are under the supervision of the Prime Minister through the Permanent Secretary for the Tinkhundla Department. The powers and duties of town councils are generally to "promote the public health, welfare, and convenience, and the development, sanitation, and amenities of the municipality."

To achieve this mandate, Swaziland town councils must work with a number of central government ministries, as well as the private sector. One local expert notes that "Town Council requires final ministerial approval and cooperation for its financial budget, rates increases, service charge increases, its Audit report, appointment of a Valuer for rating purposes, appointment of a Valuation Court, and acquisition of land from Central Government for Township Cemetery, social and community development." Another expert comments that "the responsibilities for providing basic urban services in Swaziland are fractionated and public sector institutional structures are inadequate for coordinated planning and capital investment programming."

In the United States, local government has an important, evolving place in a three-tiered pyramid of governmental relationships. At the highest level, the U.S. is a federal system that was created over 200 years ago by the member states. In creating the union, the states delegated specific powers to the federal government, retaining all other powers for themselves. Each state in turn has created a complex system of local authorities, which form the level of government closest to the people. Being creations of the individual states, local governments vary widely in their forms, purposes, and powers. Types of local authorities include municipalities, townships, counties, districts, etc. -- these terms may refer to a range of geographic and population sizes, and to assorted divisions of functions. This paper will focus on the types most probably relevant in the context of Swaziland: municipalities and the fairly recent development of special districts.

The mandate typically found in American municipalities is similar to that of the Swazi town councils -- to serve public welfare and development. In the course of their work, municipalities originally interacted with only their parent states, but in the last forty years they have also developed important links with the federal government. These relationships are largely financial, but also involve advice and technical assistance as well as legislative and judicial supervision. Contacts are usually on a functional basis: the state department of health watches the activities of the town health department, the state board of education oversees local school districts, and so forth.

Most municipalities are given the right to levy taxes by state enabling legislation. However, local revenues are rarely sufficient to support all of a locality's obligations, so states have traditionally provided supplementary funds. During the past several decades, the federal government, with its larger and more elastic tax base, had become an increasingly important contributor to both state and local budgets. Through these financial connections, the federal government has exerted increasing influence over local priorities and programs. The vehicles it has used range from relatively unconstrained "block" grants and revenue sharing to program-based grants-in-aid. Now, as a result of the well-known U.S. federal budget deficit, the financial and advisory role of the states is being re-emphasized.

Of course local governments must also co-ordinate their activities with neighboring and overlapping authorities. They may cooperate on the construction of infrastructure and the conservation of natural resources, or compete for the attention of private developers and state grant-makers. Often regional policy co-ordination bodies are established as a forum for such interactions. Within the state of New Jersey, as just one example, there are regional organizations dealing with the distribution of low-income housing, the preservation of a natural pine forest, the allocation of tax receipts from legal gambling, and the coordination of localities' master plans.

Perhaps the most intricate and undefined set of relationships is that of local government to the private sector. Local authorities, being the most accessible level of American democracy, are the most susceptible to pressures from local businesses and residents. Local people may exert pressure by lobbying or working on electoral campaigns, or by "voting with their feet" -- literally moving their homes or enterprises across local borders to take advantage of more favorable taxes, schools, etc. The location and investment decisions of individuals have a much bigger effect on the resources and abilities of local authorities than on, say, the federal government; therefore, local authorities must be ever-conscious of the potential effect of their policies and services on public opinion. One response to this web of governmental relationships and functions has been the evolution of special districts. A special district has its own fiscal authority and governing body. It may have boundaries coterminous with a single unit of government, such as a city or county, or may overlap several units. Districts exist to provide a public service, and may address such varied purposes as recreation, sewage disposal, airports, planning, parking, or mosquito control. School administrators have long ago convinced the American public that they should be independent of the rest of local government, and the school district is the most common and best-known type of special district. Special districts are very popular in the western U.S., where they are especially used for the procurement, distribution, and allocation of scarce water supplies.

V. COMPARATIVE STRUCTURES OF LOCAL GOVERNMENT

One scholar has written that "structural arrangements have an effect upon the quality of government, but they neither guarantee good government nor prevent it. The structure of government helps to establish behavior patterns and attitudes toward power ... that definitely affect the process whereby decisions are made." For example, some systems are more likely to encourage the bartering of political favors; others may make such dealings much harder to satisfy, though they cannot erase the temptation. Furthermore, the governmental structure affects the manner in which different players can articulate their interests and thereby helps determine the scope and intensity of political conflict in the community. This kind of effect is perhaps most obvious when considering the different relations that members of the public have with elected as opposed to appointed bodies.

Throughout history, communities have sought the form of government that would best fit their own ideas of leadership and service; as a result, local governments are as varied as the people and places they represent. One hundred years ago a municipal reorganization movement arose out of citizens' concern with corruption and administrative sprawl. Nearly all administrative reform efforts at the state and local levels have been based upon the following six assumptions [Figure 2]:

1. authority and responsibility should be concentrated in a chief executive officer with power over the heads of functional agencies;
2. budget control should be centralized under the chief executive officer with auditing under the legislative body;
3. related functions should be integrated into single departments and departments should be limited to a manageable number and size;
4. government agencies should be coordinated through an appointed executive cabinet;
5. boards and commissions may serve as quasi-legislative or quasi-judicial, but not administrative bodies;

6. general operating services (e.g. purchasing, personnel) of administrative agencies should be centralized for efficient housekeeping.

Such reformist principles met opposition among both legislators and special interest groups who feared losing power, but generally won support from the public who saw the need for greater coordination and accountability.

Municipalities in the U.S. have evolved in five general models: council/manager, weak mayor/council, strong mayor/council, strong mayor and chief administrative officer, and commissioner (Figure 3). The strong-mayor and the city manager systems are most directly products of the reformist principles listed above. The focus on efficiency reflected in those principles, coupled with the need to find new financing mechanisms for local services, led to the evolution of special districts with their own forms of governing bodies.

The Swaziland town council and the American council/manager system are very similar. In Swaziland, the fifteen council members are appointed by the Prime Minister for one-year terms. The full council is a policy and by-law making organ answerable to the Permanent Secretary. The professional staff of civil servants is lead by a Town Clerk and four executives. As chief executive officer, the town clerk is responsible for the daily operations of the council, and is answerable to the council's management committee, the council chairman, and the PS.

An important distinction between the American council/manager model (Figure 4) and the Swazi council/clerk is that American council members (usually between five and nine in number) are commonly elected, typically for four-year staggered terms. The elections are "at large", meaning that all of the city residents vote for candidates for all vacant offices. They are also usually "non-partisan", that is, candidates do not run as members of political parties. There may be a mayor or president of the city, with ceremonial functions and no veto power. Traditionally, council members receive only token pay.

The administration of the city is integrated under the control of professional manager, who is hired by the council and serves at the pleasure of a majority of the council. The manager is expected to hire professionally competent technicians to run the various departments of the city. In one sense, the council constitutes both the 'executive' and the 'legislative', and there is no formal separation of powers or provision for criticism and review in the system, because the council feels free to comment on the quality of work of the manager and his or her staff. At the same time, the amateur, part-time council members tend to look to the professional manager for policy recommendations, checking upon the manager rather than leading policy making.

As in all systems of local government, there are risks based on the personalities involved. Council members may not be able to act collectively, or might become too involved in lower-level administrative details. Some communities feel that councils are too small to represent a cross section of the population and that at-large elections favour business and professional interests to the disadvantage of the lower classes.

About one-half of American cities with populations over 5,000 have council/manager forms of government. Most of the other half also have councils, but have a politically chosen mayor rather than a professionally hired manager as the chief executive. The difference in type of executive and his or her structural relationship with the council make for important variations in the style of local governance. These variations are the source of the next three models.

In the weak-mayor/council model (Figure 5), the council is both a legislative and executive body. It can range in size from five to fifty members, depending on the size of the city population. Council members (often called aldermen) are ordinarily elected by wards on a partisan ballot. The council makes policy and appoints administrative officers; a committee of the council usually prepares the budget and may even appoint the controller. The mayor is

elected at large and has very limited administrative powers (hence the term 'weak') although he or she can recommend or veto legislation. In this system there is no single individual responsible for carrying out local laws or for ensuring that the city administration proceeds according to an overall plan.

The weak mayor model reflects a particular philosophy: that politicians should have few powers and many checks so that they can do relatively little damage. The model has generally fallen out of favour for all but small communities mostly because it prevents coordination among functional departments and is therefore inefficient. It has been increasingly replaced by the strong-mayor/council model.

In the strong-mayor/council model (Figure 6, administrative power is concentrated in the hands of the mayor, while policy making is a joint function of the mayor and the council. The mayor is the only elected administrative officer and can appoint and dismiss all department heads, often without approval of the council. The mayor is also responsible for the preparation of the annual budget and for its execution once it is adopted by the council. This allows much greater coordination among functional departments. It also puts the mayor in a strong position to recommend policy and to be in the public limelight as the expert on all urban affairs. The council plays a subordinate role. Elected like the mayor for a four year term, it is usually small, and often part-time.

Performance under this system rests heavily on the personal capacities of the mayor; his or her ability to be both adroit politician and expert administrator. In addition, the system opens the way to occasional deadlocks between a mayor and a council that refuses to be dominated.

These issues led to a further evolution of the strong-mayor/council model: the inclusion of a chief administrative officer, or deputy mayor. This professional is appointed by the mayor to supervise department heads, co-ordinate departments in important day-to-day routines and provide technical advice to the mayor. The mayor is then free to serve as ceremonial head of the city and to propose and launch broad policy measures. This system is at work in America's largest city, New York.

Last among municipal government structures is the commission model (Figure 7), used in a relatively small number of American cities. It was originally hailed as being more businesslike and efficient than mayor/council forms, but did not become as popular as the council/manager system already discussed.

Commissioners serve the dual role of being individually the heads of administrative departments and collectively the city's policy making body. There is no separation of powers at all. Commissioners, usually very few in number, are elected on a non-partisan ticket for four-year terms. Though there might be an elected mayor, he or she acts only as chairperson of the commission and has no special powers. This system often leads to a mutual hands-off relationship among the functional departments with no overall policy or administrative leadership.

There is no general model for the governing structure of special districts. Unlike municipalities, district governing bodies are rarely elected by the public. Their governing bodies may be appointed by the state, by officials of the local governments encompassed by the district or by a judge, depending on how the formation of the district came about.

The use of special districts is usually defended by the following arguments (Figure 8):

- (a) they make it easier to finance a particular service because bonds can be floated and taxes levied in the name of the district, rather than in the name of a municipality that is already heavily burdened;

- (b) being wholly dependent on their own resources, they must be businesslike and avoid politics;
- (c) they provide services when and where they are most needed, and place the financial burden on those citizens who most directly benefit; d) they can be constituted to break through the myriad bureaucracies that may impede other local government functions.

Disadvantages of special districts include: a) the behind-the-scenes way in which they generally operate makes them particularly profitable for lawyers, bankers, and salesmen; b) they are often designed to meet short-range needs and not only fail to consider permanent solutions, but, by alleviating the urgency of a situation, forestall efforts toward long-range, rational governmental re-organization; c) they do not necessarily eliminate political patronage; d) they may increase the costs of local governance by duplicating resource needs; e) they are not usually equipped to coordinate their functions and budgets with other authorities in the localities where they operate; f) if their governing boards are appointed, they are not accountable to the public for their performance.

As stated above, these structures address different philosophies and incorporate different incentives. For example, the council members in weak-mayor cities are probably more inclined to act as policy innovators than are their counterparts in council/manager cities. Systems which elect the chief executive pressure that the voting public is interested in and able to judge administrative affairs. The policy proposals of the mayor in a strong-mayor city are certainly more affected by re-election concerns than those of a non-elected city manager. For better or worse, special districts may shield certain issues of public concern from the pressures of special interest groups. Inter-departmental coordination is more strongly valued in strong mayor and manager cities than under weak mayors or commissions. But again, none of these structures is guaranteed to be more effective or responsive than another.

VI. URBANISATION AND ADAPTATION

In the U.S. population and economic growth, urbanisation and changing attitudes about the role of the public sector have led to great increases in the scope of local government activities particularly as pertains to the first two roles mentioned at the beginning of this paper: planning and basic services. To illustrate, the real value of local government expenditures increased six-fold and state government expenditures increased more than twenty-fold over a fifty year period. Urban government became more complicated in step with urban life. As the number of governmental functions grew, so did the number of agencies and the complexity of intergovernmental relationships. Government growth was accompanied by efforts to reform local administration, leading to the structural developments described above.

As local government functions have expanded to meet more public needs, so has the local bureaucracy -- often to the dismay of the public it is meant to serve. In the 1950's many cities established 'ombudsmen', or complaint officers. Usually located in the chief executive's office, ombudsmen have no powers but act to clarify misunderstandings and mediate between citizens and the government bureaucracy.

In the 1960's, American cities began to recognize a new phase of urbanisation: the decline of central cities and the rise of concentrated urban poverty. This phenomenon has also called for some local government restructuring. Urban renewal and redevelopment efforts have typically amalgamated several key local government agencies (such as housing, planning, and even some law enforcement functions) under one new department with a powerful head. Many cities now have such departments, which have strong ties to federal and state housing and welfare agencies as well as to other local agencies whose cooperation they need.

Today cities are looking for new ways to cope with the demands of urban poverty and the flight of taxpayers to communities outside municipal borders. Special districts have been one means of attracting financial resources to needy areas through their special bonding and quasi-taxing powers and their eligibility for special state and federal grants. Examples of such districts include the Times Square Redevelopment Authority and the Battery Park City Authority, both in New York City, and a proposed regional authority around New Haven, Connecticut.

Another fact of American urban life today is that government budgets at all levels are ceasing to grow. This is well known at the federal level but is also true at the local level, where taxpayer revolts (notably in California and Massachusetts) have forced cities and states to reconsider the extent of services they can provide. It is partly in response to this that state and local governments in the U.S. are increasingly focusing on the third role described above: creating an enabling environment for private investment. The competition among some cities and states to lure major corporate headquarters and industries into their boundaries is notorious. The bait comes in the form of tax breaks, free infrastructure, good schools and housing, and a competent labour force. The prize is employment, economic vitality, eventual tax receipts, and prestige.

VII. SUMMARY OF CONCLUSIONS FOR WORKSHOP DISCUSSIONS

Of course there are a huge contrasts between Swaziland (with 735,000 people and about 20 towns and villages) and the United States (with a population over 240 million and close to 19,000 municipalities). But as Swaziland prepares to meet the challenges of urbanisation, it might do well to consider the history of these so-called "advanced" models. One of the most important lessons we have learned in the U.S. is that, as urban people and urban functions become more sophisticated, they demand more efficient, responsive and accountable local governance. Another lesson is the need to match responsibilities with resources, either through local revenue raising, locally administered grants, or partnership with the private sector.

A final point is that the evolution of government never ends. About a century ago, five local governments were combined into the single municipal structure of New York City. Just last year, this city amended its charter again, restructuring its entire legislative and planning functions with an eye to improving representativeness and accountability. While it is important now to establish legislative and administrative structures with a long term perspective, it will also be necessary to be flexible as new demands of urbanisation develop in the future.

Local Government

THREE ROLES OF LOCAL GOVERNMENT IN THE
URBANIZATION PROCESS

guide physical development
assure the delivery of basic services
create an enabling environment for private investment

[Figure 1]

Local Government

SIX PRINCIPLES OF LOCAL GOVERNMENT REFORM:

Concentrate Authority in a CEO

Centralize Budget Control under a CEO

Integrate Functions in a Few Departments

Coordinate Departments in Executive Cabinet

Avoid Administrative Boards / Commissions

Centralize General Housekeeping Services

[Figure 2]

Local Government

FIVE TYPES OF MUNICIPAL GOVERNMENT:

Council / Manager

Commisson

Weak Mayor / Council

Strong Mayor / Council

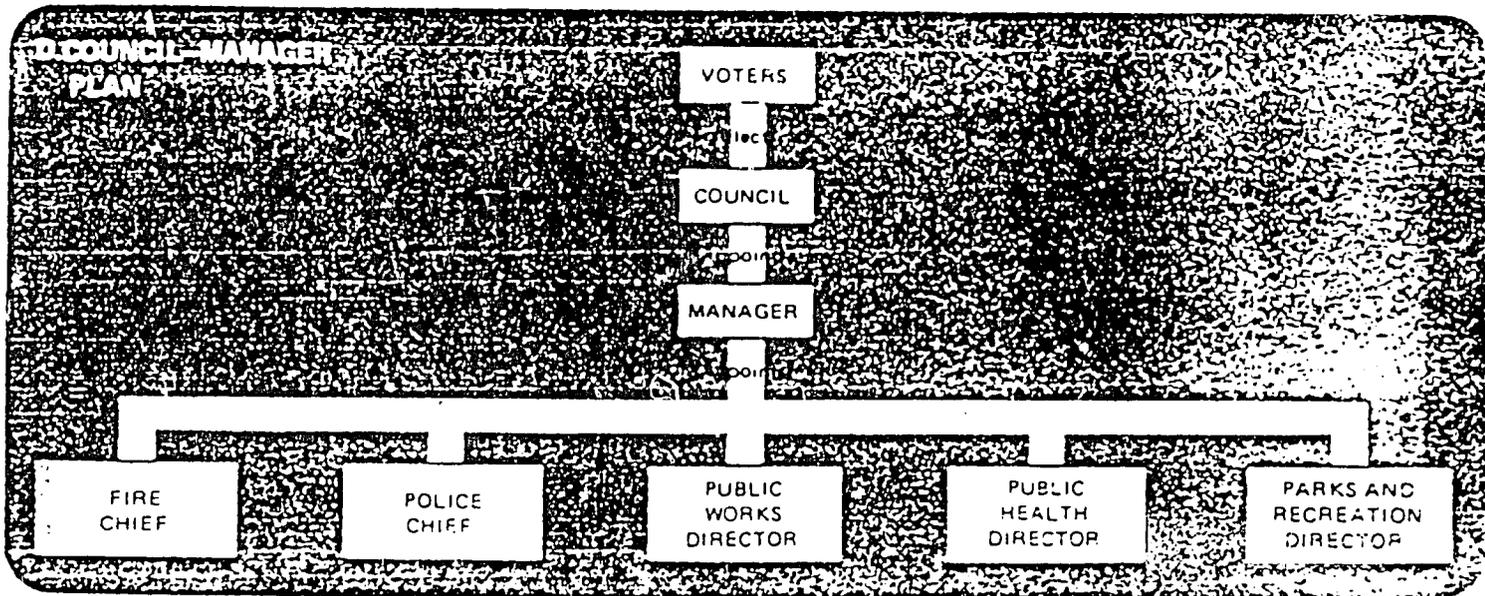
Strong Mayor & CAO / Council

PLUS:

Special Districts

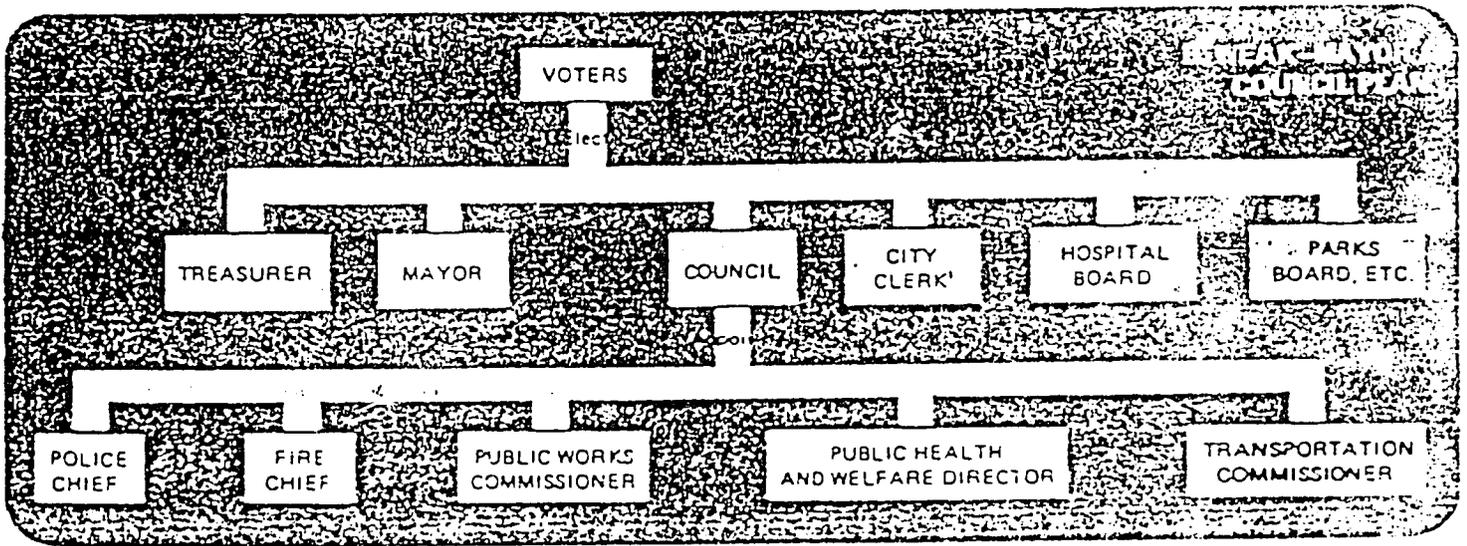
[Figure 3]

Local Government



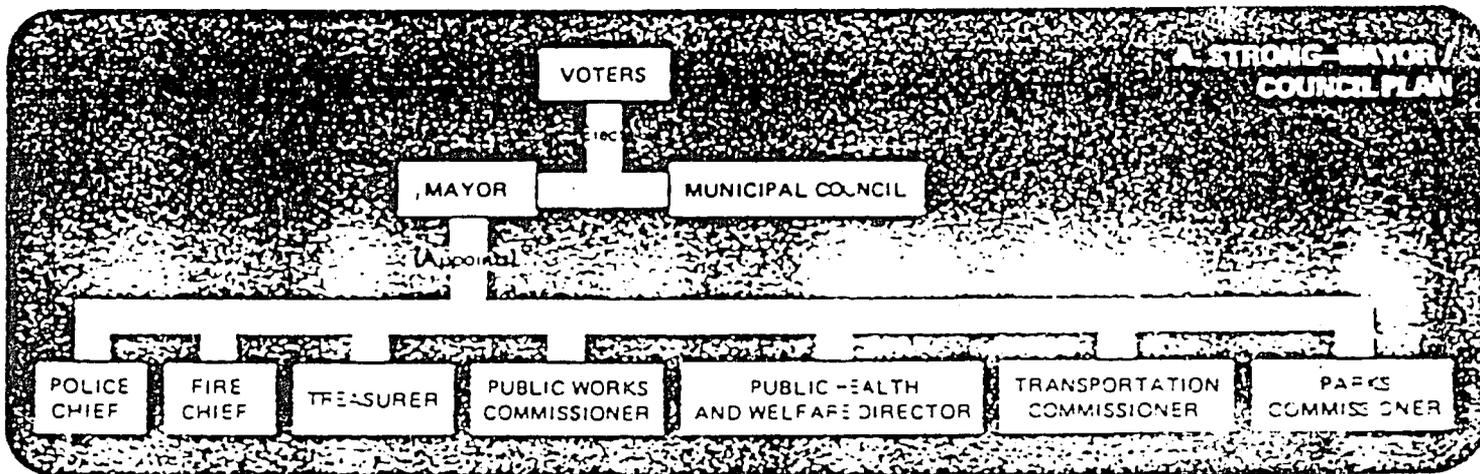
[Figure 4]

Local Government



[Figure 5]

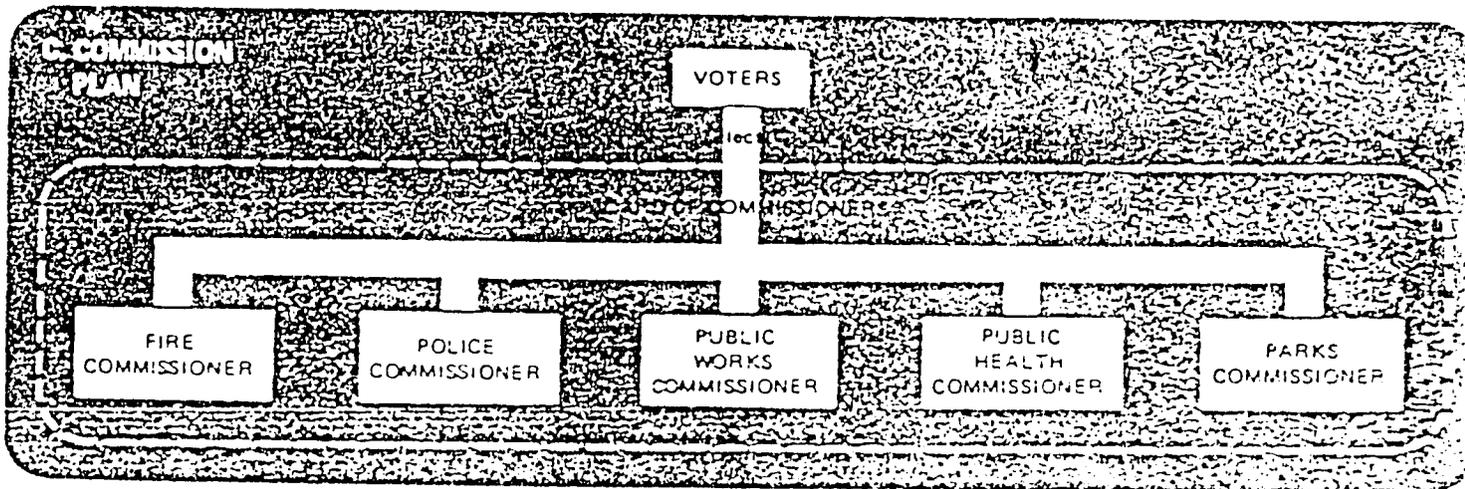
Local Government



[Figure 6]

24

Local Government



[Figure 7]

PROS AND CONS OF SPECIAL DISTRICTS

PROS

financial independence
bonding capacity
businesslike approach
targeted services and costs
anti-bureaucratic

CONS

behind the scenes deals
short range solutions
risk of patronage
duplicate government roles
lack coordination and
accountability

[Figure 8]

ACKNOWLEDGEMENTS

The preparation of this paper relied extensively on the sources listed below.

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B. COUNCIL FINANCE AND REVENUE

Paper 3 presented by: Ms. Martina Groening
Town Treasurer,
Mbabane Town Council

Research by: Ms. Martina Groening and Mr. H.T. Mndzebele
Town Treasurers,
{Mbabane and Manzini Town Councils}

Municipalities are Urban Governments created by Central Government in order to relieve the government from some of its many and vast responsibilities so as to enable Central Government to be better equipped to deal with national issues.

The urbanisation challenges of the 1990's mean that town councils, as administrators of the town, must be in a position to provide the necessary infrastructure, services and environment for development, i.e. the councils must be able to:-

- provide town planning schemes
- construct, clean and maintain urban roads
- provide public facilities
- control and manage refuse of any kind
- safeguard and generally promote public health,
etc.

To cope with these demands Council needs to have a sound financial base.

According to The Local Government Act, S/1969, Councils sources of finance consists of:-

- (1) all rates lawfully levied by Council
- (2) such part of the Minister may determine of any fees and charges in respect of licenses and permits which have been lawfully authorised by Council
- (3) all other fees, charges rents and dues payable to Council
- (4) half of all fines imposed by a Court of competent jurisdiction within the municipality in respect of any contravention or failure to comply with the provisions of the Act, The Public Health Act No.5 of 1969, or any law specified by the Minister.
- (5) all charges or profits arising from any trade service or undertaking carried on by the Council within the scope of its powers.
- (6) interest on moneys invested by Councils
- (7) all moneys paid to Council by the Government as contributions and grants
- (8) all sums realised by sales, leases or other transactions of the Councils.
- (9) all revenue derived by the Council from any property vested in the Council or by administration of any public service.
- (10) all sums otherwise accruing to the Council in the course of exercising its powers

- (11) such other revenues as the Minister, after consultation with the Minister of Finance, may declare in writing to be revenues for Council.”

The Town Councils of Mbabane and Manzini obtain their revenue mainly from three sources, namely:-

- (1) Rates
- (2) Fees and Rents
- (3) Grants from the Central Government, besides money can also be raised through loans, but this is only a temporary source of revenue. It has to be repaid with interest.

1. RATES

The Rating Act, No.24 of 1967 provides that the Council may elect amongst three options, it can either levy a rate on

- i. The land only, or
- ii. The sum of land and improvements, or
- iii. A separate rate on land and a separate rate on improvements.

The two Councils of Mbabane and Manzini have opted for the latter. None of the two councils have ever tried any of the other two options.

Our system of rating is based on the rateable value of the property and does not take into account personal property or income.

2. FEES AND RENTS

The fees is obtained from services which the councils provide to the urban and peri-urban communities of each town or district e.g. slaughtering and skinning of animals, waste disposal, market, playing fields, grass-cutting, drain cleaning, scrutiny or building inspection.

3. GRANTS AND SUBVENTION

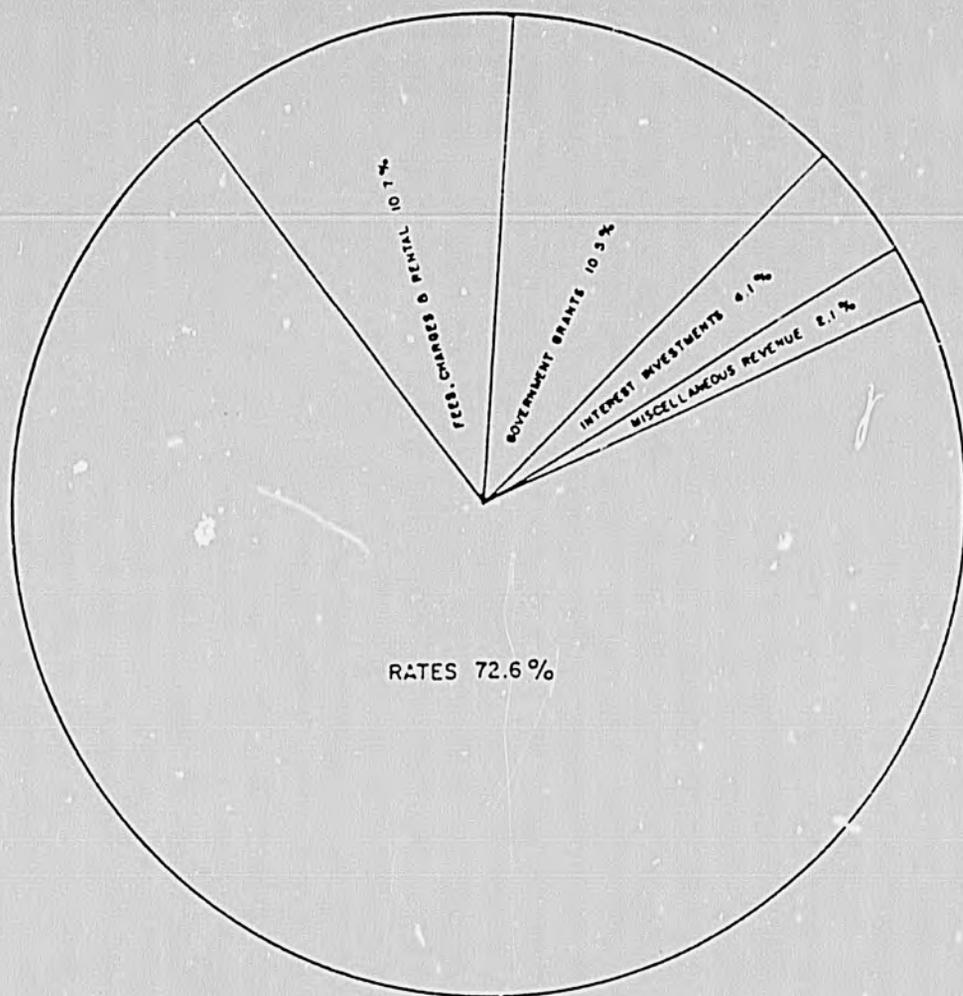
These are obtained from the Central Government. There is no formula for calculating these subventions, government decides how much to allocate to each local authority.

Just to give a glimpse into the finances of council let us take a look at the present revenue structure of the town councils.

Focusing on the income for the year ended 31st March 1990, for Mbabane Town Council, the revenue received has been summarised as follows:-

Rates	E2 600 275
Fees, charges & rentals	382 627
Government grants	377 400
Interest on investments	144 996
Miscellaneous revenue	76 496

	E3 581 794



As indicated by the chart, rates (the main source of council income) accounts for 72.6% of current income followed by fees, charges and rentals at 10.7%, Government grants at 10.5%, interest on investment (which fluctuates from year to year) at 4.1% and miscellaneous revenue at 2.1%. Government pays in full for government property rates, refuse and other costs and these have been taken into account under the relevant items. The figure for grants therefore represents grants in lieu of rates and subvention. This is not calculated according to any known formula.

Mbabane Town Council loses approximately six hundred and fifty five thousand Emalangeni (E655,000) per year rate income on exempted properties and approximately two hundred and nineteen thousand Emalangeni (E219,000) per year on fees and charges - as a result of delays in approval of revised fees and charges.

Let us go back to review council sources of revenue not realised by councils.

Source (2) Licenses and Permits

Councils receives no revenue out of licenses of any type. This is disappointing because it is

Councils responsibility to inspect trading premises within the urban area and make the necessary recommendations to the Licensing Officer. The Treasury Annual report for the year ended 31st March 1989, shows that Government has collected an amount of E542,958 from business licence and E1,156,691 from motor vehicle and driver's licenses.

Source (4) Fines

Councils receives no income under this item. Revenue collection on this item according to the Treasury report amount to E545,079.

Source (5) Profits from Council Tradings

Council have not explored the possibility on increasing its income by getting into business, inspite of the fact that operations of other municipalities include trading.

Source (11) Other sources as may be declared by the Minister

No additional sources of finance has been awarded to town councils since inception.

From our discussion it seems evident that there are problems for councils in realising all their sources of finance and in collecting the current income. Some of the factors affecting the collection of local government finance are:-

(i) Poor communication between Councils and Central Government

Government seems not to understand the operations of local authorities. This is demonstrated by the fact that Central Government is still holding on to some sources of finance that legitimately belongs to Councils. Central government takes too long or does not respond at all to amendments in the Act that would improve Councils revenue base, e.g. a request by council for revision fees and charges, sent to government in 1988 has not been approved. In other words, government is saying the burden of councils expenditure must be borne by the ratepayers. On the other hand, the ratepayers are concerned about the ever increasing rates but poor facilities on the other hand.

Government grants only accounts for 10.7% of councils income. A report by Alan D. Godfrey on "Financing Local Government in the 1990's" indicate that in Britain, local authorities are more grand-dependent. Government grants accounted for 56 percent of local authorities income.

(ii) Delays in the legal system

It takes a minimum of six months before action can be taken against rate defaulters.

(iii) Reluctance by Council Management to enforce the law

Property tax is a foreign concept to Swazis. Although they accept it they definitely do not favour it. Therefore management takes time to adopt aggressive rate recovery methods.

RECOMMENDATIONS

We recommend that:-

1. Communication between Central Government and council be improved by a joint effort from both parties.
2. The financing of local authorities be reviewed immediately.
3. Central Government increase its grants to Council in such a manner that rate-loss on exempted property is compensated.
4. Councils make an effort to educate ratepayers on the operation of municipalities and their obligations to Councils.
5. Management adopt aggressive rates recovery methods.
6. The inflationary factor be built into the rate levy.
7. The law be enforced within reasonable time.
8. Town development be closely monitored by Councils to ensure collection of all revenues e.g. building penalties, new structure, etc.
9. Issues and renewal of trading licenses within the urban area be transferred to local authorities.
10. Parking metres be introduced as a means of strengthening councils revenue base.
11. Council consider investing in low cost housing for the purpose of alleviating the pressing housing needs within the towns, at the same time strengthening their revenue base.

Paper 4 presented by: Mr. John Masson
Deputy Chairman (Management Committee),
Mbabane Town Council

Introduction

Perhaps I should have sub-titled this presentation "A view from the Bridge" because much of it is derived from my brief experience as a member of the steering committee of Mbabane Town Council, otherwise known as the Management Committee. Much of what I have seen from this privileged vantage point does not inspire me. Indeed, that is being kind. It certainly highlights the many constraints and frustrations that stand in the way of urban development. In making this point, I must stress that I am not looking backwards to see where we have come from. It is invidious to make comparisons with the past, as I knew it 20 years ago, even though I feel a sense of *deja vu*. The whole ball-game has changed. We must look at the present, examine its shortcomings and make a conscious effort to remedy them.

In making this comment, it should be clear that what I have to say is a personal view which does not have the imprimatur of Council. Nevertheless, I hope that it contains views which are acceptable to Council and which will contribute to the work of the conference.

Finance and Revenue

This conference is billed as a challenge of the 1990's, one of many no doubt. Let us hope that it does not follow the general fate of such initiatives. We have had some notable post-independence challenges in the 1970's and the 1980's, but in most cases the door to effective implementation has closed before the ink has dried on the recommendations. There is no simple, single explanation for this mummification, but a contributory cause has been the lack of ministerial resolve, both individually and collectively, to translate thoughts into deeds. In turn this inertia may be traced to the senior ranks of the civil service. There are of course notable exceptions to this general malaise, but regrettably they are the exceptions which prove the rule. My purpose in introducing this paper with a cautionary tale is to dispel the euphoria which accompanies post-conference fatigue, and to stress that follow-up action is not an immaculate conception.

In the case of local government finance, their melancholy prospect is borne out by the fate of a landmark report, "A Review of the Finance of Local Authorities in Swaziland" by J.K. Akingbade, dated September 1971. It was first circulated to the Town Councils of Mbabane and Manzini for their comments in May 1973, with the rider that "Government has considered the recommendations but does not agree with some of them". It is not easy to detect from a contemporary view of the financial relationship between local and central government what effective steps were taken to implement the recommendations which government did agree with, or even to identify which these were. However, an examination of the 1990/91 Estimates of Revenue for Mbabane Town Council will identify the present structure of government financial support, and perhaps indicate how much, if any, of the Akingbade recommendations have survived in the intervening fifteen years or so. I should add here that a comprehensive analysis of the position would require extensive research into town council records and the old files of the ministries concerned, in extent, in the National Archives, a task which is not possible in the time available, and is, in any event, largely of historical interest.

Before turning to the estimates, it is as well to emphasise a key factor in our central/local government relationships. This is that Swaziland is a small country, with urban concentrations which are small in relation to the total population, and with a great deal of overlap in public sector activities as between urban and rural areas, necessitated largely by constraints of finance, or staff, or both. In these

circumstances the delimitation of responsibilities and their financing calls for a close association between central and urban authorities, an association which gives urban authorities sufficient room to exercise initiatives in the development and administration of their responsibilities, while recognising the paramount needs of the country as a whole, exercised through central government policy. That this is not the happy compromise prevailing at present is evidenced by the multiplicity of, often conflicting, overlaps, as for example cited at the May conference with regard to land administration in urban areas.

The 1990/91 Estimates of Revenue for Mbabane Town Council contain three elements of government support, viz:

- (i) Rates on government residential property
- (ii) Grant in lieu of rates for government non-residential property
- (iii) Subvention, in lieu of taxes, licenses etc collected in respect of government revenue generated in urban areas
- (iv) Miscellaneous grants for specific services e.g. refuse removal, urban roads, etc.

With regard to (i) it is understood that the amount provided for (E592,000) does not in fact represent 100% of the rates payable on government's residential properties. If this is so, it is a departure from the principle, and indeed the practice, in force at the time of the Akingbade report.

With regard to (ii) government is exempted from payment of rates, by virtue of section 7(1) (a) of the Rating Act, No.24 of 1967. However, as a compensation for this loss of revenue, government has traditionally accepted a commitment to make a grant in lieu of rates. Akingbade recommended that this grant should be equal to 75% of what would be payable but for the statutory exemption. In view of the large number of Government buildings in Mbabane, it would seem that a grant-in-lieu of E237,000 (as compared with E592,000 for residential buildings) is a gross underpayment. Moreover, it is understood that the annual increment in this grant has in recent years been limited to 10%, regardless of the amount of new public buildings erected by government, or the increased value of existing buildings. In view of the annually increasing burden on urban services created by such Government expansion, Council is suffering a serious financial prejudice, quite apart from the fact that the present increment fails to keep pace with the annual inflation of Council expenditure.

It would also appear that parastatals have crept under the blanket definition of government, and pay no rates, even though many of them operate as commercial (semi-commercial) enterprises e.g. the Central Bank, SRIC, Swazi Bank, to name but a few. If there are legal impediments to the payment of rates by such organisations, they should be removed. Alternatively, they should be included in government's grant in lieu of rates.

With regard to (iii), the present position is equally unsatisfactory. The main improvements of the subvention are a putative share of Motor Vehicle and Trading Licenses. In 1971 this was 10% and 33.3% respectively. What it should be now is a matter for review, but even at the 1971 levels the subvention falls far short of what it should be.

With regard to (iv) the only point which need be made is that the provision for urban roads (E50,000) must be nominal, if not derisory. It is understood that government does make additional grants for roads, and that in some years these may be substantial, but the allocation of funds in this way does not seem to be co-ordinated in an overall financing plan. In addition, it would appear that decisions on such allocations are taken without first seeking the views of Council, as distinct from the views of officials.

A classic example of this lack of coordination is reflected in the 1990/91 Estimates where an extraordinary item of expenditure was inserted, viz: E500,000 for salary increases of almost 24%, as approved for government staff, but with no corresponding indication of how this was to be financed, and thereby

creating a deficit equivalent to 11% of the expenditure budget.

It is submitted that these, of necessity, cursory comments on the present budget position of Council, provide sufficient justification for an immediate review of the position. The Akingbade report of 1971 sought to create a post-independence framework for the relationship between central and local authorities in the area of finance and, although it has been honoured more in the breach than in its observance it remains a valuable foundation upon which to build, an initiative which can moreover be taken without the delay of invoking outside expert assistance. If, however, the services of an independent expert can be obtained speedily, so much the better.

Alternative Sources of Revenue

This conclusion also applies to other potential sources of revenue. In this context, the Akingbade report listed the following:

1. Sale of land
2. Grants in aid for specific services e.g. health, roads, car parks and parking meters, bus stations and taxi ranks.
3. New revenue sources, such as tourist tax e.g. on hotel accommodation, restaurant meals, etc. Graded Tax (50% of collections), and revenues from the sale of liquor.

A comprehensive examination of such possibilities would not breach the provisions of the Urban Government Act, No. 5 of 1969, because section 86 is sufficiently broad in scope to cover all possibilities, as indeed it was intended to do. It is not necessary to discuss here specific new tax measures, or other ways of improving council revenues, because these should be dealt with in the context of an overall review of Town Council responsibilities and resources.

I have concentrated on the nuts and bolts of Town Council revenue sources, because it is a problem which was touched on by only one speaker at the May conference, and because as far as the councils are concerned the placing of their finances on a sound footing is fundamental to their ability to contribute effectively to the urbanisation challenge. It is in fact part of the infrastructure of urban development. I have therefore omitted reference to borrowing funds for development, staffing constraints etc because they constitute the second tier of the pyramid.

Ministerial Responsibility for Town Councils

At this point it is pertinent to examine the present structural relationship between town councils and government, because any review of financial relationships will have to be conducted within this framework. Alternatively, a new framework will have to be proposed, within which the process of review and its subsequent implementation can be conducted. It is no secret that the present channels of communication to the Minister, who happens to be the Prime Minister, through the office of the Induna yeTinkhundla, are lengthy, if not tortuous. Moreover, there is a lack of expertise in urban government affairs along this route which inhibits a professional relationship between "doctor and patient". How else can the delay in revising long out-of-date fees and charges be explained? Additionally, there is no formal linkage between the Council and the Ministry of Finance. The only reference to this in the law is with regard to Council revenues, where, at section 86(k), the Minister has to consult with the Minister for Finance before he can assign certain revenues to Council. It is appreciated that the annual budget-making process of government requires councils to submit draft estimates through the channels of communication, but unlike government departments, council does not seem to have an opportunity to present its own case to the Budget Committee or to the Minister for Finance. The point is that councils are not government departments, but are elected, or nominated, bodies which have a life of their own, and should be treated as such.

Finally, there is the law itself, and the various pieces of subsidiary legislation and regulations. The principal law was one of the first to be enacted after independence. Although it is a comprehensive piece of legislation, modelled on the British Local Government system as it was in the late sixties, it is a curious mixture of giving with one hand and taking with the other, as if the Government and its advisers of the day could not make up their minds if the full blown concept of Urban government could be successfully transplanted to Swaziland. Hence the numerous points upon which the Minister can intervene. It was also assumed that the Minister, and his staff, would have the expertise to administer the interventions in a constructive manner. Evidently, this was not the case, for Akingbade was obliged to recommend that the Local Government Officer, or adviser, in the Ministry responsible - the now defunct Local Administration - who was naturally an expatriate in those days, should be supported by a Local Government Finance Officer. Whether this was ever achieved is not known, but what is certain is that as soon as the expatriate adviser left, a progressive deterioration set in, with the result that there is now probably no officer in Government, let alone in the Tinkhundla office, who is au fait with the problems of Council administration and financing. It would now appear as if time has stood still since Akingbade.

This leads us to the thorny question of which Ministry should be responsible for Town Councils. At the present time the Prime Minister is constitutionally responsible, but the route through the Tinkhundla office is not conducive to effective decision making. Nor does this office have ministerial status in the legal sense. The logical home would seem to be the Ministry for the Interior, as the successor to Local Administration. It is accepted that this could be a matter of "out of the frying pan and into the fire", but it is not constructive to argue "ad hominem". What is needed is a recognition that government must go back to square one, 1971 vintage, and recreate a Local Government unit in whatever Ministry is designated. In view of the importance of the financial aspects this could even be in the Ministry of Finance.

To summarise in motor vehicle marketing parlance, it is a matter of urgency that:

- (a) The Akingbade report should be renovated, or replaced by a new model.
- (b) This model should not be driven for more than five years before being inspected for malfunction or obsolescence.
- (c) The operating manual should be reviewed with the object of achieving better performance and less reliance on speed control, in other words "speed with safety".
- (d) Garaging should be carefully constructed, so as to incorporate routine in-house servicing and repair work.

Throughout the exercise the analogy of driver, mechanic and engineer is worth pursuing.

It is up to Council members, the staff of the Councils, and officials of Government in appropriate ministries, to work together to achieve a new financial deal for town councils which recognise them as high profile examples of the country's state of development. They are no longer mere expatriate enclaves, as they were substantially in 1971, but are an integral part of the Swazi landscape, of which we should all be proud. If we are not, we should be concerned to make them so.

C. LEGISLATION AND POLICY

Paper 5 presented by: Mr. Douglas T. Masuku,
Mbabane Town Council

Research: D.Tee Masuku and P.B.M. Zwane
Clerks to Councils
[Mbabane and Manzini Town Councils]

1.0 LEGISLATION AND POLICY

1.1 BACKGROUND AND SCOPE

This paper attempts to analyse the adequacy and appropriateness or otherwise of existing legislation and policy respecting the administration and management, by local authorities, of the towns against the backdrop of a rapidly urbanising Swaziland.

In 1966, 50,000 people or 14% of the total population was urbanized, out of which approximately 30,000 lived in Mbabane and Manzini. By 1976 about 100,000 people or about 20% of the total population was urban with approximately 55,000 living in these towns. Projections indicate that given the same rate of growth by the end of this decade 45% or approximately 450,000 people will be urbanized, with a staggering 200,000 people living in Mbabane and Manzini. Many thousands of people will have to be accommodated, educated, employed, transported, and otherwise taken care of (in sickness and in health). Local governments will be a major, if not principal, player in this process.

It is a trite observation that local authorities in Swaziland exercise very limited functions while being potentially vast reservoirs of direct administration and co-ordination. Rather, many functions of a peculiarly local government nature are exercised fully by various government departments and parastatal bodies in respect of which there is apparently no authoritative co-ordinating authority or procedure. Moreover it does not seem to be possible for local authorities to prescribe and demand their own development priorities from these agencies which (more often than not) are either not fully alive to local needs or have other more pressing needs, of a national character, demanding the priority allocation of their resources.

These administrative and policy short-comings are reinforced and supported (in large measure) by existing legislation which is either obsolete or never anticipated urban growth on its present scale. More importantly, most legislation has never been comprehensively reviewed in order to address present day urbanization exigencies. Thus instead of law facilitating administrative efficacy it is frustrating necessary action.

It is not proposed (nor is it feasible for present purposes) to treat comprehensively of all legislation impacting upon local government administration. Thus the paper deals with what we consider to be the principal (in the sense of essential) pieces of legislation pertaining to local authorities, viz:

- (i) The Urban Government Act, 1969 and The Urban Government Regulations, 1969;

- (ii) The Rating Act, 1967,
- (iii) The Town Planning Act, 1961,
- (iv) The Urban Areas (Sub-division) Regulation, 1930,
- (v) The Public Health Act, 1967 and
- (vi) The Building Act, 1968.

2.0 POLICY CONSIDERATIONS

2.1 Responsibility for Local Authorities

In terms of Legal Notice No. 142 of 1985 the Minister responsible for local authorities is the Prime Minister. The practical application of the notice dictates that when local authorities require Ministerial approval in the course of their operations, pursuant to a statutory provision, they will first refer such application to Tinkhundla Head Office which, no doubt, after due consideration will then refer the application to the Prime Minister. Under this arrangement undue delay in obtaining crucial decisions is inevitable.

It is not immediately apparent from The Regional Councils Order, 1978 whether local authorities were intended to be brought within the ambit of the said order as no specific mention is made of the impact of the order upon The Urban Government Act, 1969. If it was intended to bring local authorities within the purview of the responsibilities of Regional Councils such intention should have been clearly manifested in the order. Whether or not the functions of Regional Councils (including, as they do, constitutional affairs) combined with responsibility over local authorities would make for efficient management under a single ministry is a moot point.

Conversely it is arguable that a more practicable and efficient arrangement would be where the affairs of Regional Councils are governed separately from those of local authorities on account of the sheer enormity of the combined responsibilities.

If the true position is that there is three tier government comprising Central, Regional and Local Government the articulation of the respective functions and inter-relationship between these organs should be pursued as a matter of pressing urgency if the strengthening of local authorities is to be realised.

It is worth noting that in the twelve years since the promulgation of the Order the provisions thereof have not been fully implemented.

2.2 Local Accountability

Part 1 of The Urban Government Act, 1969 dealing with the procedure for the election of local representatives (i.e Urban Councillors) has remained dormant since 1973 after the repeal of the Swaziland Constitution by The King's Proclamation to the Nation, 1973.

It is apposite to suggest that, (particularly after the promulgation of The Establishment of Parliament Order, 1978) this lacuna ought to (and now should) be squarely addressed and an appropriate system for the election of Councillors put in place.

2.3 Fetters

The existing legislation places numerous fetters upon local government administration in the sense that very frequently they are required to seek ministerial approval for a host of matters they propose to pursue. This is not to suggest that ministerial approval per se is an anathema. Rather, the point contended for here is that too many unnecessary referrals are required to be made to the responsible Minister. This, coupled with the practical difficulty in obtaining ministerial approvals, makes for inefficient management. A case in point is Section 72 of the Urban Government Act, 1969 dealing with the permanent closure of streets and public places which provides :

- *2(a) notice of intention to move that steps be taken for the closure or diversion shall be given at a meeting of the council at least fourteen days prior to the meeting at which the motion is to be considered;
- (b) if the motion is agreed the council shall cause a plan to be prepared showing the position of the boundaries of the street, public open space, garden, park or other enclosed space, or portion thereof, which is to be closed or diverted;
- (c) on completion of the plan mentioned in paragraph (b) the council shall publish in the Gazette and at least one newspaper circulating in the municipality, a notice setting out briefly the nature of the council's proposals, stating that the plan is open to inspection at a place and during the hours specified in the notice and calling upon any person who has any objection to the proposed closure or diversion to lodge his objection with the council in writing not later than a specified date which shall be at least sixty days from the date of publication in the Gazette or newspaper in which the notice is published last;
- (d) at least sixty days before the time for lodging objections expires, the council shall cause copies of the notice published in terms of paragraph (c) to be -
 - (i) posted in a conspicuous manner on or near the place to which the proposals for closure or diversions relate, and shall cause such copies to remain posted until the time for lodging objections has expired; and
 - (ii) served on the owners and occupiers of all properties abutting upon the street or public place, or portion thereof, to which the proposals relate; and
 - (iii) sent to the Minister.
- (e) after the time for lodging objections has expired, the council shall consider any objections received and the likely cost of any compensation that may be payable in accordance with section 73;
- (f) the council, having considered the objections, if any, or if it finds the amount of compensation is likely to be too costly, may resolve not to proceed with the closure or diversion;
- (g) if the council decides that it wishes to proceed with the closure or diversion it shall forward to the Minister -
 - (i) full particulars of the proposed closure or diversion;
 - (ii) certified true copies of the objections, if any, lodged in terms of paragraph (c) of this subsection;

- (iii) a copy of the plan referred to in paragraph (b) of this subsection; and
- (iv) a certificate signed by the Town Clerk to the effect that the provisions of this subsection have been complied with;
- (h) on receipt of the documents referred to in paragraph (g) the Minister may in his discretion appoint a commission consisting of one or more persons to enquire into the propriety of the proposed closure or diversion and any objections thereto and to report to him on the matter;
- (i) the Minister may disallow the proposed closure or diversion or approve it with such modification and on such conditions as he deems fit, but if a commission has been appointed under paragraph (h) the Minister shall not arrive at a decision before the report of the commission has been considered by him;
- (j) as soon as the proposed closure or diversion has been carried out the council shall notify the Minister who shall, after having satisfied himself that the closure or diversion has been properly effected, notify the Surveyor-General and Registrar of Deeds that the closure or diversion has been properly effected under this Act;
- (k) the council shall supply the Surveyor-General with a diagram framed by an admitted Land Surveyor showing all the details of the closure or diversion, and subject to receiving the Minister's notification under paragraph (f), the Surveyor-General shall cause such amendments to be made in the general plan of the municipality as are necessary to show such closure or diversion and the Registrar of Deeds shall make corresponding entries in his registers.

It is proposed that a thorough review of unduly cumbersome procedures should be conducted and referrals for ministerial consent should be expunged from all legislation. Consideration may also be given to a system, in terms of which, local authorities could implement decisions after the lapse of a specified period (being reasonable in the particular circumstances) in default of ministerial approval after his receipt of the written application of the local authority.

2.4 Roome's Report, 1984

Roome's consultancy on the structure functions and organisation of the Mbabane and Manzini Town Councils contained wide-ranging recommendations which were adopted by the Government (save the conferment of city status to Mbabane and Manzini). The recommendations to date which have been implemented by The Town Councils may be summarised as follows:

- i. The elevation of the office of Town Clerk to the post of Chief Executive Officer of the organization;
- ii. The establishment of the Clerk to the Council's department and engagement of the Clerk to Council;
- iii. The establishment of the management committee system (under Part IV of The Urban Government Act, 1969) to replace the multi-committee system which was operative hitherto;
- iv. Revisions of conditions of service for officers and employees; and
- v. The revision of Standing Orders For Management Committee and Council meetings.

It is proposed that a consultant should be engaged to review Roomie's Report and, in particular, to determine the advisability of implementing the remaining recommendations, and/or make new recommendations that may be considered to be more relevant to the demands of current local government administration.

2.5 Association of Local Authorities

There is very little, if any, formal interaction between the local representatives and officials of the various local government entities, and thus the absence of a forum for a meaningful exchange of ideas and experiences garnered in the course of Local Government administration.

It is proposed that a National Association of Local Government agencies should be formed whose membership shall comprise local representatives, officers, practitioners, professionals, and academics. Its functions shall be, inter alia, to provide:

- i. a forum for the exchange of local government experiences in the management of urban growth;
- ii. for the pooling of resources such as, plant, equipment and labour, in order to maximise the utility value of scarce resources;
- iii. to influence local (regional) and central government policy on the management of urban growth.

2.6 Alternative Sources of Revenue

Local authorities rely (perhaps overly so) upon rates income for their financial survival. As the costs of managing the towns increase, so too does the tax burden on the property owners. There is evidence to suggest that there is mounting resistance to the payment of increased tax and that the tax itself is progressively losing credibility. The recent Ngwane Park Extension 1 rates issue is a case in point here.

In The Wealth of Nations Adam Smith, in propounding the canons of taxation, noted thus:

"The subjects of every state ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities, that is, in proportion to the revenue which they respectively enjoy under the protection of the State"

It is apposite to suggest here that urgent consideration be given to the tapping of alternative sources of revenue in order to lessen the tax burden on the urban property owners and the burden local authorities themselves place upon the limited resources of the central government.

The following alternative sources may be considered:

- i. The Municipal Parking Facilities Bill, 1990 intended to establish metered parking and Council licencing of parking garages, etc.
- ii. Control of trading licencing within the area of jurisdiction of the local authorities, after due harmonization with The Trading Licenses Order, 1975;
- iii. Private vehicle and dog licenses, etc.

- iv. Public transport and haulage vehicle levy for use of urban roads and amenities;
- v. Municipal bonds;
- vi. Commercial joint ventures with the private sector and the privatization of the management of selected municipal facilities.
- vii. Recycling of municipal waste.
- viii. Retailing of electricity supplies by local authorities to consumers within the urban areas as provided under The Electricity Act;

2.7 Education

There is a schism between local authority practitioners and the urban citizenry concerning knowledge of the contents of urban legislation, so far as it concerns the rights and duties of the urban dweller. For instance, twenty three (23) years after the enactment of The Rating Act, 1967 its provisions remain largely unknown to the bulk of the urban citizenry. To most property owners it is known for its notoriety, when the properties of rates defaulters are (usually) sold in execution. The more enlightened taxpayer perceives of the present method of rates assessment as being arbitrary, inappropriate and iniquitous.

Clearly local authorities would do well to develop a continuous education programme designed to reasonably inform the urban (and prospective) dweller of the provisions of the relevant items of legislation impacting upon his daily life . Moreover local officers charged with executing the provisions of urban government and related legislation should receive continuous instruction in order to be fully alive to their role in urban management.

2.8 Law Enforcement

Various offences, of a peculiarly local government nature, established under The Urban Government Regulations 1969, The Public Health Act, The Trading Licence Order 1975, and a host of By-Laws, to name but a few, cannot be enforced for want of an effective enforcement machinery. It is common cause that the Royal Swaziland Police (owing to insufficient manpower) cannot, and do not, regard transgressions of municipal laws (for instance, urinating in public, littering, allowing grass overgrowth, etc.) as particularly important and consequently such laws are honoured more in their breach than in compliance. Additionally, the courts are at present inadequately manned and have backlog of cases. By comparison breaches of municipal law, it is submitted, do not receive the same degree of importance in the perceptions of both the adjudicators and the prosecution as the "common crimes".

It is proposed that a municipal court should be established whose functions would be peculiarly to adjudicate upon the transgressions of municipal law. Additionally, a municipal police force should be established to enforce municipal laws without derogating from the powers presently exercised by the Royal Swaziland Police.

2.9 Public Open Spaces

The Town Councils are in dire need of land specifically set aside for public amenities. More particularly Councils have been unable to acquire land otherwise set aside for such purposes from developers of private townships established pursuant to the repealed Private Townships Act, 1961, in part, and due to a cumbersome procedure for the transfer of such land to the local authorities.

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It is proposed that provision should be made in The Human Settlements Act, 1988 for the automatic registration of land set aside for public purposes (in the approved general plans establishing private townships) into the name of the local authority, having jurisdiction.

2.10 Constitution of Local Authorities

Part II of The Urban Government Act, 1969 treats of the establishment of municipalities. It is not immediately clear from the applicable provisions what criteria is to be employed in the designation of an entity as a Town Board, a town or municipal council or a city council.

It is proposed that in amending Part II of the said Act consideration should be given to criteria that should be employed in the designation of an entity as a town board, a town or municipal council or a city council.

It is suggested that the local citizenry (or ratepayers where this is applicable) may be granted the right to petition the Minister to confer the status applied for premised upon the attainment of predetermined criteria which may include specified levels of income, population or rateable value, etc.

It is our submission that it is largely due to the absence of such criteria that there appears to be uncertainty about the conferment of town or municipal council status to Nhlanguano inasmuch as that town, for all intents and purposes, has equalled, if not, surpassed the levels of income and population that Manzini and Mbabane had attained at the time they were declared town councils.

Similarly, the absence of clear criteria as aforesaid currently clouds the issue whether or not Manzini and Mbabane now qualify for city status.

2.11 Obsolete Definitions

2.11.1 References to "District Commissioner"

The term "District Commissioner" appears frequently in a host of legislation. In practice this designation is obsolete and should now be replaced with the appropriate succeeding designation. One view has it that it is the Regional Secretary who replaced the District Commissioner. This view lends its support from the status of Deputy Minister being accorded to Regional Administrators by virtue of Section 8 of The Regional Councils Order, 1978. It would seem to follow from this reasoning that since the District Commissioner was a civil servant his successor ought also to be a civil servant.

The contrary view opines that it is the Regional Administrator, properly speaking, who succeeded the District Commissioner inasmuch as there was no regional authority senior to the District Commissioner. The reasoning here is that the functions previously exercised by the District Commissioner are substantially similar to those exercised by the Regional Administrator, with the Regional Secretary acting as his executive secretary.

The person who replaced the District Commissioner should be identified and the designation of such person shall replace all references to the District Commissioner as they appear in the various Statutory Enactments.

2.11.2 Expressions in Rands

The Acts, Regulations and By-laws still refer to sums expressible in South African currency. Particularly since the declaration of South African currency as illegal tender in Swaziland and the declaration of Lilangeni as the legal tender in Swaziland, it is appropriate that all references to Rands in the instruments should be replaced by the Lilangeni/Emalangeni.

2.12 Repealed Legislation

The various Acts continue to refer to items of legislation that have since been repealed, for instance, The Private Townships Act, 1961 (which was replaced by The Human Settlements Authority Act, 1988), The Employment Act, 1962 (which was replaced by The Employment Act, 1980) and so on.

The Attorney-General should be urged to update all the Statutes of Swaziland on a regular basis so that the state of the law as reflected in the Statutes is reasonably current at all times.

2.13 Fines

The fines exacted for a number of municipal law transgressions have not been revised since the promulgation of the relevant Act, Regulations and By-laws, and no longer constitute any or a sufficient deterrent.

It is proposed that the Ministers responsible for the relevant Acts should consider fixing more realistic and deterrent fines taking due cognisance of the depreciation of the value of money in the intervening years.

2.14 Local Authority

The definition of local authority in the applicable instrument is not uniform and this situation is not at all desirable.

For instance:

- (i) In terms of The Urban Government Act, 1969 it is defined as "...a Municipal council, town council, town Board or other organ of local government duly established under any law";
- (ii) Whereas in the Rating Act it means "(a) a Town Board or Town Council established under the Urban Government Act, No. 8 of 1969; (which Act repealed the Town Management Proclamation No. 4 of 1964); (b) any other organ of local government duly established under any law; or (c) in respect of any area not falling under paragraph (a) or (b), the district commissioner."

It is proposed that a uniform definition throughout the Acts should be employed so as to avoid unnecessary confusion and the more comprehensive definition given in The Rating Act, 1967 (subject to what we said concerning the person who replaced the "District Commissioner") is more preferable.

2.15 Trading Laws/Permissive Policies

- 2.15.1 The schedule to Section 65 of The Urban Government Act, 1969 empowers the Local Authorities "(24) To prohibit, restrict, regulate and license - (a) the sale or hawking of wares or the erection of stalls on any street or the use of any part of a street or public place for the purpose of carrying on any trade, business or profession".

In the light of the need to promote (particularly but not exclusively) the small business sector it is proposed that policy should be geared towards permitting and regulating the commercial activities contemplated above. Local Authorities have a critical role to play in facilitating wealth creation, promoting free enterprise and job creation and it is apposite that they should now assume a more assertive position so far as facilitating the creation of free markets within the urban centres.

- 2.15.2 The Trading Licensing Order, 1975 creates a machinery for objecting to the grant of trading licenses by interested parties.

Inasmuch as the parameters of this machinery are wide enough to permit of an objection on the basis of the proposed activity creating, so-called unfair competition in the sense that a similar facility(ies) is(are) available in the vicinity or that there is no more room in the market for a facility of the same kind, it is desirable that the law be amended to preclude objections on these bases discouraging, as they do, the promotion of free markets.

3.0 THE URBAN GOVERNMENT ACT, 1969

3.1 Proposed Amendments

3.1.1 Ad Section 3

"Public Place" means a street, square, park, recreation ground garden, commonage or open space in the area of a local authority -

- (b) Which the Public has the right to use without charge".

It is proposed that this definition should be amended to exclude that part of a public place that the local authority has specifically set apart for commercial activity at a charge and or user charge services.

3.1.2 Ad Section 45

Roomes Report, 1984 provided for the assumption of the former department of the Town Clerk by the Clerk to the Council.

It is desirable that the respective duties, functions and powers of the Town Clerk and the Clerk to the Council should be properly articulated and incorporated into the provisions of the Act.

3.1.3 Ad Section 59

Section 59 as amended prescribed that tenders should be called for the supply of any goods or materials, the execution of any works, or the provision of any services other than professional services exceeding E2000.

It is proposed that this amount should be increased to Five thousand Emalangeni and provision should also be made for the waiver of tenders in appropriate circumstances which appear not to have been contemplated by the Act.

3.1.4 Ad Section 65 (Sub-Section 3)

A lease of municipal land for a period not exceeding two years does not require ministerial approval.

It is proposed that the provision should be amended such that ministerial consent would be required only in respect of leases for a period of ten years or longer.

3.1.5 Ad Section 72

Sub-Section 2(d) requires Council to post a notice for the proposed closure of a street in a conspicuous place near where it is proposed to close such street.

This is impracticable and thus the provision is honoured more in its breach than in compliance.

4.0 THE URBAN GOVERNMENT REGULATIONS, 1969

4.1 Conversion of Regulations into By-Laws

These regulations were made by the Minister by virtue of Section 115 of The Urban Government Act, 1969 and are intended to provide for the maintenance of the health, well-being and safety of the inhabitants of the Municipality; for the good order and government of the Municipality; and for the prevention and suppression of nuisances in the Municipality. They are applicable at the instance of any local authority that has not made by-laws treating of the same.

It is apposite to suggest that the matters provided for under the above Regulations should now be made by-laws by the Town Councils and in this process afford the local authority the opportunity of broadening and updating the matters dealt with in the Urban Government Regulations.

In this particular connection consideration should be given to the urgent task of setting local environmental standards.

- 4.2 Regulation 23 providing for the prohibition of the use of barbed wire as part of any fence abutting on any street or public place has fallen into disuse.
- 4.3 All notices calling upon owner/occupiers to rectify transgressions of the by-laws should prescribe a definite time limit (which is reasonable) and not merely "within the time specified in the notice."
- 4.4 Street vending: if it is orderly is permissible under Regulation 28. Trading zones should be demarcated and a small trading fee should be charged. Additionally a market day(s) should be encouraged to enable a free market climate to operate.
- 4.5 Permissible noise levels should be prescribed with regard to any area.

5.0 THE RATING ACT, 1967

"To tax and to please, no more than
to love and be wise, is not given to men"

Edmund Burke (April 19, 1774)

5.1 General Observations

- 5.1.1 There is insufficient clarity and inadequate guidelines respecting the delineation of responsibility and accountability for the provision of a host of services to be provided by central and local government.

The articulation of the respective roles should be pursued as a matter of urgency.

- 5.1.2 Moreover the Act does not address the question of affording partial or even full relief to worthy cases such as senior citizens and otherwise destitute persons who own property (particularly owner-occupied residential property) to name but a few.

5.2 The Bases of Taxation

Section 6 of The Rating Act, 1967 provides:

- (1) "Except as provided in Subsection (2) each rate shall be made levied and assessed partly on the valuation of the land without improvements and partly on the value of the improvements
- (2) The local authority may, subject to the approval of the Minister, determine that any rate shall be made, levied and assessed on the valuation of the land only or the improvements only, or on the total valuation of the property, and thereafter, until such local authority determines otherwise with the approval of the Minister, all rates shall be made, levied and assessed accordingly".

5.2.1 Composite Rating

(Provided for under Section 6(1) of the Act and as applied by the Manzini and Mbabane Town Councils). Under this system the land is more heavily taxed than the improvements. The advantage of composite rating is that whilst there is a heavier leaning towards levying rates on the land the benefits of taxing improvements are retained; save that it is to a relatively smaller degree. Furthermore composite rating affords greater flexibility on the taxing authority to make adjustments from time to time between land and improvements in order to suit the prevailing circumstances.

5.2.2 Site Value Rating

Site value rating is the first alternative method contemplated under Section 6(2) of the Act. Taxation under this system is based on land value only.

It is arguable that this system promotes growth and development in the sense that whilst land values remain the same the improvements (of any magnitude) do not attract any taxation. In addition this system limits land speculation.

A seeming inequity would arise where, for instance, there is a vacant plot adjacent to a shopping and office complex. The valuations of the respective pieces of land would be the same per square meterage. In this scenario the owner of the undeveloped property is not prejudiced; rather he stands to benefit by realising a higher value for his property from the neighbouring development.

Pari Passu the owner of the latter property benefits from the non-taxability of the improvements. Furthermore the latter owner provides employment, promotes the overall development of the town, increases the pool of existing and prospective ratepayers and makes full use of the services provided.

5.2.3 Improvement Value Rating

This system is the second alternative contemplated under Section 6(2). It is the inverse of the site value rating system and thus seeks to tax only the improvements. Clearly under this scenario the growth and development of the towns would be severely hampered by basing all of the taxation on improvements only.

5.2.4 Flat Rating

This system of rating is the third alternative method contemplated under Section 6(2) of the Act, in terms of which the combined valuations of land and buildings are taxed equally. Experience elsewhere has shown that this system detrimentally affects the growth and development of towns in that a high tax on improvements is a disincentive to the construction of buildings, especially against the backdrop of spiraling taxation. Moreover it has been found

that where there are many undeveloped properties this system all but discourages land speculation.

- 5.3 Clearly then the choice of system by which rates are to be made, levied and assessed under Section 6 is of critical importance insofar as it impacts upon the growth and development of a town.

It is our submission that the composite rating system is the most progressive alternative for present purposes for the rapidly urbanizing towns of Swaziland. Although both Manzini and Mbabane apply this system the ratio of tax on land as against improvements serves both as a disincentive to land improvement and an incentive for land speculation.

Manzini's ratios are as follows:

Residential:	land	4.09%	Improvements	2.02%
Commercial/ Industrial :	land	5.60%	Improvements	3.36%

In Mbabane the position is thus:

Residential:	land	1.75%	Improvements	0.95%
Commercial/ Industrial :	land	3.00%	Improvements	2.00%

Our suggestion is that the local authorities should set a target of achieving, over time, a 10:1 ratio in favour of the rating of land as against improvements so as to stimulate property development with its attendant benefits in employment and wealth-creation on the one hand and the minimisation of land speculation on the other.

5.4 Proposed Amendments

5.4.1 Ad Section 3

Section 3 of the Act defines "financial year" as : "... any period of twelve months which the Minister may, by notice published in the Gazette, appoint in respect of a local authority".

Section 85 of The Urban Government Act, 1969 defines the same as : "... the twelve months ending on and including 31st March in each and every calendar year, or such other date as the Minister may by notice in the Gazette either generally, or in respect to any Council, appoint".

It is proposed that the latter definition should be used in Section 3 of the Rating Act, 1969 for purposes of clarity and consistency.

5.4.2 Ad Section 4

Two additional sub-sections are proposed for purposes of clarity and consolidation, viz:

*(3) Except where the local authority deems it necessary to adjust the general rate during the course of the financial year, application for the approval of the general rate in respect of every financial year shall be made or deemed to have been made together with the application for the approval of the annual estimates under Section 91(1) of The Urban Government Act, 1969.

*(4) If the general rate for the succeeding financial year remains the same as that for the preceding financial year and the valuation roll for purposes of the present financial year has not been affected by a general valuation the approval of the Minister shall not be necessary".

5.4.3 Ad Section 5

Section 5(2) provides that the Minister may determine that only a percentage of the general rate

levied shall be paid if the local authority fails to provide: a) constructed roads; or b) a water supply; or c) a supply of electricity; or d) sewerage; or e) night soil removal; or f) domestic refuse removal.

It is noted that at present water and electricity are the statutory responsibilities of the Water and Sewerage Board and the Electricity Board, respectively; and thus there seems to be no reason in equity for differential rates to apply in the circumstances. This seems to support our belief that the legislature intended to create Town Councils capable of providing the range of services contemplated under Section 5.

"Constructed roads" requires to be defined more clearly as it may be (1) passable and graded, (2) bituminized and (3) both.

It is submitted that "bituminized roads" is the more preferable definition.

It is desirable for purposes of uniformity to prescribe the percentage of rates chargeable or remittable for the failure to provide any of the services mentioned under Sub-section (2) in the same way that this was done for agricultural land under Sub-section (1).

5.4.4 Ad Section 7

Section 7 treats of cases wherein rates exemptions will be allowed.

The position of pensioners and persons otherwise unable (by virtue of want of income) to pay rates should be seriously considered.

For instance a general and full exemptions or subsidies for senior citizens (i.e. above 60 years) may be considered with respect to owner-occupied properties. The gross amounts remitted here may be recovered by way of grants in lieu of rates.

5.4.5 Ad Section 9

It is proposed that the general valuation of all properties in the urban area should be done once in every three years instead of not less than once in every five years as is prescribed under Section 9(1) of the Act.

It is further proposed that a Valuers Act should be enacted and that only valuers registered in terms of that Act should be considered for undertaking valuations, making provision inter alia, for trainee valuers and technical assistants to be used under their direct supervision. Again a tariff of valuer's fees may be prescribed.

At present there is no criteria for the appointment of persons qualified to undertake valuations nor is there a tariff of fees.

The present practice whereby persons wishing to undertake valuations tender their professional services seems to be in conflict with Section 59(1)(c) The Urban Government Act providing, as it does that:

'Save and insofar as may be permitted in Subsections (5) and (6) a Council shall not enter into any contract for -

(c) the provision of any service, other than professional services, to or for the Council involving an amount of One Thousand Rand or more, except after publicly calling for tenders by notice published in newspaper circulating in Swaziland and posted at the office of the Council'.

Upon approval of the proposed legislation it would seem that the Minister's consent under Sub-section 9 (2) of the Rating Act would be superfluous and dilatory and would accordingly have to be repealed.

5.4.6 Ad Section 17

The arrangement whereby the term of office of the Valuation Court is for the duration of the financial year has proved unsatisfactory, unworkable and lacking in continuity due to the prolonged gestation period between seeking Ministerial approval and the issue of the relevant Gazette notice appointing the members.

It is proposed that this Section should be amended to provide that the term of office of the Court shall end upon the operative date of the appointment of the succeeding Valuation Court.

The fees payable to members under sub-section (9) should be fixed only once by the Minister and thereafter by the local authorities at the commencement of each financial year annually by the percentage of the normal increases of salaries and wages fixed by Establishments Circulars, applying as they do, to council officers and employees.

5.4.7 Ad Section 23

It is proposed that it should be a requirement of Section 23(1) that the Surveyor-General shall forthwith notify the local authority of any sub-divisional plans approved or a general plan approved in respect of a Human Settlement.

This would reduce (if not eliminate) the undue loss of income occasioned by the otherwise inevitable late discovery of approved sub-divisional or general plans by the local authority.

5.4.8 Ad Section 27

It is desirable to make provision for the event where the Minister has not approved of the Annual Estimates (and general rate) by the last day of the financial year.

In default of timely Ministerial approval the general rate it is proposed that the local authority should levy the rate applied for in order to facilitate the timely collection of rates and, more importantly to set in motion the protracted procedure of legal proceedings for the recovery of arrear rates.

5.4.9 Ad Section 32

The proviso to Section 32(1) provides that legal proceedings must be instituted within one year of the date rates were due unless the Minister, at the request of the local authority, authorises deferment.

The time within which proceedings must be brought is unrealistically short and it is proposed, for reasons of convenience and efficiency, to transpose Minister for local authority.

The wording of Sub-section 3 lends itself to some confusion.

6.0 THE TOWN PLANNING ACT, 1961

The functions of the Town Planning Board are set out in Section 7 (2), generally, as follows:

- (a) to advise the Minister in matters relating to the preparation and carrying into effect of town planning schemes;

- (b) to encourage the study of town planning;
- (c) to ensure, as far as practicable, that local authorities in exercise of their powers in respect of town planning make use of such powers to the best advantage;
- (d) to advise and assist local authorities generally in connection with town planning schemes and the lay-out of new townships;
- (e) Wherever so requested by the Minister, to furnish any local authority with technical advice in regard to a town planning scheme".

It is common knowledge that such a crucial board does not in fact exist.

It is paramount that the board should be established without any delay in order to set in motion the functions entrusted upon it under the Act and to promote urban planning.

Consideration should be given to the composition of this board. Whilst the Permanent Secretary for the Ministry of Local Administration, Chief Professional Officer of Public Works and Chief Medical Officer (and two other members chosen by the Minister) may have sufficed in 1961, the position may not be the same in 1990.

The Board should include a broad spectrum of players in the Urban development scene: Government, Parastatals, Local Authorities, Private Sector and traditional authorities, to name but a few. This would facilitate information exchange and communication channels up and down.

It would seem that there are a number of players in the field of Town Planning, viz. Human Settlements Authority, The Physical Planning Unit, (perhaps the Regional Councils when they become fully functional) and the Town Planning Board (whenever it is appointed and becomes functional).

The roles between these authorities should be articulated in order to avoid the duplicity of functions.

The purpose of the Planning Schemes is recited in Section 8 as to afford 'a co-ordinated and harmonious development of the urban area... in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and the general welfare, as well as efficiency and economy in the process of development and the improvement of communications'.

The matters to be dealt with by schemes are set-out in the second schedule of the Act and in particular:

- "10. The demarcation of zones of areas to be used exclusively or mainly for residential, commercial, industrial and other specified purposes.
- 11. The area of lots and alteration of existing lots with the view to improvement in the design or lay-out of any portion of the area."

If a local authority wishes to prepare a scheme it applies to the Minister under Section 9 and notifies the citizenry. Upon receipt of the Minister's approval a scheme in the course of preparation is thus prepared. The local authority has a limited right of prohibition of any buildings and use to which land may be put which does not conform to the Scheme (in the course of preparation).

Section 11(4) provides:

"Any person aggrieved by any decision or order of the local authority under this section may, within twenty-eight days of such decision or order being made, give notice to the local authority of his intention to appeal to the Minister and shall, within such time, lodge his appeal, and upon consideration of the appeal the Minister shall make such order as he may think fit..."

Such scheme should then be referred to the Minister for approval. However, the Act does not prescribe the period within which a scheme in the course of preparation should be referred to the Minister for approval, disapproval or amendment, as the case may be. Consequently, no schemes in the course of preparation have ever been referred to the Minister for approval as 'approved' schemes in terms of the Act.

It is proposed that the relevant provisions of the Act should be amended so as to simplify the procedure for the approval of schemes, and prescribe a time limit for the operation of schemes 'in the course of preparation'.

7.0 THE URBAN AREA (SUB-DIVISION) REGULATIONS, 1930

The sub-division of land within the urban area where the proposed sub-division does not fall to be governed by The Human Settlements Authority Act, 1988 falls within the ambit of the aforesaid Regulations. These Regulations are now hopelessly out-of-date and require urgent amendment. The Town Council of Mbabane recently made proposals in this regard which follow below:

"It is realised that these proposals do not (and cannot) deal with every conceivable situation and thus it is understood that in particularly difficult and extraordinary cases the Council would exercise its discretion.

Upon their approval by the Minister these guidelines will immediately become operative. They will be brought to the attention of all interested parties such as Property Owners, Land Surveyors, Registrar of Deeds, Surveyor-General, Human Settlements Authority and the Physical Planning Office. Suitable application forms incorporating the provisions of these guidelines will be designed in order to streamline sub-divisional applications.

1. An Applicant shall produce satisfactory proof that he is the registered owner of the land in question and shall state whether such land has been the subject of a previous sub-division approved through the Council. This information shall be verified by the Council before the application is considered.
2. If the land in question has not been the subject of a previous sub-division approved through the Council, it may be sub-divided into a maximum of four portions, not including the remaining extent.
3. If the land in question has been the subject of a previous sub-division approved through the Council, it may be further sub-divided, provided that the total of the sub-divisions (both past and present) does not exceed four portions, not including the Remaining extent.
4. If the land in question has been the subject of a previous sub-division (or sub-divisions), and has already been sub-divided to the maximum permitted number of four portions plus a remaining extent, further sub-division will be approved only on condition that the applicant accepts responsibility for the provision of infrastructural services as required by Council.
5. The Council may impose such conditions as to it seem appropriate with regard to restrictions on any future sub-divisions; the level and standard of infrastructural services and so forth.
6. The extent of and building densities applicable to any Lots the subject of a sub-division application shall be in conformity with The Town Planning Scheme whether in the course of preparation or approved.
7. Any conditions imposed under 5 above will be referred to the Minister for the grant of an approval in principle. Upon the Council's receipt of such approval it shall inform the applicant accordingly and require him to execute all such works as are necessary to meet any

conditions attendant to such approval. When the applicant has satisfactorily executed such works the Council shall immediately inform the Minister and the Certificate of Consent shall then be issued.

8. The Certificate of Consent shall stipulate all the conditions of approval and any conditions restricting ownership. Copies of the Certificate of Consent shall be sent to the Surveyor-General and the Registrar of Deeds.
9. Applications to establish a 'Human Settlement', 'Housing Scheme' or 'Private Housing Scheme', as defined in the Human Settlements Authority Act, within the Urban Area shall be dealt with by Council in accordance with these guidelines, mutatis mutandis, before being submitted to the Human Settlements Authority."

8.0 THE PUBLIC HEALTH ACT, 1969

A workshop was held on 21-25 November, 1988 to consider the revision of the Public Health Act, 1969.

A host of recommendations were made in terms of which:

1. The Act was to be repealed and replaced by a new Act.
2. A consultant was to be engaged to make proposals for the provisions of the new Act.

The provisions of the existing Act particularly impacting upon local authorities are Part III treating of nuisances.

The workshop recommended that:

"Part III dealing with nuisances should be replaced with new parts dealing specifically with the following:

Part III	Food Hygiene
IV	Meat Hygiene
V	Toxic and Hazardous materials
VI	Waterborne Wastes
VII	Air Pollution
VIII	Refuse
IX	Factories
X	Public Buildings
XI	Schools/Creches
XII	Water Resources Development
XIII	Barber Shops
XIV	Other Nuisances

and a general part dealing with other nuisances."

In our humble view this would amount to re-inventing the wheel. All that is necessary is to amend the existing Act.

We have previously alluded to the practical advantage of making by-laws to deal more specifically with situations not contemplated by the principal Act, the only caveat being that such by-laws should not conflict with the latter.

The definition of Architect requires extension. Consideration of the establishment of an Institute of Swaziland Architects is necessary.

Ad Section 12(6) read with (1)

If the local authority fails to approve or deny the issue of a building permit within six weeks of an application the applicant may proceed to construct up to foundation level.
The Act should provide for what is to happen where

- (1) the local authority still fails to address itself to the application;
- (2) approves the application with Amendments affecting the continued building of the structure in terms of the application.

It is proposed that the said provision should further provide that if the local authority fails to address itself to the application after the applicant has constructed to foundation level the applicant should notify the local authority of his intention to continue to construct to completion within fourteen days.

If the local authority fails within the said fourteen days to approve or --- the issue of a building permit the said applicant can construct to completion.

For purposes of truly low-cost housing it is not necessary once again to re-invent Einstein's relativity theory. Consideration should urgently be given to the formulation of appropriate building standards for this type of housing.

For example, a modified traditional housing unit may be constructed taking due cognisance of the following:

- (a) that superstructure poles be creosoted for ant protection,
- (b) that roof poles be properly attached to wall poles by means of hoop-iron or similar approved and galvanised sheeting to be held down by an approved means,
- (c) that wall strapping to support infill stones be of a prescribed minimum size,
- (d) that walls be clad or treated with cement based mortar,
- (e) that sufficient light and ventilation be afforded the dwelling by the incorporation of open windows to front and rear, and
- (f) that the floor be cement screeded.

10. CONCLUSION

We cannot pretend given the exigencies of time and space to have treated comprehensively the issues pertaining to legislation and policy of local authorities in the urbanisation process. However, we hope to have brought some of the more critical salient issues to the fore.

D. ENCOURAGEMENT OF PRIVATE SECTOR DEVELOPMENT

Paper 6 presented by: Bwalya E. Ng'andu
Coopers and Lybrand

INTRODUCTION

The mention of local government or local authority often brings to mind our concept of the administrative system responsible for such matters as sanitation, water supply, road construction and maintenance, general protection of the environment and the implementation of a number of other community related development programmes.

Although one will not find much difficulty in getting people to admit that the local government system is an indispensable component of our modern way of life, it does not appear that there is any equally general regard for the local government as a significant agent of active growth and development of business. At the very best local government is thought of as playing a neutral or peripheral role as far as business development is concerned. And at the very worst it is seen as being bad for business with its inefficiently administered rules and regulations. The licensing problems experienced by hawkers being perhaps one good case in point.

Whilst we are not about to argue that these misgivings are all false and unfounded, it appears that they overstate the legitimacy of the point that is meant to be made. This paper therefore, takes the view that firstly, the local authority system is essential to business development within a given community and secondly that it is a valuable partner of the small businessman. However, we recognise from the outset that business promotion activity is not within the culture of our local authorities. The need for cultural re-orientation is therefore seen as part of the overall context of the problem of turning local government into agents of private sector development.

SYSTEMS FOR MONITORING THE NEEDS OF PRIVATE SECTOR BUSINESS

Local governments are part of the process of decentralisation and devolution of the Central Government functions. They are seen as bringing close to home the whole process of government enabling, as it were, ordinary people to participate in the day to day affairs of government on issues that directly affect them. Through this grass root participation, it is presumed that all decisions made and actions that are taken are close to the locus of the problem and answer more readily local needs and requirements. The strength of local government over central government is precisely that it reflects local needs much more than the latter.

Within this context, an appropriate starting point in evaluating the role of local governments in facilitating business development is to examine the extent of development of communication channels or formal relationships between the local authority and the business community. This is because the effectiveness of local authorities in fulfilling this function partly depends on the extent to which they are appraised with the needs of the business community so that they are able to reflect these requirements in major decisions and programmes that are undertaken.

In the more developed countries of the North the relationship between local government and the local business community is well established and close knit. This close relationship is reflected in the number of mayors and councillors running major cities of the world who are from the business community. This sort of arrangement ensures that local businesses (with a stake in the long-term development of the community and which controls most of the resources, provide the bulk of employment opportunities,

contribute substantial amounts to the community coffers) are proactively involved in determining the economic policy direction at the local level.

Admittedly, it would be inappropriate to transfer to Swaziland a local government structure from one of the cities in Europe or America. There is the danger that when big business takes over the running of a city, big business interests subjugate completely the interests of the small citizen. In addition the elective systems that operate in the North are different from our own here. And of course the fact that private business management and ownership are foreign dominated must necessarily impose a limit on the influence that business should have on the local authorities in Swaziland.

The important point, however, is that there is a need for constant dialogue between business and local authorities. The Chamber of Commerce, Institute of Accounts, Bankers Association, to name but a few, are all potential sources of information on the needs of business. Only last week on (Thursday 6th December 1990), the newspapers reported the President of the Chamber of Commerce Mr Mark Ward as requesting the Minister of Finance to give first priority to the improvement of the country's infrastructure. He noted in particular roads which he said were operating above capacity, overloaded telephone exchange and a threatened water supply system.

Although some of the items mentioned by Mr Ward are outside the ambit of the local governments and are the direct responsibilities of the central government what comes through is that the responsiveness of the local authorities will be enhanced by a system based on the constant interaction between business and local authorities. Only and only then will they be able to create enabling environments for business to thrive. In other words, local authorities must re-examine their present relationships with the business community in terms of their appropriateness in making available information on community based-needs of private business both large and small.

RESOLVING IMPEDIMENTS TO BUSINESS ACTIVITY AND DEVELOPMENT

The foregoing emphasis on the need to create relationships which make local authorities more responsive to the needs of business should not detract attention from the fact that there are a number of well-known problems or difficulties which impede private sector development and which ought to be addressed by local authorities. These include poor infrastructure, lack of premises, lack of information, poor financial and management skills, lack of accessibility to finance. Each one of these is examined in turn below.

Poor Infrastructure

The problem of poor infrastructural development has been alluded to in connection with Mr Ward's sentiments. This problem has many facets to it. Firstly, the decision whether a company will choose a particular site for its operation will, to a considerable extent, be influenced by the state of roads, housing, health facilities, sanitation and water supply. It is no secret that infrastructural development is lagging behind and, perhaps, even placing a restriction on the pace of private sector investment in this country. During the rainy season most of the roads are reduced to a deplorable state. Exactly to what extent this harms business activity is something that has yet to be established in detail. But there is little doubt that poor roads can discourage business from locating in a particular area.

The problem of housing deserves some elaboration. At the moment, any company wanting to get into the business of estate development will require capital not just for the construction of houses but for investment in basic infrastructure; roads, water, sewerage, etc. The size of finance required for the development of such infrastructure is sufficient to discourage private sector involvement in township development resulting in the serious shortage of good housing which is being experienced in almost all major districts of the country. It needs to be said that the requirement to invest in infrastructural development prior to building houses must impose additional hardship on even the Swaziland National Housing Board which would not be the case if the local authorities undertook the task of infrastructural

development and recovered its investment through rates. Most important, however, this development would reduce the initial capital outlay required and thus open up a new avenue of business activity for the private sector in the area of housing development.

In summary poor infrastructure chases away business whilst on the contrary developed infrastructure attracts business and stimulates business activity.

Lack of Premises

The lack of working premises is one of the major difficulties faced by especially the small business person wanting to get started. Factory space is not readily available and where it is expensive and out of the reach of many. Local authority contribution to the solution to this problem could be through investment in the building of industrial estates and establishment of special industrial zones. The availability of factory space designed with the need to adapt it to the requirements of different business activities could both encourage business development and attract business to relocate to a particular area.

The Matsapha Industrial Estate is a good example of how deliberate and well-designed factory space with supporting infrastructural development can attract and encourage business development. Local authorities could therefore consider similar developments but aimed at the smaller size business concern than what is currently accommodated at Matsapha. The factories could also be designed bearing in mind the fact that the main business activities will involve basic skills with simple and relatively unsophisticated instruments.

Lack of Information

One of the principal impediments to business development is the absence of readily available and reliable information on market potential, accessibility to the market, business opportunities, future plans with a direct bearing on business activity, standards and regulations, costs of setting up a business and so forth. A successful businessman is aware of the importance of continuous and accurate up-to-date information to the success of his business. Most business entities do not have the capability of undertaking the research required to obtain all this information. On the contrary, local authorities have the capability through their various organs to provide business with this steady flow of information needed by existing and emerging businesses.

Another dimension to this is that the local authorities could use its information provision activity to advertise business incentives available in their area such as tax holidays, concessions on rates and other benefits which they could negotiate with the central government and offer to the business community in order to attract investment from outside their areas.

Poor Financial and Management Skills

Small aspiring local business people exhibit a general lack of financial and management skills necessary to operate successful businesses. Admittedly, there are in this country such organisations as SEDCO which attempt to develop business skills. Whether SEDCO does a satisfactory job in this regard is something outside the scope of this paper. However, business skills development within a given community is very much the concern of the local authorities. How the local authorities provide this training in conjunction with other relevant organs of the central government is a matter of detail. But local authorities must be actively involved in order to meet more directly the skills requirements of the business activities that a given local authority wishes to promote. One local authority might want to develop African aircraft as a community based industry. Another may want to develop the growing of sugar or timber whilst another may consider small scale manufacturing. Each one of these activities will call for certain specific skills and the local authorities carry the responsibility of providing the necessary

educational base for the transmission of these skills. The availability of skills might be one consideration in influencing what business activity will attract investment within a given locality.

Lack of Accessibility to Funds

Many aspiring businesses fail to develop because of the difficulty that small businesses have in gaining access to finance. Lending institutions are not always keen to provide venture capital for quite understandable reasons. Many small businessmen fail to secure funds from banks because they fail to provide the required financial information such as cashflow projections on account of their poor financial skills.

The poor financial positions of local authorities precludes them from being lenders of the last resort to small-scale business nor to guarantee bank lending to such categories of people. However, the banks' unwillingness to fund venture capital is not a permanent aspect of their character but merely reflects their lack of confidence in the prospect of recovery for such lending based on past experience. Joint local authority bank and involvement could see banks softening their attitude to the extent that they are involved in the establishment of small scale ventures from the outset. In other words, the local authorities could ease the small businessman's difficulty of access to funds by playing the role of a go-between bringing businessmen and lending institutions together.

This idea ought to be examined in the light of the fact that local authorities are themselves generators of business activity. They undertake such capital projects as building and maintaining roads and a range of smaller projects such as the maintenance and repair of public property. A number of these activities are accomplished by way of contracting out or involving the local business. Although the covenant of local authorities is not always a hundred percent, lending institutions are likely to be more inclined to consider requests for financial support from business entities which are assured of receiving revenue from the local authorities for the services that they render. But as a condition, local authorities will need to actively encourage local business to undertake work on their behalf; this will not only reduce the need for maintaining a large labour force and the costs that entails but also promote private sector activities in the process.

Development of a Business Ethic

All having been said we must go back to considering the view that at present local authorities are poorly placed to play the role of business development catalysts because they hardly perceive themselves as business units. It is difficult to see how an entity that does not have a concept of itself as a business can be a significant stimulant of business activity.

The local authority financial resources depend almost exclusively on rates and Central Government grants. This does not call for great effort on the part of local authorities to investigate ways and means of generating their own revenues. Local authorities have sizeable assets bases which can permit them to raise funds through mortgage debentures, local authority bonds (and other marketable security), management of their own businesses and so forth.

But, so long as local authorities continue to perceive themselves as cleaners of streets, providers of basic recreational facilities, and so forth, they will remain incapable of contributing proactively to private sector development. What is required is therefore, a cultural re-orientation which involves the development of a business ethic within the local authorities. A change in psychological orientation is required for a start in our town halls before we begin to see local authorities playing their due role in private sector development. To a sizeable extent the answer to the question "how can local authorities contribute to private sector development?" must be answered by paraphrasing a famous old song ... "the answer my friend is in the minds of the men who populate our town halls."

1.0 **THE RELATIONSHIP BETWEEN LOCAL AUTHORITIES
AND THE PRIVATE SECTOR**

- 1.1 There would seem to be a very unhealthy antipathy between local authorities and small business, especially the very small, informal sector of the business world. While there may be ample, yet superficial, evidence that these two entities are natural enemies, there may also be deeper reasons why these two comparatively recent players on the Swazi cultural scene do not get on with each other. We are frequently reminded that the Swazi people were never a village people, they did not conurbate in the usual African way; it would seem that town life continues to sit uncomfortably on the shoulders of many. Town life has never succeeded in developing a replacement for the lost natural leadership of the rural chief; it has never found a social life to replace the natural community character on the Swazi rural life.
- 1.2 Likewise the Swazi entrepreneur is culturally a new phenomenon. For reasons not yet explained by the sociologists/anthropologists the Swazi does not seem to possess in any great measure the qualities of the entrepreneur; so far the explanation has been a mixture of historical and cultural reasons - the fact remains that town life and business activity are two anomalies that ill fit modern Swazi life.
- 1.3 To compound the above we have a more recent entry on the Swazi scene - the local authority. Having spent three years as a Manzini Town Councilor - in terms of results, three of the most frustrating years of my life - the Town Council struck me as a body with a distinct identity crisis, an orphan in search of a father, an unmarried mother seeking social respectability. The Town Council has never really been indigenised; the concept was cast in concrete in 1969 by an Act which was obviously imported directly from abroad and Councils have continued to follow these regulations as the law of the Medes and Persians. An area where the regulations have done more harm than good is the area of the small informal business sector.
- 1.4 By nature the entrepreneur is likely to come in conflict with authority - any authority. The entrepreneur is the individualist, the adventurer, the risk-taker, the questioner who asks, why not, where most people are content with asking just why. They are mostly women, they are hard-working and independent, are enthusiastically committed to reaching a very clear business objective which carries them through all sorts of ups and downs. One of the major downs will be the confrontation with the town council.
- 1.5 Most of us are familiar with the confrontation issues between small business people and the local authority. The market facilities are inadequate; the licenses and permits procedures would confuse the wisest among us - last week at a workshop for small business people run by the Business Management Extension Programme (BMEP), we had to bring in four different speakers to cover the licence/permit areas; it is financially impossible to rent suitable premises to carry on a small business; the entrepreneur is hounded by the petty officials who zoom round in their green and yellow vans and have the power to close the business down or confiscate the goods should there be any contravention of the multiple regulations that govern the selling of goods inside the town boundary. These issues are compounded by the other problems the small business person has to contend with - starved of capital, cold shouldered by financial institutions, overlooked in our development plans, ignored, until very recently, by development and funding agencies, undermined by overt and hidden subsidies to large scale foreign investment out at Matsapha - we seem to suffer from a one dimensional view of economic development - the investment dimension, which has to be foreign, large and or export only.

2.0 SOME SUGGESTIONS ON HOW LOCAL AUTHORITIES COULD EMPOWER SMALL BUSINESS DEVELOPMENT

- 2.1 The small business world has its own built in dynamism, which, provided it is not too severely hampered, will give direction and movement to the development of this sector. It is, therefore, important that the Local Authority intervention is not such that it interferes with the freedom and independence of the sector, but rather that it creates the enabling environment which will allow the sector to grow. We are all too aware of the many cases where the intervention of bureaucratic officialdom had meant the kiss of death for what otherwise could have been a thriving private enterprise. The distinctive characteristic of the enabling environment will be the minimizing of regulation and the maximizing of the free, open market; while we may preach that we in Swaziland encourage the free, open market, if you were a market woman in Manzini you would quickly find out that the market is neither free nor open.
- 2.2 In other African countries the deregulation of the informal business sector has seen an unprecedented expansion, which has proved most beneficial to the economy and to the business persons involved in this area. A start might be made with a simplification of the permit/licence procedure. It should come under the management of the local authority and many of the petty regulations governing the dispensing of these necessary controls should be discarded. Complementary to the deregulation there should be a much more sensible approach to the zoning of areas dedicated to small business activity. Rather than the leasing of land at a price well beyond the financial ability of the small business person, the Council should make available, rate free, a work shop estate facility which would encourage the setting up of the informal small business.
- 2.3 With a little effort the local authority is eminently suited to promote the small-business in various enabling ways. The Manzini Town Council owns an excellent facility, the Trade Fair, which could be used to the advantage of local businesses - not just for the one off international effort which does little for the small local business. A local small business fair might surprise our politicians who see economic development only in terms of massive foreign investment; it could also be used for small business competitions organised at local level with local participation and local custom.
- 2.4 From the vantage point of the local authority, an overall view of the business activities and opportunities of the town would be of great benefit to those thinking of entering this area and in need of the necessary information about business openings, franchises, workshop space, business management guidance and various concessions which would attract the potential business person. Perhaps our local authorities might reflect that concessions in this area might reap great benefit for the town rather than their following their present attitude of squeezing as much money as possible out of the business sector.
- 2.5 An obvious enabling factor would be a structured contact with the small business world which would encourage an exchange of ideas and the airing of problems met by both parties. This could be extended to include working with the organisations which are already engaged in the training and fostering of the small business sector. The constant complaint of the various groups that make up the urban community is that there is no forum where their grievances can be aired. An elementary step in this direction would be the opening of the activities of the local authority to public scrutiny, possibly in the form of a publicised report of their activities.
- 2.6 Between the massive enterprises at Matsapha and the congested mixture of business activities being carried on at the Manzini market, there would seem to be a great void. We seem to lack a middle group of small businesses which should be there if the informal business sector has a natural growth rate - there should be the normal upward business mobility, as we have in

other areas of the community. Perhaps the local authorities should look at the possibility of developing this area: it could approach the larger firms which have enormous business expertise with the intention of spreading this expertise further down the business ladder. It might also be the catalyst for the sub-contracting of business from the larger to the smaller firms, an idea proving very successful in other African countries.

3.0 THE IMPORTANCE OF THE SMALL BUSINESS AREA

- 3.1 Since independence our educational system has passed through two distinct phases; in the seventies we produced educated young people with little or no subject specialisation; in the eighties diversification became the educational in-thing and our schools, at enormous expense, erected workshops to cater for various practical subjects. Parents will soon realise that the educational system, which is presently costing them more than many of them can afford, will not guarantee their children a place in the formal employment area. We now have five young school leavers chasing each job in the formal wage sector. It would seem that the future for many will have to be in the area of self-employment. There is a good reason for our educational leaders to consider the possibility of making this area a part of the national curriculum.
- 3.2 Some words from our Minister of Finance speaking from this podium less than a week ago would seem to indicate that our government is now looking in the direction of self-employment as a solution to our youth unemployment problem. I read his words as reported in our daily press with great expectations of a new dispensation from government for our small business community, until I came to the second last reported paragraph, which read, "and we hope that the market also works to the advantage of the small Swazi business".... not very confident words for a new government programme.
- 3.3 No doubt our over-worked, understaffed, unacknowledged local authority personnel will return to their grey offices in a few days time wondering where to begin, and wishing that the experts, who did so much talking at Piggs Peak, would join them as they face the public, the press, the pothole phobias, the bellicose rate payers who want a cent by cent rates/services exchange, otherwise they will refuse to pay. I would like to make a suggestion, although I do not hold a brief on behalf of those for whom I am about to speak.
- 3.4 Over the past few years there has been an extraordinary increase in the number of non-governmental organisation which have registered with the government as agencies providing a vast variety of voluntary services for the community. I realise only too well that in the minds of many the NGOs often have other worldly motives in their development efforts; there is also the NGO type who does not do the movement any credit - the oddball type drawn to the organisation because of some need of public acclaim or office. It is also true that the NGOs do not have the infrastructure to handle big programmes, they are sometimes difficult to control, they insist on developing projects which do not fit into the overall government programme, and they do not have the continuity once the charismatic founder has left or been thrown out by the new executive. However, we of the NGOs feel a little hurt, a little disregarded by those in power, when in spite of pioneering work in education, health, indeed, in most areas of development, we are made to feel inferior when the established works, created by the sweat and toil of the pioneers, are taken over by the machinery of government. We also feel a little hurt when the large foreign funders, who blithely hand-over to government vast amounts of money with no more guarantees than are implied in the signing of a piece of paper, a friendly handshake and picture in the paper, these same funders will scrutinise the organisational minutiae of the NGO and will demand a financial accounting of each cent spent, a task that is often beyond their capabilities. I suggest that it is time that the powers that be disburse the surplus money of this earth, recognise the efficient, honest, committed and beneficial use that the NGO movement can make of it and it is about time that they gave the

same NGOs a few more crumbs of the cake; the NGO movement has the means but not the power, the enthusiasm but not the structure, the motivation but not the funds. I am not suggesting that the NGOs should be inundated with funding, but that they be given sufficient to do the job - this is usually a lot less than it takes the government to do the same job.

- 3.4 I would, therefore, recommend that the local authorities turn to the many organisations which are involved in the development of the small business sector in town and work hand-in-hand with them towards a better relationship. The NGO is very much in touch with the grassroots level of community thinking and it is usually more than willing to co-operate with any authority in the furtherance of its aims.

IV. SYNDICATE GROUP DISCUSSIONS

IV.1 CONSTRAINTS AND RECOMMENDATIONS

This part of the report deals with the issues identified by the syndicate groups as constraining the effective management of the urbanisation process. Such constraints appear in bold writing and are underlined.

The recommendations made with regard to such issues follow and are prefixed with "IT IS RECOMMENDED THAT."

It is imperative that the recommendations made at this conference should receive the immediate attention of local authorities and the Cabinet; and that the execution of the proposed action plans be effected timeously.

To this end the Local Authorities Task Force established at the conference should ensure that the approved recommendations and action plans are executed fully and timeously.

The Task Force shall bring before the Cabinet (at the earliest opportunity) those policy issues and the proposed amendments to existing law requiring the latter's approval. Matters of a purely administrative nature should be implemented forthwith by the respective local authorities.

REPORT OF SYNDICATE GROUP 1: MANAGEMENT OF THE URBANISATION PROCESS

1.0 Lack of co-ordination between agencies responsible for the provision of housing, land, infrastructural services and the management of urban area development

IT IS RECOMMENDED THAT:

- 1.1 Local authorities should take full responsibility for all public land administration and housing within urban boundaries. Such responsibilities should be streamlined and harmonised with those of agencies and departments presently charged with responsibility for public land, the provision of infrastructural services and housing.

The Town Councils should directly control all public utilities. Initially, they may take over the control of water and sewerage, and eventually assume responsibility for the provision of all other infrastructural services within their area of jurisdiction.

In the short-term local authorities should conduct a manpower development study to determine their (manpower) requirements in adequately meeting the demands that may be placed upon them as a consequence of taking on the added responsibilities.

- 1.2 Local authorities should have consistent Development Plans (i.e., Town Planning Schemes) that have been approved.
- 1.3 The Government should declare peri-urban areas as "controlled areas" and the local authorities should be empowered to enforce the existing legislation (with regard to the control of informal human settlements) in such areas.

2.0 Lack of land available for urban development

IT IS RECOMMENDED THAT:

- 2.1 Legislation regarding land allocation and use within the urban areas should be amended so as to vest such land with the local authorities granting them power to deal with and administer government land within their areas of jurisdiction.
- 2.2 All Swazi nation land within Town Council boundaries should be transferred to Town Council for purposes of leasing and/or housing development in terms of the May, 1990 conference recommendations.

3.0 Absence of criteria for the determination of categories of local government

IT IS RECOMMENDED THAT:

- 3.1 Such criteria should be established based on, inter alia, population, income, mass media performance levels and efficiency, etc.

4.0 Centralisation of Authority

IT IS RECOMMENDED THAT:

- 4.1 The government should grant local authorities greater autonomy in managing their own affairs and (government) should play the role of facilitator.

5.0 Lack of public awareness of the laws governing Council authority within the urban area

IT IS RECOMMENDED THAT:

- 5.1 The local authorities inform the public through the mass media in order to engender public awareness of municipal activities and projects.

6.0 Concentration of urban development along the Mbabane-Manzini corridor

IT IS RECOMMENDED THAT:

- 6.1 Urban development should not be exclusively focused on the Mbabane-Manzini corridor.

7.0 Underdeveloped townships within the urban areas

IT IS RECOMMENDED THAT:

- 7.1 The local authorities should establish an equalisation fund for the development of poorer townships within the urban areas.

REPORT OF SYNDICATE GROUP 2: LOCAL AUTHORITIES FINANCE AND REVENUE

8.0. Failure to realise to the full the existing sources of revenue

IT IS RECOMMENDED THAT:

- 8.1 Service charges should cover the real cost of providing the service. Fees payable for the provision of such services should be revised regularly.
- 8.2 Local authorities should improve municipal facilities and levy user-charge fees.
- 8.3 The Town Councils should realise all revenues contemplated under Section 86 of The Urban Government Act, 1969.
- 8.4 Local authorities should increase efficiency and eliminate misuse. Productivity management should also be introduced.
- 8.5 The local authorities should ensure that prompt and true market valuations of land and improvements are carried out, taking due cognizance of recommendations made, in this respect, in the paper on Legislation and Policy.
- 8.6 Local authorities ensure that the full computerisation of rates accounts is pursued as a matter of utmost urgency in order to ensure the accuracy and reliability of accounts.

9.0 Failure to identify and utilise the alternative sources of revenue

IT IS RECOMMENDED THAT:

The Town Councils should -

- 9.1 Place the management of selected Town Council facilities in the hands of the private sector through competitively let contracts.
- 9.2 Establish municipal utilities retail firms.
- 9.3 Enter into joint-ventures with private sector for the development of land held by the (Councils).
- 9.4 Study and establish procedures for the issue of tax-free municipal bonds.
- 9.5 Establish tolls and levy fees on buses and heavy vehicles for the use of urban roads.

10.0 The absence of corporate-minded Councils and officials

IT IS RECOMMENDED THAT:

Local authorities should -

- 10.1 Adopt a clearly defined mission statement based on business objectives and provide for a system of evaluating performance in terms of those objectives.

- 10.2 Create an environment conducive to private investment.
- 10.3 Introduce "least cost" budgeting and financing to ensure a break-even margin in annual budgeting.

11.0 The lack of inter-agency co-ordination and co-operation

IT IS RECOMMENDED THAT:

- 11.1 Local authorities should create an inter-local authorities equipment pool.
- 11.2 Government and the Town Councils should closely consult for purposes of the preparation of their respective annual budgets.
- 11.3 With the proposed election of local representatives town councils should determine (with finality) rates, fees and charges applicable to their area of jurisdiction.

12.0 Increasingly onerous tax burden upon ratepayers

IT IS RECOMMENDED THAT:

There should be -

- 12.1 Greater Central Government contributions to identified Town Council infrastructure so as to contain the overall tax burden within sustainable levels.
- 12.2 Greater communication between town councils and the ratepayers, especially on specific projects to be undertaken in particular areas.

13.0 The lack of ratepayer awareness of development priorities

IT IS RECOMMENDED THAT:

- 13.1 The local authorities should regularly report on finances and development works in a reporting format accessible to the majority of the urban residents.

REPORT OF SYNDICATE GROUP 3: LEGISLATION AND POLICY

14.0 Obsolete, inadequate and inappropriate laws and regulations

IT IS RECOMMENDED THAT:

- 14.1 A task force shall be formed in order to establish, in the light of the papers presented and discussed at the conference, the appropriate principles applicable to the proposed laws to be reviewed and reformed and to facilitate the exchange of information between the Government, Councils parastatals and the private sector in the implementation of

all the recommendations and plans of action of this conference.

In the proposed amendments to existing laws the Task Force shall take due cognizance of the following:

The Councils should -

- 14.2 Set a target of achieving, over time, a 10:1 ratio in favour of the rating of land as against improvements.
 - 14.3 Explore the possibility of discounting of rates for timeous cash payments.
 - 14.4 Levy differential (lower) rates for investment in depressed areas.
 - 14.5 Levy building penalties on undeveloped land.
 - 14.6 Explore the rental of servitudes.
 - 14.7 Review the relevant items of legislation such that they allow for the greater autonomy of local authorities.
 - 14.8 Explore the possibility of bringing trading licencing under the auspices of local authorities.
 - 14.9 Deregulate and promote the informal and small business sector.
 - 14.10 Propose to the Government that local representatives should be elected by the local citizenry.
 - 14.11 Propose to the Government that elected councillors should serve for a minimum of two and maximum three years per term of office. Such terms should be staggered.
 - 14.12 Establish the Swaziland National Association of Local Authorities.
- 15.0 Failure to apply fully, consistently and rationally the provisions of existing law

IT IS RECOMMENDED THAT:

- 15.1 Local authorities, should, as a matter of urgency, review legislation applicable to them in the light of the papers presented at the conference.
- 15.2 The Town Councils should -
 - . ensure that all land owners pay rates.
 - . rationalise the legislative procedures for the enforcement of rates recovery;
- 15.3 A ministry responsible for land, local government and housing should be established.
- 15.4 Legislation for the appointment members of Statutory Boards should specify appropriate guidelines that the Minister should employ in making such appointments.

REPORT OF SYNDICATE GROUP 4: ENCOURAGEMENT OF PRIVATE SECTOR DEVELOPMENT

16.0 Lack of local development information and facilities accessible to small-scale business

IT IS RECOMMENDED THAT:

The local authorities should -

16.1 Establish an information desk that will:

- (a) Develop a data bank of small business community needs and the means of meeting those needs.
- (b) Disseminate information from financial institutions, business assistance and training centres, donor agencies, organised business, NGO's and such other organisations as may stimulate small business activity.
- (c) Promote the creation and co-ordination of a local business forum.
- (d) Interface with business and local authorities.
- (e) Promote a local base for a representative of the Ministry of Commerce, Industry and Tourism.
- (f) Advise on development procedures.
- (g) Articulate and streamline the building/ construction approval process.

16.2 Establish a clearly defined network to guide potential developers on the necessary approval procedures.

17.0 Lack of affordable work premises available to small-scale business

IT IS RECOMMENDED THAT:

The local authorities should use some of the land under their control or acquired from Government in order to provide nursery units for rental to small first time businesses, with a short-term lease (maximum 3 years) at affordable rentals.

In addition, and as the 'next step', local authorities should develop business premises for sale to small enterprises who vacate the nursery units, at affordable prices.

18.0 Lack of business management skills training facilities

IT IS RECOMMENDED THAT:

The local authorities should create a development co-ordinating committee at national level for small business training and loan finance, which will streamline distribution of training resources,

business information and credit facilities. The committee should comprise business associations, donor agencies, central government, local authorities and relevant parastatals.

19.0 Absence of after-hours public transport

IT IS RECOMMENDED THAT:

The local authorities should examine the possibility of running an after-hours public transport service taking into account its viability or otherwise.

IV.11 ACTION PLANS

LOCAL AUTHORITIES TASK FORCE

A Local Authorities Task Force shall be established constituted as follows:

- Chairman - Principal Secretary (Tinkhundla Head Office)
- Members - Chairmen of Council (Mbabane and Manzini)
- Town Clerks (Mbabane and Manzini).
- The task force shall be empowered to co-opt additional members as it deems fit.

Each member of the task force shall be a member of a sub-committee to the task force.

Sub-committees to the task force shall be established to carry out the terms of reference of the task force.

TERMS OF REFERENCE

The task force shall review the operation of and any undue constraints imposed by law regarding:

- (a) The structures of local government;
- (b) The management of urban and peri-urban land;
- (c) Urban finance and taxation;
- (d) The licensing and control of economic and business activity in urban areas;

Additionally, the task force shall:

Propose and explain the principles which will govern any amendments or additions to the above laws;

Prepare drafts of all amendments and additions to the above laws and comment on all the prepared drafts; and

Have regard to the proceedings and outcome of the conference of December, 1990 in carrying out its above tasks.

The work of the Task Force will commence in March, 1991. Local authorities and other interests represented at the conference may submit their proposals to the Task Force for consideration. At the end of 1991 the report of the Task Force will be submitted to the Prime Minister, including draft amendment bills.

In compiling the report to the Prime Minister the Task Force shall consider that:

1. Responsibility for the administration of public land within the areas of jurisdiction of local authorities should vest with the latter.

2. Each urban area should have an approved Development Plan, produced under the auspices of the Physical Planning Department in consultation with the Townships Administration Office or relevant local authority.
The objective is to produce a clear, coherent and relevant Development Plan which is fully adopted and consistently applied by the relevant local authority or township board and readily available to all.

The development plan should include details of permitted land uses, zonings, development limitations, ancillary requirements, etc.
The development plans should be finalised and approved within nine months after the Development Plan Study has been completed.

The Town Clerks (Mbabane and Manzini) or the Township Board Secretaries, as the case may be, shall be responsible for ensuring that the foregoing recommendation is timeously executed and referred to the Task Force, after due consultation with the Senior Physical Planning Officer, the Townships Engineer and the Town Engineers (Mbabane and Manzini).
3. The Senior Planning Officer (Department of Economic Planning and Statistics) and the Senior Physical Planning Officer shall, during the week commencing 17th December, 1990, ensure that the National Physical Development Plan encourages the decentralisation of development away from the Mbabane-Manzini corridor.
4. The legal machinery for the direct election of local authority Councillors should be revived (subject to what amendments may be deemed necessary) by the end of 1991/1992 Central Government Financial year taking due cognizance of recommendation 14.11.
5. This conference passes a motion that there shall be established a Ministry of Local Government, Land and Housing.

The plan of action of the Task Force for 1991 will be as follows:

<u>Date</u>	<u>Action</u>
15th February, 1991	Chairman of the Task Force to submit report of the conference to the Prime Minister.
22nd February, 1991	Chairman of the Task Force to submit a minute addressed to the Prime Minister drawing his attention to the anomalies emanating from the practical application of Government Gazette No. 145 of 1985 and the recommendations made by the conference in this regard.
28th February, 1991	Chairman of the Task Force to convene meeting of the Task Force to draw up the agenda and programme. Meeting to also set-up sub-committees. [The task force shall furnish a progress report to the Minister responsible for local authorities at least once a month, every month.]
31st May, 1991	The task force to complete the review of the identified relevant legislation.

3rd June, 1991	The task force to circulate draft report to all interests represented at the conference for comments.
8th July, 1991	Comments to be received by Chairman of the Task Force.
5th August, 1991	The task force to complete a draft revision of laws under review.
12th August, 1991	The report on proposed revisions of relevant pieces of legislation to be submitted to the Prime Minister.

LOCAL AUTHORITIES TO TASK FORCE

The action to be taken under this head shall first be referred to the local authorities for due consideration and thereafter to the task force.

<u>Date</u>	<u>Action</u>
31st December, 1990	The Town Clerks of Mbabane and Manzini shall submit a request to Tinkhundla Head Office for the inclusion - in the terms of reference of the pending local authorities manpower study made pursuant to the May, 1990 Urbanisation Workshop - of a manpower needs assessment of the town councils entailed by the objective of taking control of water, sewerage and electricity supply within the urban area.
1st March, 1991	The Clerks to the Councils (Mbabane and Manzini) to submit a paper to a management sub-committee, constituting councillors: S.J. Magagula, J.R. Masson, H.B. Nkambule and H.A. Shirley. This paper shall address recommendations 9.4 on the proposed issue, by local authorities, of tax-free municipal bonds. (Legal aspects).
-	Town Treasurers (Mbabane and Manzini) to submit a report to the respective Town Councils, after discussions with the Deputy Governor (Central Bank) and the Under Secretary (Ministry of Finance), regarding the proposed introduction of tax-free Municipal Bonds. (Financial aspects).
28th March, 1991	The management sub-committees to submit, to the respective councils, a report on recommendations 3.0, 8.1 to 8.5 and 9.1 to 9.5.
29th March, 1991	The approved recommendations to be submitted to Task Force.
3rd April, 1991	Local authorities to submit to the task force a draft paper on the appropriate criteria to be employed in the determination of the various classes of local government and the means by which local entities may make application for the conferment upon them of the desired status.
28th June, 1991	The consultant shall be engaged.
31st December, 1991	The consultant shall submit his report.

LOCAL AUTHORITIES

Under this head are the action plans regarding those policy issues to be reviewed that are within the competence of local authorities. Reports in this respect will be furnished to the Task Force purely for the purposes of keeping government apprised of local initiatives.

<u>Date</u>	<u>Action</u>
15th February, 1991	<p>The management sub-committee shall draw-up terms of reference for the engagement of a consultant to address recommendations 1.1 (last paragraph); 8.4; and 10.1 which shall be referred to the Department of Economic Planning & Statistics for sourcing possible external assistance in management by 31st January, 1991.</p> <p>The Town Clerks (Mbabane and Manzini) to establish a working group under the aegis of the Townships Engineer to prepare a report on the establishment of a heavy equipment pool.</p>
19th March, 1991	<p>The Town Clerks (Mbabane and Manzini) to submit to the respective Councils respecting the report on the proposed equipment pool.</p>
31st March, 1991	<p>Respecting recommendation 10.3 the Town Treasurers to submit reports the respective councils after consultation with the Department of Economic Planning and Statistics (Messrs. D. Augustin and V. Kunene) on "least-cost" budgeting and financing.</p>
31st March, 1991	<p>The town clerks to table a report to the respective councils outlining the demand for and necessity of establishing a night public transport service for the conveyance of evening school pupils, employees and other travellers.</p>
1st April, 1991	<p>The Clerks to the Councils (Mbabane and Manzini) to submit to the respective management committees a paper on the reciprocal rights and duties of the local authorities and the urban citizenry.</p> <p>In this regard due cognizance of recommendations 5.1, 12.2 and 13.1 shall be taken.</p>
1st April, 1991	<p>The management committees (Mbabane and Manzini) to establish a commercial division within a suitable department of each council.</p> <p>The said division shall be responsible, <u>inter alia</u>, for the following:</p> <ul style="list-style-type: none">. The implementation of the recommendation 16.1 and 16.2 hereof.. The harmonisation of the legal framework within which the national and local trading licencing laws operate in the urban areas. In this respect the proposed division shall initiate, execute and amend the local trading licencing regulations.. The co-ordination, within the jurisdiction of each local authority of co-operation with the agencies referred to in recommendation 16.1 in the creation of small-scale and informal sector business infrastructure.. The facilitation and management of joint ventures with the private sector.

- . The solicitation of investors into the urban area through the inspiration of appropriate localised investor incentives, the production of town level investor information brochures and business presentations.
- . The creation of an industrial/central business district association to promote the free-flow of ideas between organised business and councils so as to develop and market the town as a thriving free-market zone.
- . The compilation of the town's physical and business development statistics (data bank) and to avail these to all entrepreneurs.
- . The provision of training to small-scale business entrepreneurs and to facilitate access to credit. Additionally it shall co-ordinate donor agency assistance to such businesses within the urban areas.
- . The creation and promotion of a forum of local business organisation (both large and small) for exchanging information, use and experiences and to facilitate the assistance of small scale entrepreneurs by organised business.

22nd April, 1991

A sub-committee comprising Town Engineers (Mbabane and Manzini), Townships Engineer and Human Settlements Authority shall establish a guide on approval procedures to avoid confusion, unnecessary delays and expense.

The sub-committee referred to above shall streamline construction approval procedures so as to eschew delays and the consequent expenses, loss of revenue, taking note of the comments made in this respect in the legislation paper.

25th April, 1991

The programme paper shall be referred to the respective councils for consideration.

30th April, 1991

A steering committee to facilitate the establishment of the Swaziland National Association of Local Authorities shall be formed constituted as follows:

- . The chairmen of the Town Councils (Mbabane and Manzini)
- . The Town Clerks (Mbabane and Manzini)
- . Any other persons co-opted by the steering committee.

The steering committee shall:

- . Draw-up a draft constitution of the association;
- . Convene a meeting representative of all local authorities for the adoption of the draft constitution;
- . To convene a further meeting (similarly representative) for the election of the association's first operational committees and sub-committees (as the case may be).

- 30th May, 1991 The foregoing shall be completed and effected after consultation with the UNCHS (HABITAT) it having indicated its readiness, willingness and ability to assist in the establishment of a local authority association.
- 30th May, 1991 The Chairmen of Council (Mbabane and Manzini) to ensure that motions are moved for the adoption of the concept of the establishment of nursery units by the local authorities for the promotion of small-scale business entrepreneurs.
- 1st June, 1991 The Management Committees and chief officers of the respective town councils to undertake joint consultations on the drafting of their budgets, taking due cognizance, inter alia, of the need for greater Government contributions to identified town council infrastructure and thereafter hold discussions with the Department of Economic Planning and Statistics (Mr. G. West and Miss L. Dlamini) and the Ministry of Finance (Mrs. N. Maphalala).
- With respect to recommendation 7.0 the Town Treasurers (Mbabane and Manzini) to submit recommendations to the respective councils regarding the proposed establishment of an equalisation fund after consultations with the Department of Economic Planning and Statistics (Messrs. D. Augustin and V. Kunene), UNISWA (Prof. M. Matsebula) and Ministry of Finance (Mrs. N. Maphalala).
- 27th June, 1991 The Town Clerks (Mbabane and Manzini) to submit, to the respective councils, a report on the ways and means of bringing the proposed nursery units into reality.
- The study shall examine, inter alia, the following:
- Potential demand for the proposed units.
 - Services needed in terms of infrastructure and financing arrangements.
 - Potential assistance from the NGOs, donor agencies, co-operatives and government agencies.
 - Previous efforts by the council and other agencies in pursuit of similar initiatives.
 - The viability of the proposed scheme.
 - Alternative management strategies of such units.

CONCLUDING OFFICIAL ADDRESSES

A SUMMARY OF THE CONFERENCE

Presented by: Mr. P.B. Nkambule
Town Clerk, Manzini Town Council

I am highly honoured to have been entrusted with giving you, Honourable Minister, a brief summary of the proceedings of the conference from Monday 10th December to date.

We were honoured by the personal presence of His Excellency the Right Honourable Prime Minister who officially opened the conference in his capacity as Minister responsible for Local Government.

In his opening address the Right Honourable Prime Minister made remarks on a number of very important points affecting local authorities. To cite a few, he said that he was aware of the problems caused by rural-urban migration. In addition, local authorities find themselves expected to provide social services such as housing, roads, public health services and facilities. His Excellency further noted that the amount of annual subvention received by local authorities from the Central Government was not, by any means, adequate due to the scarcity of National Development resources.

He challenged local authorities to have constant consultation with ratepayers, to educate them on the local government legislation and report on the activities proposed to be undertaken by Council.

In conclusion, the Right Honourable Prime Minister requested that a report of this conference be submitted to his office at the earliest possible time and we are most honoured by his willingness to consider our proposals.

The keynote address was delivered by who highlighted the following:

That local authorities in Swaziland are weak and cannot cope with the challenges of socio-economic problems in the 1990s; hence this conference. To resolve the weakness it was deemed necessary to empower the local authorities to better manage such socio-economic development. To achieve this, the following issues were defined: Planning; Housing; Finance; Legislation; Land; and the relationship between Central government and local authorities in as far as these affected the development and management of local authorities.

After the keynote address seven papers addressing the strengthening of local authorities in meeting the challenges of the 1990s were presented. Thereafter working groups identified constraints, recommendations and action plans in each of the following four areas:

- (a) Management of the urbanisation process
- (b) Legislation and policy
- (c) Council finance and revenue
- (d) Encouragement of private sector development.

Three general themes emerged from the papers and group deliberations:

- (a) Fundamental changes that require legislative and policy reform by Central Government, i.e.
 - (1) Election of Councillors
 - (2) Review of existing structures for the better control and management of land within the urban area.
- (b) Local authorities should seek to exploit opportunities for developing their areas within existing legislation, i.e.
 - (1) Revenue collection as prescribed in section 86 of The Urban Government Act, 1969.
 - (2) Adopting a more business-like approach in the management of their affairs.
- (c) Attitudinal re-adjustment towards promoting development so that local authorities become more of facilitators than regulators, particularly (though not exclusively) with respect to small-scale business.

We hope that local authorities and the other agencies represented here who are involved in the development and management of urban settlements will be committed to following up and implementing the recommendations made at this conference.

B. MR. MICHAEL LIPPE
DIRECTOR, RHUDO (NAIROBI)

I am indeed pleased to have been able to join you for this last day of your work shop. From comment, last night and this morning I have gathered that there is a general feeling that the workshop has been a success. I congratulate each of you for having attended, participated and contributed to this success.

I would also like to congratulate or rather honour you for being a part of the local government movement in Swaziland. You should be aware that you are part of a worthy profession which exists in every part of the world. From what I have seen and heard, you are a credit to this profession.

My office is involved in the issues that you are confronting here as well as in many other countries in the region, notably Zimbabwe, Malawi, Botswana and Kenya. We are encouraged by the progress you are making and wish to assure you that we will continue to support you if so desired.

May I again congratulate you on a workshop well carried out.

C. MR. B.S. DLAMINI, HONOURABLE MINISTER OF FINANCE
[Speech delivered by the Honourable Minister of
Health, Dr. Fanny Friedman]

It is my great pleasure to offer a few remarks at this, the closing session of the conference on Town Councils and local authorities. In doing so I am presiding as the Acting Minister for Finance, on behalf of my honourable colleague, and I will be delivering comments which express his interest in the emergence of strong, autonomous and financially stable councils and authorities.

Ladies and gentlemen, the timing of this conference is fortuitous. Its subject is immediately topical at this time of increased activism of the part of town councils and local authorities. It also responds to the desire of ratepayers for increased responsibility and accountability in their organisations. But, more than anything else, the timing of the conference responds to the reality of increasing urbanisation in Swaziland. The phenomena of a growing urban population places heavy demands on the town councils and local authorities to provide additional services. It is against this background that we are forced to address questions of the appropriate design and financing of the next generation of urban infrastructure present, many of the capital costs associated with the extension of town infrastructure have been recovered through the consolidated fund. That is, the cost has been borne by the taxpayers at large via the central government's budget. Urban dwellers, who are the main beneficiaries of urban infrastructure, have thus been subsidised indirectly by taxpayers living outside town areas and puts an urban bias on our development. A development strategy which is neutral between urban and rural areas must review our financing strategy and alleviate any bias which it could introduce to the decisions made by people and companies in their choice of location.

Even with the urban areas, urban services, and the benefits of urban infrastructure, are diffused over a wide areas, and shared amongst many parties, who may use them to a different degree. The objective of encouraging the most efficient use of resources can be met by charging beneficiaries according to their use of the services or resources. Our attachment to the goal of equity also requires that charges are levied in a way that we can accept as fair.

These criteria are sometimes difficult to translate into practice. A commodity such as water can be sold by the unit to the consumer. A commodity such as a road, or street lighting, cannot be bundled up into equal units. Economic cost recovery of these infrastructure commodities can be assisted by looking at the experience in different countries, and learning from their approaches. As Central Government, we would also request that town councils also local authorities consult with the Ministry of Finance, and Department of Economic Planning, on the appropriate level and distribution of rates, compatible with its overall fiscal policy.

One of the most important results of a cost recovery approach is to introduce more accountability in the capital investment decisions of the town councils and local authorities. If urban dwellers are faced with the responsibility of cost recovery, they are likely to resist unnecessary investment in infrastructure. Even without cost recovery in place, town councils can deduce an efficient investment plan by carefully analyzing the characteristics of the urban population and basing expenditure on real demand, measured by ability to pay. This criteria has been the foundation of the urban development feasibility study, and I congratulate all those who contributed to its production.

All of the potential developments in urban areas place a heavy burden on the town councils and

local authorities, especially because these bodies must seek approval from their constituencies. This conference therefore answers an immediate need. I look forward especially to reading its conclusions on how to build up the capacity of the councils and authorities without, as the Prime Minister warned in his opening speech, placing an undue burden on recurrent expenditure.

However, as a politician and an administrator, I would caution against reliance of over-night changes, and I expect that representatives from the town councils and local authorities might agree with me.

We have to start with a realistic assessment of the current capacity. The enhancement of that capacity is, of course, a prerequisite for planned developments, such as the large-scale urban infrastructure project, and for development of other urban areas. But, successful building-up of capacity is best achieved by gradual progress toward the long-term goal of self-reliance. This must also be supported by financial reforms, human resource efforts and good public relations.

It is essential that we start this process now, but also essential that town councils and local authorities can rely upon the support and assistance of central government. The danger of duplication or frustration of our efforts can be resolved through a pragmatic division of responsibilities between central and local government, based always on an attitude of mutual respect.

Ladies and gentleman, for the reasons I have just described, I am especially happy to see that both Tinkhundla and the Ministry of Natural Resources and Energy are well represented here. I hope that your attendance at the conference, as well as that of all the other ministries involved, has allowed a wide-ranging pooling of ideas and information. I am profoundly impressed at the attention you have given to this issue.

Ultimately, however, and as I have said, it is the town councils and local authorities who bear the responsibility for long-run developments in town infrastructure. I therefore commend you for your attendance here and for the very valuable contributions which you have made to progress in discussions.

To the facilitators, especially Dr. Lippe of Regional Urban Development Office, I would like to express my gratitude for a job well done. The task of facilitating a conference such as this, which cuts across so many different areas, is an arduous one. I can see that you have handled this well, with very positive results.

Finally, I would like to express the government's profound appreciation to the sponsors of the conference: to the United States for International Development, to the United Nations Development Programme, and to the World Bank for their far-sighted concern and practical assistance to the development of strong, autonomous and financially stable town councils and local authorities. I hope that the sponsors will also be pleased by the very positive response which this conference has evoked.

Ladies and gentlemen, distinguished participants, honoured participants, principal secretaries, and Indvuna Yetinkhundla, thank you for the dedication you have shown over the last two-and-a-half days and for allowing me this opportunity to speak to you. The conference is now officially declared closed.

STRENGTHENING LOCAL AUTHORITIES IN SWAZILAND:
CHALLENGES OF THE 1980s

[a conference for the greater empowerment of Local Authorities in
managing and facilitating socio-economic development]

LIST OF DELEGATES

PARLIAMENT	:	Senator A.R.V. Khoza Obed Z. Dhlamini, MP
TINKHUNDLA HEAD OFFICE	:	Mr. Robert Mdluli Prince Phuhlaphi Dlamini Mr. Bheki J. Dlamini
NATIONAL HOUSING BOARD	:	Mr. Thom Dlamini Mr. Siza Zwane Mr. Philip Mpambawashe Prince Selumlomo Dlamini
RHUDO, NAIROBI	:	Mr. Mike Lippe Dr. Howard Sumka Dr. Dave DeGroot Ms. Colleen Butcher Mr. Frank Powell
UNCHS (HABITAT), NAIROBI	:	Mr. Patrick McAuslan
USAID/SWAZILAND	:	Mr. Alonzo Fulgham
MINISTRY OF NATURAL RESOURCES & ENERGY	:	Mr. Sandile Ceko Mr. Mbuso Dlamini Mr. Kevin Gates
MINISTRY OF FINANCE	:	Mrs Noreen Maphalala
MINISTRY OF WORKS AND COMMUNICATIONS	:	Mr. Trevor Tshabalala
MINISTRY OF HEALTH	:	Mr. E.M. Hlophe
DEPARTMENT OF ECONOMIC PLANNING AND STATISTICS	:	Mr. Donald Augustin Miss Lonkhululeko Dlamini

TOWN COUNCIL OF MBABANE

OFFICERS : Mr. Ray Sibandze
Mr. Douglas Masuku
Mr. Abednigo Mabuza
Ms. Martina Groening
Mr. Gideon Mhlongo
Mr. H.M.J. Dlamini

COUNCILLORS : Mr. Titus Msibi
Mr. John Masson
Mr. Cain Dlamini
Mr. Kenneth Khumalo
Mr. Samson J. Magagula
Mr. Phineas Mahlalela
Mr. Z.D. Hlatjwako

TOWN COUNCIL OF MANZINI

OFFICERS : Mr. P.B. Nkambule
Mr. P.B.M. Zwane
Mr. R. Zwane
Mr. H.T. Mndzebele
Mr. S.L. Ntshalintshali
Mrs. N.S. Wamukoya

COUNCILLORS : Mr. M.M. Dlamini
Mr. H. Shirley
Mr. A. Dlamini
Rev. G. Dlamini
Mr. A.J. Nicholl
Mr. H. Nkambule
Mr. P. Shabalala
Mr. A. Sibiya

REGIONAL SECRETARIES

PIGGS PEAK : Mr. G.V. Dlamini

SHISELWENI : Mr. J.D. Dlamini

UNIVERSITY OF SWAZILAND : Prof. M.S. Matsebula
Dr. G. Bowser

WATER AND SEWERAGE BOARD : Mr. P.P. Mhhamali

SWAZILAND DEVELOPMENT AND SAVINGS BANK : Mr. James J. Dlamini

SWAZILAND ELECTRICITY BOARD : Mr. H.S. Shongwe

SWAZILAND CHAMBER OF COMMERCE AND INDUSTRY : Mr. Marc Ward

SIBAKHO CHAMBER OF COMMERCE:	Mr. Bonga Gcininda
BUILDING DESIGN GROUP :	Mr. Steve Hall
LANG, MITCHELL & ASSOCIATES :	Mr. Steve Mitchell
P.A. GAMA & ASSOCIATES :	Mr. Phambili Gama
CARL BRO SWAZILAND :	Mr. Humphrey Ndlangamandla
JOHN BURROW & PARTNERS :	Mr. John Lowsby
BMEP/MITC :	Father McDonnell
COOPERS AND LYRAND :	Mr. Ben Nga'ndu

LIST OF MEMBERS OF SYNDICATE GROUPS

Management of Urbanisation Process

Discussion Leader: Mr. Bheki J. Dlamini

1. Mrs. E.N. Wamukoya
2. Mr. Howard Sumka
3. Mr. Ray B. Sibandze
4. Mr. G.V. Dlamini
5. Rev. G. Dlamini
6. Mr. J.D. Dlamini
7. Mr. Cain Dlamini
8. Mr. K.E.S. Khumalo
9. Mr. Z.D. Hlatjwako
10. Mr. Mbuso C. Dlamini
11. Mr. R.M. Mdluli
12. Mr. Humphrey M. Ndlangamandla
13. Mr. O.Z. Dhlamini, MP
14. Mr. G. Mhlongo
15. Mr. R. Zwane
16. Mr. T. Tshabalala
17. Mr. P.P.M. Mbhamali
18. Mr. S.L. Ntshalintshali

Council Finance and Revenue

Discussion Leader: Mr. Harry O.A. Shirley

1. Mr. Philip Mpambawashe
2. Ms. Lonkhululeko Dlamini
3. Mr. Donald Augustin
4. Mr. Henry T. Mndzebele
5. Mr. P.K. Mahlalela
6. Dr. Dave DeGroot
7. Mr. Sam Magagula
8. Ms. Colleen Butcher
9. Mr. P.B. Nkambule
10. Mr. Henry S. Shongwe
11. Mr. Tom J. Dlamini
12. Ms. Martina Groening
13. Prof. M.S. Matsebula
14. Mrs. Noreen Maphalala
15. Mr. John Masson

Legislation and Policy

Discussion Leader: Mr. Tites Msibi

1. Mr. Douglas T. Masuku
2. Mr. A. Sibiya
3. Mr. Patrick B.M. Zwane
4. Senator Arthur Khoza
5. Mr. Patrick McAuslan
6. Mr. Sandae Ceko
7. Mr. Steve Mitchell
8. Mr. John Lowsby
9. Mr. Kevin Gates
10. Mr. E.M. Hlophe
11. Mr. H.M.J. Dlamini
12. Prince Sulumlomo Dlamini
13. Mr. W.D. Sukumane
14. Mr. A.S. Mabuza
15. Mr. Siza Zwane

Encouragement of Private Sector Development

Discussion Leader: Mr. H. Nkambule

1. Mr. E.P. Tshabalala
2. Mr. J.J. Dlamini
3. Mr. Alonzo Fulgham
4. Mr. Bonga Ginindza
5. Mr. M.M. Dlamini
6. Prince Phuhlaphi Dlamini
7. Mr. A.M. Dlamini
8. Mr. Bwalya E. Ng'andu
9. Mr. P.A. Gama
10. Mr. G.W. Lowsby
11. Dr. G. Bowser
12. Mr. Steve Hall
13. Mr. Mike Lippe

P M M O N R U R A L A R E A S

PIGG'S PEAK—The Government should invest an increasing amount of resources in rural development programmes to enhance the people's standard of living. This observation was made here yesterday by the Prime Minister, Mr Obed Dlamini, at a two-day conference on strengthening local authorities in Swaziland.

Mr Dlamini said, the programmes could attract more people to remain in the rural areas.

"The process of making rural areas more economically attractive cannot be accomplished overnight," Mr Dlamini said.

The Prime Minister added that the steady stream of people moving from the country side to the cities was a problem that needed urgent attention.

"What is of immediate concern to Swaziland is to strengthen the capabilities of our various local authorities to absorb the increasing population in the urban areas, and to systematically and effectively cater for the needs of the growing urban population with housing, sanitation and other services.

"There is a very unfortunate tendency which seems to be endemic in government and other semi-government bodies in Swaziland. It is the habit-

By Albert Masango

"We tend to spend money, even years, conducting a series of feasibility

studies which get overtaken by events and are, consequently, never im-

plemented," the Prime Minister said.

He urged participants to adopt more pragmatic approach when dealing with many pressing problems of urbanisation.

"It is unwise to spend 10 years theorising about what to do about people who are squatting and creating unsightly slums in our urban

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studies because after 10 years it would be more difficult and more expensive to settle such people.

"There is a need for streamlining our existing procedures and procedures to ensure that we are responding adequately and timely to the many demands of a rapidly urbanising population," Mr Dlamini said.

Mr Dlamini added that it was important that local authorities should have effective forums and channels through which to communicate regularly with the ratepayers.

The prime minister added that it was also important that local authorities publicised the nature and the importance of raising capital projects to

be undertaken by each local authority during any given financial year.

"The residents of each town should have some knowledge of the proposed short term development programmes to be undertaken within their towns," said Mr Dlamini.

He added that that would reassure the ratepayers that their money was being put into good use by the local authorities.

The prime minister said that there was a growing trend in many countries to place greater emphasis on the development of small business enterprises since they normally required less capital and were more adaptable to economic changes.

He said lack of capital had been a major obstacle

to any small entrepreneur wishing to start any type of business, whereas some business, especially in the service sector, could be run with the creation of small enterprises.

Mr Dlamini urged the assistance in this way and means where local authorities should be facilitative rather than impede the development of small business enterprises in their areas.

For instance, the vegetable vendors in our towns have for many years been prevented from selling their produce in the streets.

"In these days of high unemployment, we must have to find a way of not only creating jobs but also providing spirit of our street vendors," he suggested.

Best Available Document

Leave them alone!

PM tells councils to stop harassing vendors

BY GORDON MBULI.

THE Prime Minister, Mr Obed Dlamini yesterday appealed for local authorities to support fruit and vegetable vendors, instead of harassing them.

Speaking at a conference for town councils and local authorities at Pieter's Peak, the Prime Minister noted a growing trend internationally to look at the small business as an increasingly favourable light as the key to creating employment and income generation.

The Prime Minister said instead of impeding their work, town councils should make efforts to help, and not impede the development of small business enterprises.

"For example, the vegetable vendors in our towns have for many years, been prevented from selling their products on the streets. In these days of high unemployment, we may perhaps find a way of not stifling altogether the enterprising spirit of our vendors.

The Prime Minister also warned administrators of the tendency to avoid responsibility by shelving problems until it is too late to solve them.

Addressing town councillors from Mthunzi and Muzini, engineers, planners and architects from both government and semi-government bodies, Mr Dlamini complained: "We tend to spend months, even years, conducting a series of feasibility studies on a problem and, in the meantime, many of these studies get overtaken by events and are, consequently, never implemented."

"It is definitely unwise for us to spend 10 years theorising about what to do about people who are squatting and creating unsightly slums in our urban

(CONT on page 28)

PM appeals for vendors

(FROM page 1)

areas because after 10 years, it would be more difficult and more expensive to re-settle such people.

"In other words, there is need for streamlining our existing decision-making procedures if we are to respond adequately and promptly to the many heavy demands of a rapidly urbanising population.

The Prime Minister also strongly urged town councils to stop being aloof, but to be more accountable to their rate payers, and to keep them informed of development plans.

Mr Dlamini said local authorities should establish effective forums and channels through which to communicate regularly with their employers, the ratepayers.

"It is very essential, for instance, for local authorities to publicise to the residents of their towns the nature and the importance of the various capital projects to be undertaken by each local authority during any given financial year.

He said residents should be informed of approved short-term development programmes in their towns to reassure them ratepayers that their money is being put into good use by the local authority.

"Whenever a ratepayer or a group of ratepayers has a grievance relating to any of the functions of a local authority, it is essential that such a grievance be fully attended to and a satisfactory explanation given to the complainant.

"As local authorities, we should always endeavour to educate our ratepayers about the provisions of the law relating to rates and other matters affecting urban dwellers.

"Under no circumstances, should we ride roughshod over ratepayers just because the law is on our side," Mr Dlamini said.

Mr Dlamini further stated: "The need for local authorities to exercise strict control over all their recurrent expenditure cannot be over-emphasised if we are to avoid diverting most of our limited financial resources to recurrent expenditure and very little, if at all, to capital projects.

"If you allow most of your revenue resources to be used in financing an ever increasing and uncontrolled recurrent expenditure, there would be no funds left for developing the infrastructural facilities of your towns and such a state of affairs would definitely result in growing dissatisfaction on the part of your ratepayers.

The conference is financed by the United States Agency for International Development (USAID), the United Nations Development Programme (UNDP), and the World Bank, whom the Prime Minister thanked "for correctly the need to strengthen the development of local authorities as the key to the development process of this country."

"Our local authorities are already grappling with many difficult problems with severely limited resources.

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SENATOR KHOZA PUTS HIS FINGER ON PROBLEM OF LOCAL AUTHORITIES

The theme of today's conference implies about three things:

• That local authorities are weak and that because they are weak they cannot — but as they are now with the challenges of socio-economic development in the 1990s. Hence the need for their strengthening, is a problem exists.

• That there is a realization or recognition that because Swaziland local authorities are weak there is a lesser or determination to do something about their status. **THERE IS WILLINGNESS TO SOLVE THE PROBLEM**, and

• That the something to be done about the status of local authorities is greater empowerment so that they can manage and facilitate socio-economic development" is THE SOLUTION.

The first task is — if we are to do justice to our conference's theme — understand what we mean by "Local authority" and what functionally local authority should be identified with. We may go through the Independence Portfolio allocation, the Kabega Report, the Human Report, the Urban Government Act, the General Administration Act, and reports of numerous workshops or seminars. The conclusion will be one: the problem of local authorities in Swaziland resides around six areas, namely **PLANNING, HOUSING, FINANCE, LEGISLATION, LAND**, and the relationship between the Central Government and

Local Authority/Government.

The point is that any local authority is Local Government. The Central Government is charged with the overall responsibility for national socio-economic development. Through Parliament, the Central Government obtains the mandate to disburse funds for development in all sectors.

At the same time, local authorities or local Government's responsibility is one of local socio-economic development.

The name may be Town Council, municipality or city council or town board. That is not nearly as important. What is the power or the authority to deliver the goods.

What is also of cardinal importance is that: both the national attainment and the Local authorities must be seen to be operating via a popular mandate. If they must be elected by the people if by some, and should not be appointed in a manner which makes the servants UNACCOUNTABLE, and the populace, supposed to be served, VOICELESS, and

SENATOR Arthur Khoza made his contribution to the search for a formula that will make local authorities function effectively. Senator Khoza delivered a keynote address at a conference on strengthening local authorities in Swaziland. Following is the text of this address at Pigg's Peak.



SENATOR Arthur Khoza

• There must be very clear criteria as to when a town board becomes a town council, and when a town council becomes a city council. Right, your question is as good as mine. Is it the population of the town? Is it the existence of a cathedral? If it is one of the two criteria or both, then Mantsi and Mbabane qualify for a city council status.

I have already stated that local authority is local government. I would like to, at this moment, draw a parallel between central and local government on the one hand, and the state and the individual on the other hand.

We state that we should draw the industrial relations law to regulate the central government should do what local government or authority CANNOT do. For when both do the same thing — in the same area — and more or less to the same extent, then duplication, indeed conflict, becomes worse when you realize that the authority of the two is UNEQUAL.

Empowerment of local authorities — greater empowerment — then means that there must be power of authority rationalisation via a socio-economic development. Put differently, if you like, this means there must be a division of labour. Such rationalisation of power or authority, such division of labour should not be limited to control only. It should — and must — include the freedom to initiate, to regulate, to interact with the private sector and to do such other things as are in harmony with the aspirations of the local populace.

Speaking about the need to strengthen local authorities in Swaziland, one is struck by a very strong dichotomy in the observation on implementation of recent statutes of the country. Namely, where the legal law is upheld, the constitution of the country is regarded and respected as the supreme law of the land. This means that any law which is inconsistent with the constitution should be brought into line.

The Regional Councils Order, 1974 has one clear message for and to all of us: **DECENTRALISATION**. This means a move away from "the centre to the periphery policy." It means the "grassroots" first. It means the greater empowerment of local authorities.

Just to give you an idea of the decentralisation envisaged and promulgated through King's Order. In Council No 22 of 1974, some of the DUTIES and POWERS shall be: To conduct national and local economic activities at

district level; To implement national and government policies and projects at district and Tikhumbula level; To initiate and identify priority projects and to mobilise the people residing in their districts in accordance with national development plans.

Dealing with the "centre to the periphery syndrome" or the "trickle-down policy" I need only refer to the Government of Swaziland Budget for 1988/91, Head 06, page 32. The budget given for Township Administration is as follows: 1987/91 7,662m; 1989/91 6,524m; 1988/91 (actual) 6,524m.

This, of course, includes subventions and grants for all sorts of activities.

The serious implement, however, lies in what really is paid what is thought to be? How read what will suggest to all right thinking persons that we should NOT be meeting here today. Activity Description (Township Administration). "Planning the most economical and effective development of urban and rural physical growth centres, planning installation and installation and inspection of township authorities. Inspecting their role as providers of local services, and meanwhile, coordinating the activities of government agencies which provide direct services in their areas of authority."

The question now becomes: is the budgetary allocation for Township Administration reasonable and realistic? Is it the case that local authorities do what the "Activity Description" tells Parliamentarians?

This, I say, because our focus is on **LOCAL NEEDS, LOCAL DEVELOPMENT PLANS, LOCAL SOLUTIONS, LOCAL CONSTRAINTS** and local authority TO HANDLE THE WHOLE HOST OF THEM.

Yes, we shall be told, as we have been before, that His Majesty's Government is committed to national socio-economic development, urban and rural. If that is the case, gentlemen, why are we speaking about the need to empower local authorities so that they may "manage and facilitate socio-economic development" 22 years after independence?

In me, the answer seems to be as follows: • Simply because there exists a dichotomy which has not been identified and tackled simply because the monitoring tendency has been to do things as they were done in yester years — even during colonial days — namely to publicly stated dynamic development objectives.

With regards to the need to strengthen local authorities, our problem in Swaziland has been — and still is — of centralisation of power or authority for its sake and a return to the 1940s form of centralisation.

"We have tried" for a long time to do the job, but where national development plans are OPENLY PREPARED, PLANNED AND EXECUTED WITHOUT INVOLVING THE GRASSROOTS.

We have seen two authorities at the recent, not-so-recently, more they were during colonial days. Yes, we have made a move. We have — within time doing so — decided that we shall tell the grassroots who their local government shall be. We do not seem to be aware that it was never the intention of colonial policy to develop — yet we seem to be religiously following some of the practices in place.

The need in decentralisation and to find a suitable home for local authorities is defined by the time honoured sociological concept of "status and role." As I have said before, this was envisaged in King's Order — in Council No 22 of 1974 — The Regional Councils Order.

Some people will argue that the Urban Government Act is clear and the town councils need only ask. That, I submit, is not what his conference is about. The main flaw in the whole arrangement is giving too little to a local authority. The question is simply: the existing legislation assumed that local town councils and town boards are like bodies that never grow.

The question is instead of prescribing the minimum activities, why not in this law and give — precisely the maximum grant operational autonomy to local authorities and only worry about the upper limit?

Finally, in order for Swaziland's local authorities to adequately meet the challenges of the 1990s the Government of the Kingdom must: • decentralise, empower, devolve, • create a structure for local authorities.

• Abandon a "trickle-down" approach in development, accordance with R.O. No 22/74.

• Abandon the "trickle-down" periphery approach of the "Trickle-down policy." • Release the pent-up development energy at the level of local authorities. • Allow local authorities the latitude to engage private sector services as and when necessary, in a manner quite different from the envisaged in sections 15 and 16 of The Urban Government Act.

Let me hope that from here, we shall stop me to go and come in between us with meant to not sleeping through resolution.



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