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Factors influencing the growth of informal rental housing in Swaziland: the case of Matsapha peri-urban areas

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CHAPTER 1: INTRODUCTION TO THE HOUSING CONUNDRUM OF SWAZILAND

1.1 Background to the Housing Problem in Swaziland

Rental housing in both the developed and developing world is at the centre of increasing policy attention (Sigodi *et al*, 2001). This is attributed to among others, the fact that half of the world's population is living in rental housing dwellings, whose neglect would be irresponsible (Gilbert, 2003). Other factors include 'government policies, land market, the market for building materials, labour market, household preferences, legislation, housing finances, household income and migration patterns' (Cadstedt, 2006: 16, 17). Although UN Habitat's call for governments in 1989 to review their housing policies and formulate requisite rental housing strategies was influential, most national housing policies produced failed to grasp the crucial role played by the rental sector (Gilbert, 2003). Hence, the need for an understanding of rental housing, its contribution to national housing markets and the interests of the stakeholders involved in the sector are significant (Sigodi *et al*, 2001).

This is of particular significance to Swaziland owing to her lagging behind in integrating rental housing into its 2001 housing policy. Ironically, rental housing does not feature either in the key housing issues and policy focus areas nor the sector and area policies. Instead, minute focus is given to promoting the rights of landlords and tenants in the rental market through calls for the implementation of the Residential Tenancies Bill. Whilst other countries, such as the Republic of South Africa (RSA) have formulated the Rental Housing Act of 1999, the Swaziland government through the Ministry of Public Works and Transport (MPWT) is preoccupied with the provision of public sector housing for its employees only. Though part of rental housing, it is subsidised housing which addresses specifically the needs of civil servants to the total neglect of the low income people who are non-civil servants. Consequently, the Swaziland government is biased towards the provision of pool housing to the total neglect of public rental housing intended for poor families.

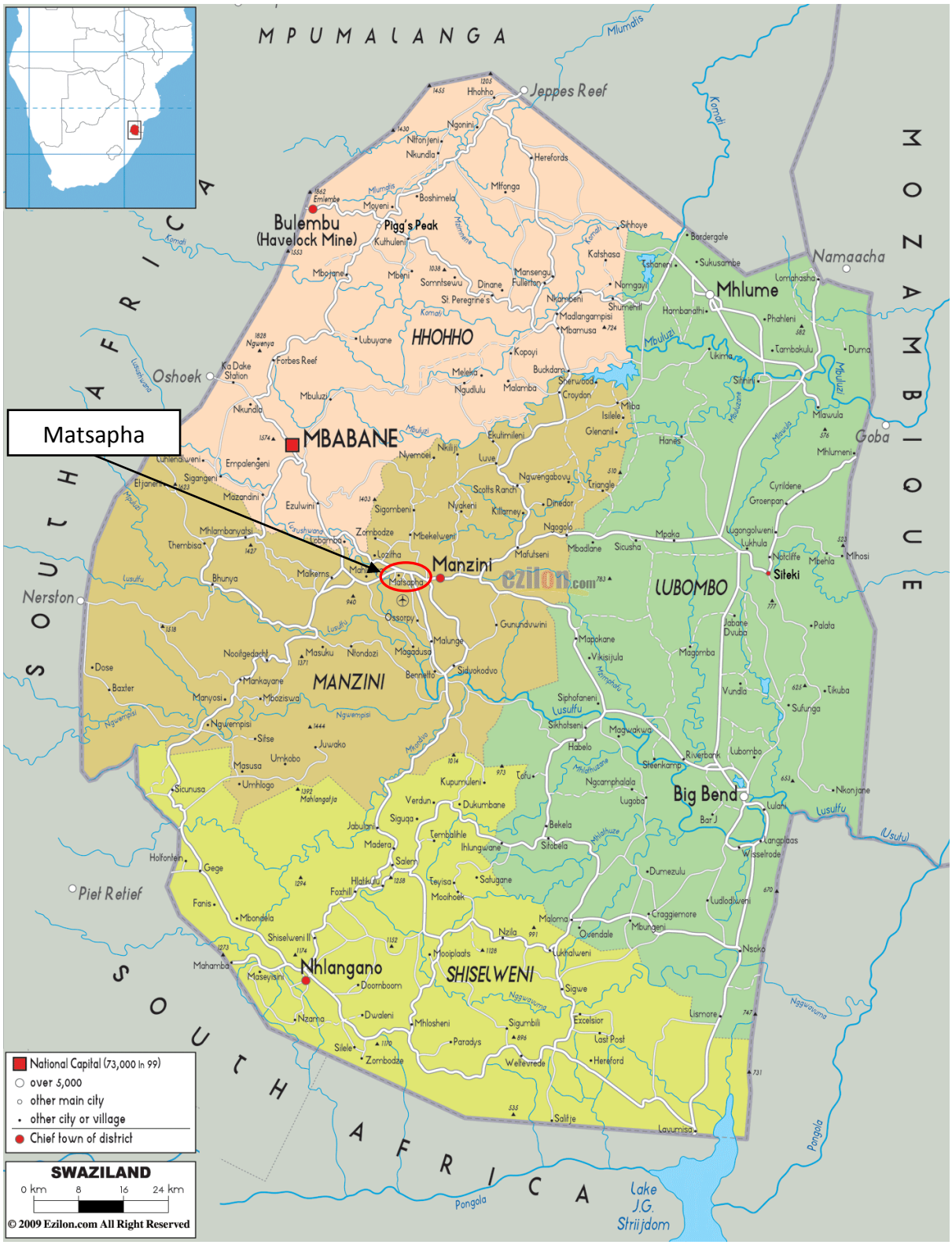
Similarly, the private sector provides subsidised housing as part of employment benefits. Prominent private sector organisations providing subsidised housing to their employees include Illovo, Simunye and Mhlume which are the sugar producing companies. In addition, country-wide rental housing through government's parastatal, Swaziland National Housing Board (SNHB) mandated to provide affordable housing to Swazis is biased towards urban

areas and the high income market (Shaw, 2011). SNHB's bias is taking place despite empirical evidence that a majority of the country's population (about 70%) lives in rural areas, whose livelihood is derived mainly from agricultural activities (Ministry of Economic Planning and Development, 2006), of whom 63% live below the poverty line (Dlamini, 2011). Whilst government's efforts seem to be misdirected, it can be argued that the country's housing system is in accordance with the observation made by Cadstedt (2006) that renting remains an integral and common housing tenure for a majority of city dwellers in the South.

Sigodi *et al* (2001) also note that rental housing markets in developing countries are by and large urban whereas private and traditional ownership is prevalent in rural areas. Therefore, the sooner governments 'accept that millions of households live in rental housing and that at some point in their family lives most people need rental accommodation' the better positioned they will be in addressing other rental housing forms (Gilbert, 2003: 3). Likewise, Swaziland needs to realise that rental housing tenure does not only involve the provision of housing for civil servants, subsidised housing for private sector employees, middle and high-income housing by SNHB and the private sector, but low-income rental housing as well. Rental housing provides either temporary accommodation to tenants whilst saving for home-ownership, whereas for others, it is a permanent phenomenon in their housing careers (Cadstedt, 2006).

Unless rental housing tenure is understood in its totality and home-ownership remains the preferred housing tenure in the country, rental housing solutions will remain elusive. The significance of this study on rental housing arises from the urban character of the country and the urban growth patterns in Matsapha peri-urban areas. The kingdom of Swaziland is one of the smallest countries in Africa, covering an areal extent of 17, 364 km^2 and lies between 25° to 27° South and 31° to 32° East. Its North to South coverage is approximately 193 km long and the East to West is approximately 145 km wide (Ministry of Housing and Urban Development, 1997). Swaziland is a landlocked country, bordered by the Republic of South Africa on the North, West and South; and the Republic of Mozambique in the East (*ibid*.), as depicted on Map 1.1.

Map 1.1: Location of Swaziland and the Study Area



Source: http://www.ezilon.com/maps/africa/swaziland-maps.html

The country attained its independence on 6th September 1968, after being a British Protectorate in 1902. Its distinctive feature is that it is one of the three surviving monarchies in Africa together with Lesotho and Morocco. Swaziland is divided into four administrative regions: Hhohho, Manzini, Lubombo and Shiselweni. The administrative capital is Mbabane and the legislative capital is Lobamba, both located in the Hhohho region (*ibid*.). Swaziland's population, based on the 2007 census stands at 1, 018, 449 people at a growth rate of 0.9% compared to that of the 1997 census where the country's population stood at 929, 718 people, at a growth rate of 3.2%. Of this figure, a total of 537 021 are female and 481 428 are male. Manzini region has the highest population, followed by Hhohho, Shiselweni, with Lubombo recording the least (Central Statistical Office, 2010) as depicted in Table 1.1.

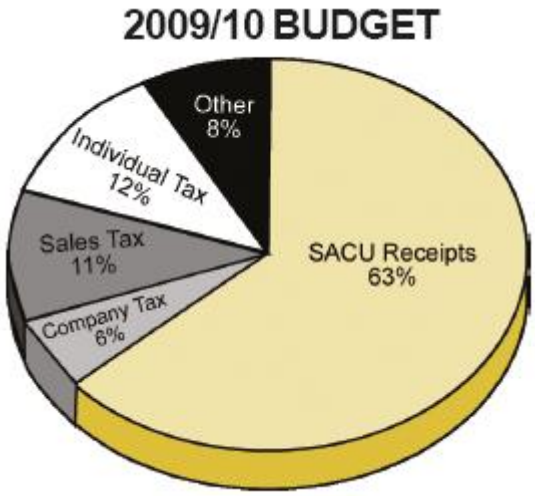
Table 1.1: Swaziland's Population and Density by Administrative Region for 2007

Administrative Region	**Area (km^2)**	**Population Count**	**Population Density**
Hhohho	3569.4	282734	78.12
Manzini	4068.4	319530	77.78
Shiselweni	3779.4	208454	55.08
Lubombo	5947.1	207731	35.58
Total Country	**17364.3**	**1018449**	**58.70**

Source: Central Statistical Office, 2010

A comparison of the 1997 and 2007 population censuses demonstrates that the country is experiencing a decline in population, owing to among others the high HIV/AIDS prevalence, recorded at 42.6 percent in 2005 (MEPD, 2006). Despite the declining population growth, Swaziland faces challenges in her ability to adequately provide the requisite socio-economic needs such as housing, health, education, potable water, employment, etc (MHUD, 2007). This is largely attributed to the country's gloomy economic outlook negatively affected by over-reliance on revenue generated from the Southern African Customs Union (SACU) receipts, as depicted in Figure 1.1. Consequently, the country's 2010/11 budget showed a deficit of 3 551 267 Emalangeni (E) (Weekend Observer, 27-28 February 2010), equivalent to the same figure in South African Rands.

Figure 1.1: Swaziland's 2009/10 National Budget Sources



Source: Swaziland Business Book (2010)

Swaziland's other challenge relates to her economic growth's reliance on agriculture and the manufacturing industry, which recorded remarkable levels in the 1980s and early 1990s (MEPD, 2006). Agriculture reliance is not only unique to the country, but Southern African economies in general as the sector employ approximately 60% of the active population (Economic Commission for Africa, 2003). To date, sugar cane growing remains the country's Gold whereas the manufacturing industry has enjoyed enormous foreign direct investment (FDI) owing to sanctions imposed to the RSA apartheid regime. But the advent of RSA's 1994 democratic regime resulted in the relocation of investors given her competitive advantage to markets. Similarly, over-reliance on sugar production has resulted in adverse effects such as reforms instituted by the European Union, which led to a cumulative 36% drop in price since 2006. The closure of Sappi Usuthu at the end of January 2010 exacerbated the country's agricultural sector (Swazi Review of Commerce and Industry, 2010).

Additionally, the country's high poverty levels estimated at 69% negatively impact the population (Swaziland Business Book, 2010). The country's unemployment rate of 40.6% (136105 people) versus 59.4% (198988 people) of employed people (CSO, 2010) explains in part the extent of deepening poverty, which has adverse effects on housing tenure. Table 1.2 captures the unemployment rate in Swaziland. Regrettably, the country's high poverty levels are taking place against the backdrop of high levels of urbanisation. Khoza (undated) argues that Swaziland's rate of urbanisation has recently been growing rapidly though

unevenly distributed. Although the country consist of twelve gazetted urban areas, Khoza (undated) notes that the cities of Mbabane and Manzini support approximately 75% of the country's urban population and the corridor between them. It is in this corridor where Matsapha town which forms the country's industrial node is located.

Table 1.2: Swaziland Unemployment Rates for 2007 in Percentages (%)

Area	Total	Male	Female
Swaziland	40.6	33.6	47.4
Urban	19.8	14.6	25.9
Rural	46.6	39.7	53.0
Hhohho	38.5	31.7	45.2
Manzini	35.1	29.8	40.0
Shiselweni	50.5	44.5	55.6
Lubombo	45.1	34.5	56.7

Source: Central Statistical Office, 2010

Manzini derives its prominence from being the oldest, largest and fastest growing city in the country at approximately 5%. It is also centrally located thus serving as the country's economic node. Likewise, its close proximity to Matsapha industrial area is an advantage (Sihlongonyane, 2003). Mbabane's advantage is its position of being the country's administrative capital. Hence, it is home to all government ministries as well as diplomatic representatives (Swazi Review of Commerce and Industry, 2010). Matsapha industrial estate, established in 1965 (Lea, 1973) is strategically located ten kilometres from Manzini city and along the Manzini-Mbabane corridor. Swaziland's demographics show that Manzini and Hhohho regions have been experiencing steady population in-migrants, as depicted in Table 1.3. This is attributed to employment opportunities offered in the formal sector by the two regions. Manzini boasts of expanding industrial and commercial sectors, whilst public sector and commercial expansion is exhibited in the Hhohho region (MHUD, 1997).

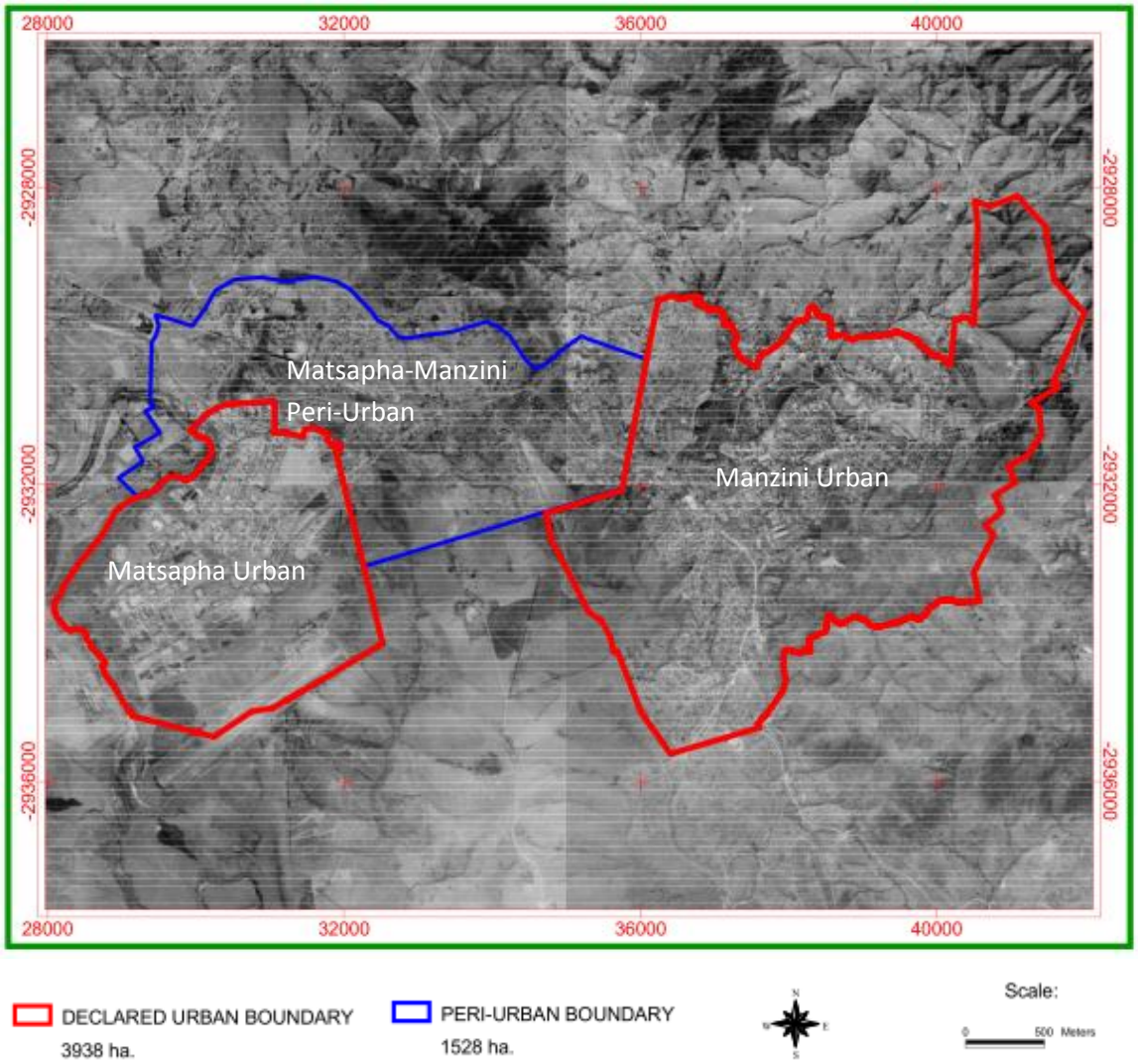
Table 1.3: Migration Patterns in Swaziland for 2007

Administrative Region	In-migration	Out-migration	Gross Migratory Balance
Hhohho	52423	39751	12672
Manzini	72037	52997	19040
Shiselweni	20615	51996	-31381
Lubombo	39072	39403	-331

Source: Central Statistical Office, 2010

Of paramount importance to this study is the location of Manzini city and Matsapha industrial estate on urban Title Deed Land (TDL) both separated by rural Swazi Nation Land (SNL), as depicted on Map 1.2. Specifically, it is part of this SNL and peri-urban area that has given impetus to rapid urban growth and a subject of this study.

Map 1.2: Manzini-Matsapha Metropolitan separated by Peri-urban Areas

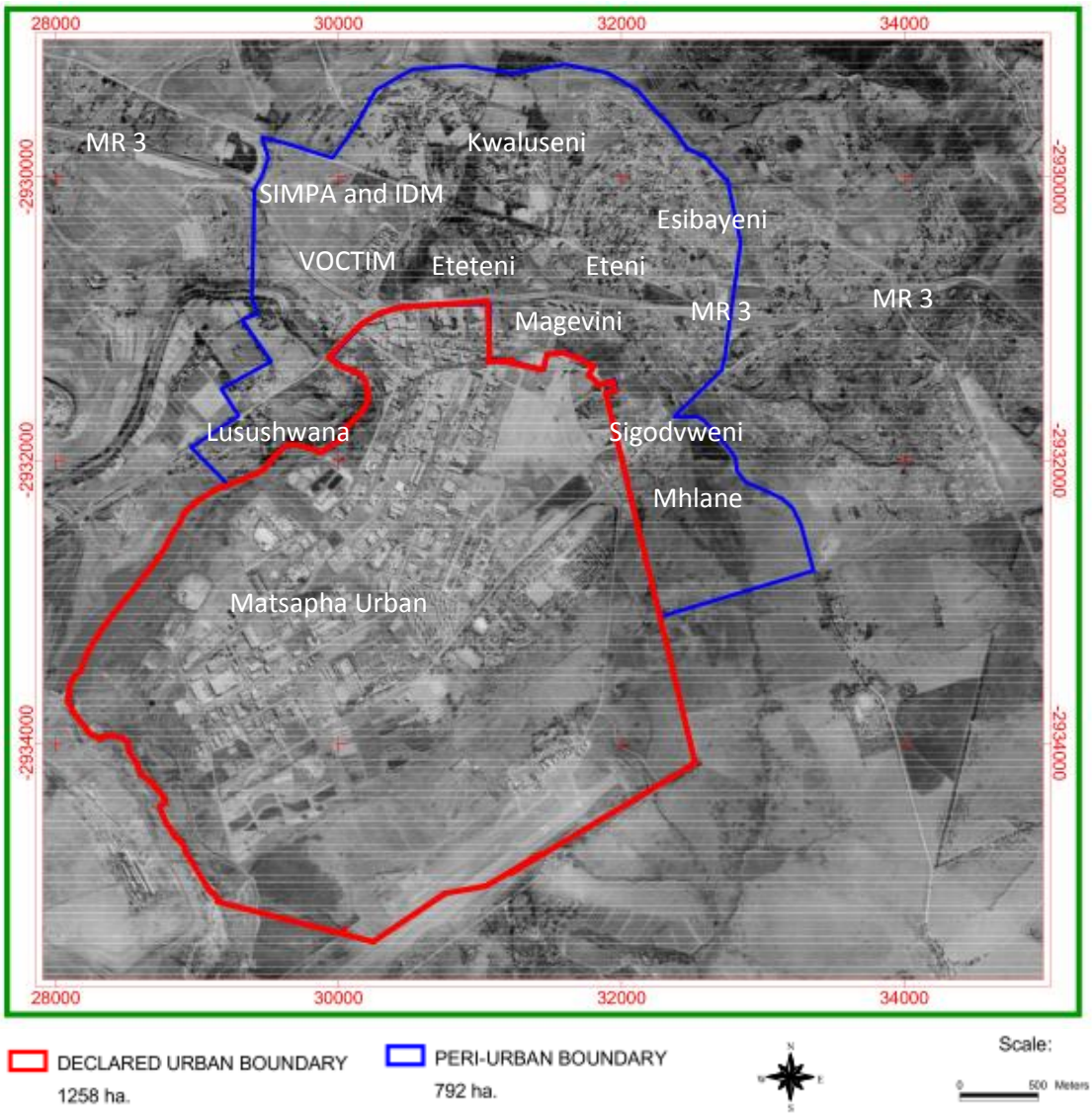


Source: Manzini Regional Physical Development Plan

Peri-urban Matsapha consist of areas such as Sigodvweni, Kwaluseni, Eteni, Mbhuleni, Mhlane, Esibayeni and Eteteni, all located on rural SNL thus administered through Swazi law and custom, as depicted on Map 1.3. In addition, Magevini estate, along MR 3 is also located on SNL controlled by Tisuka TakaNgwane. The learning institutions, namely the University of Swaziland (UNISWA), Vocational and Commercial Training Institute (VOCTIM), Swaziland Institute of Management and Public Administration (SIMPA) and Institute of

Development Management (IDM) are also located on SNL controlled by chiefs, but non-communal. Conversely, Lusushwana located across the Lusushwana River comprises of TDL, rural area (farmland) hence privately owned.

Map 1.3: Showing Matsapha Boundary, both Peri-Urban and Urban Areas



Source: Manzini Regional Physical Development Plan

According to MHUD (2007), peri-urban Matsapha's areal extent of approximately 792 hectares is greater than that of Manzini peri-urban thereby making it the largest in the country. A study conducted by Lea (1973) shows that a majority of people preferred settling in peri-urban Matsapha instead of Manzini urban in post-independence Swaziland thus indicating that peri-urban areas' preference is historical. Furthermore, Sihlongonyane (2003) notes that rural-urban migrants are attracted to Manzini and Matsapha peri-urban areas

owing to the ease of land allocation and by being cheaper than municipal urban land. He argues that land allocation in these areas is through paying allegiance to the King and/or chief by paying a cow or its monetary equivalence. As a result, peri-urban areas are growing rapidly and provide informal housing that caters for migrants coming into Manzini, Mbabane and Matsapha urban areas in search of job opportunities (Khoza, undated).

1.2 Problem Statement

Concurrent to the above, while land tenure supports private household home ownership in Swaziland, there is no clear-cut government policy on rental housing. This lacuna in housing policy has created a housing tenure gap, of which the present study attempts to partially explore. The preference of ownership *vis-à-vis* other forms of housing tenure is unique not only to Swaziland, but other countries as well. Datta (1996: 237) contends that 'most independent governments have concentrated upon the provision of owner-occupation with negative consequences for other forms of tenure'. Consequently, 'there are relatively few studies which have examined the dynamics of the rental sector in spite of the fact that increasing numbers of urban residents are renting, either through choice or due to constraints' (*ibid*.: 237). Furthermore, Swaziland's governance system contributes to the prevailing housing conundrum. Swaziland Business Year Book (2010) states that the repeal of the 1968 Constitution in 1973 was replaced with a system designed to facilitate both modern and traditional forms of government. Section 79 of the county's Constitution stipulates that:

> The system of government for Swaziland is a democratic, participatory, *Tinkhundla*-based system which emphasises devolution of state power from central government to Tinkhundla areas and individual merit as a basis for election or appointment to public office (Swaziland Government, 2005: S51).

However, its SNL prominence has given impetus to peri-urban housing problems in the country. Sihlongonyane (2003) notes that the influential *Tinkhundla* system of governance introduced in the country in 1978 is partly to blame for the housing problem. He notes that it is responsible for the attraction of urban dwellers to locate on SNL under the various *Tinkhundla* local councils in Manzini. Moreover, the country's administrative system is complex owing to the co-existence of the traditional and modern government sectors. At

the apex of both government structures is the King (modern) or *iNgwenyama* (traditional) as depicted on Figure 1.2.

Figure 1.2: Swaziland's Administrative Structure Adapted from Sihlongonyane (2003)

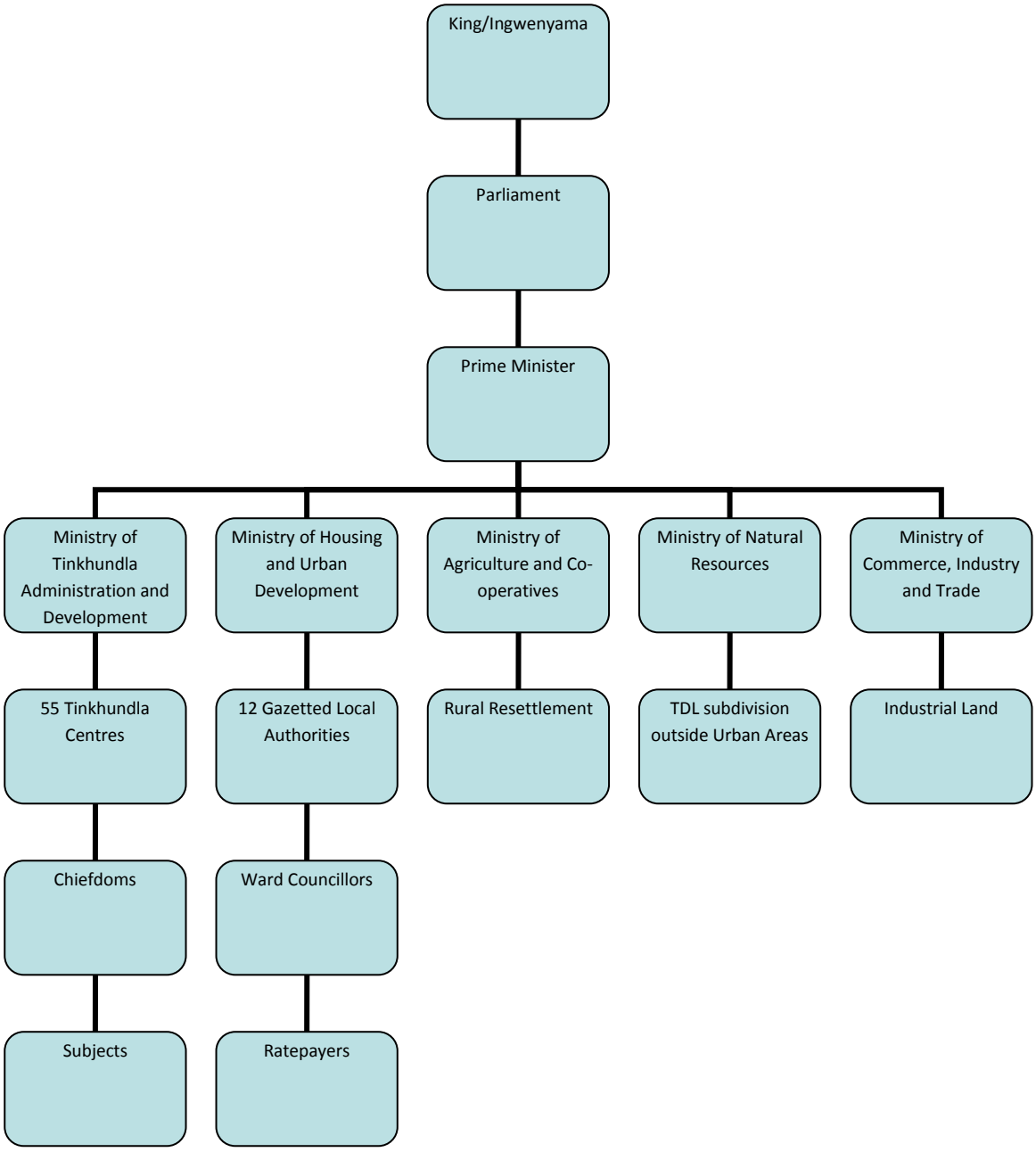


Figure 1.2 shows that there are a number of players in the country's land tenure system whose main problem is lack of coordination. Consequently, the complex administrative structure is characterised by overlaps between the traditional and modern sectors. This presents serious land tenure problems owing partly to the King or *iNgwenyama* being the custodian of both rural SNL and urban Crown Land. Perhaps the roles between the King and

iNgwenyama need clarification. Although Section 4 of the country's Constitution of 2005 refers to the King and *iNgwenyama* of Swaziland as the Head of State's official designation upon ascension to the Throne, Section 228 offers a distinction between the two titles. Subsection 1 stipulates that '*iNgwenyama* is the traditional head of the Swazi State and is chosen by virtue of the rank and character of his mother in accordance with Swazi law and custom' (Government of Swaziland, 2005: S111). In the context of this study however, the title of King denotes his capacity as Head of State, which is the modern system governed by Roman-Dutch law whereas that of *iNgwenyama* refers to the traditional system governed by Swazi law and custom.

The problem manifests itself in the sense that some land parcels located in urban areas fall under SNL thereby vesting in *iNgwenyama* and held in trust for the Swazi nation. Essentially, the co-existence of both the traditional and modern systems of governance complicates the administration of land tenure in the country. More importantly, the exemption of SNL from provisions of the country's legislative framework such as the Building and Housing Act of 1968, the Town Planning Act of 1961, Rating Act of 1967 and others by virtue of being administered through Swazi customary law. Technically, the situation compromises the uniform enforcement of the relevant pieces of legislation throughout urban areas thus providing an unfair advantage to SNL over TDL parcels. Armstrong (1985: 4) argues that 'the legal significance of the fact that repurchased land is Swazi Nation Land rather than Private Tenure Land , is that various statutes which exclude Swazi Nation Land from their operation do not apply to this land'.

Albeit the creation of MHUD through Legal Notice number 162 of 1991 charged with the mandate of housing and human settlements (Ndlela, 2005) to date, the housing sector remains misconstrued. Whereas the opening of Parliament by the King on 12 February 2010 (Swazi News, 2010) was perceived a turning point in this regard, the Budget Speech presented by the Minister of Finance on 26 February 2010 (Weekend Observer, 2010) exposed government's one-dimensional understanding of the housing sector, rental in particular. Delivering his speech from the Throne, His Majesty stated that:

> Access to proper shelter is a basic need for all citizens and civil servants. The private and public sectors are encouraged to strengthen efforts for the provision of adequate and decent housing for the nation. As we continue with our drive to increase investment and industrial production, we should make provision for proper

> accommodation for the nation. It is also gratifying to note government's increased efforts to provide appropriate accommodation for public servants. It is our goal as a nation to enable everyone to have access to proper, well structured housing. Having realised the challenge of the shortage of proper housing for the nation, government has started a programme to address the issue over the next three years. I am pleased to announce that for this project government has set aside a budget of E 1.5 billion (Swazi News, 2010).

In contrast, the Minister of Finance pointed out that:

> Mr. Speaker, let me take this opportunity to expand on the E1.5 billion housing programme announced in the speech from the Throne. In an effort to ensure adequate service provision by government to the people of this country, it is imperative that we ensure proper housing for the civil servants responsible for providing these services, particularly those deployed in difficult parts of the country. However, the financial outlay to achieve this is too big to incorporate in the Government's budget. It is for this reason that we are working with SNHB to deliver these institutional houses to house teachers, nurses, the police, fire services and correctional services personnel. Current plans are that this programme will be implemented over a five year period. Government will be renting these houses with a view to taking them over after an agreed period (Weekend Observer, 2010).

It is clear from the above contrasting speeches that there is agreement in respect of housing provision for civil servants to the total neglect of 'all citizens' as stated by His Majesty. Essentially, it is the total neglect of the low-income sector of the country's population that is perceived as the core problem confronting the study. The government's initiative serves to confirm her preoccupation with public housing, which is but one aspect of rental housing tenure. This is further confirmed by Datta (1996: 237) who argues that:

> The main thrust of many Third World housing policies has been the provision of home-ownership, principally based upon owner occupation of either public housing, self-help or regularised dwellings. This is to the detriment of providing other forms of shelter for those households who are unwilling or unable to own. From the perspective of the poor, there is a need to offer a range of housing options as each presents different opportunities and constraints and thus allows households to choose the form of tenure most suited to their current needs and means.

Until the importance of low-income rental housing is acknowledged by the Swaziland government, the development of the housing sector in its entirety will remain elusive.

1.3 Aims of the Study

The study is aimed at understanding the factors influencing informal rental housing from the perspectives of both the providers (landlords) and consumers (tenants). This investigation

seeks to get into grips with the dynamics of informal rental housing market, which seems to be thriving in the peri-urban areas between Manzini and Matsapha urban. These include among others, kaKhoza, Mhlaleni, Logoba, Mhlane, Sigodvweni, Kwaluseni, and Eteteni. More specifically, the investigation confines itself to the areas falling within the Matsapha peri-urban areas identified earlier on. Furthermore, the study attempts to shed some light on the challenges relating to informal rental housing on the part of the main stakeholders (landlords and tenants). The intention is to bring to the fore the spatial, environmental and other related implications relating to rental informal housing. An appreciation of the above is pivotal in the study's quest to come up with recommendations that underline the importance of sustainable housing development, both at rural and urban areas of Swaziland. Another aim is for the study to tease debate on the country's legislative and policy framework relating to housing in general but more specifically to informal rental housing.

1.4 Research Questions

Accordingly, the main question of the study is: What are the causes of rental housing in informal settlements within the peri-urban areas of Swaziland? The sub-questions linked to the main one are:

- Who are the various role players of informal rental housing in Matsapha peri-urban area?
- Who is investing in rental housing, why and at what scale?
- Who are the consumers of such rental housing and why?
- What are the roles of the traditional leadership within the processes of rental housing?
- What is government's position regarding informal rental housing on SNL?
- What are the dynamics of rental housing in peri-urban areas in Matsapha?
- What are the implications of rental housing for housing development in the country?
- What are the possible interventions that can be adopted to deal with challenges around rental housing?

1.5 Rationale of the Study

The rationale for this study arises from the increase of rental units known as *Titimela* or trains, given their linear attributes as depicted on Figure 1.3. Matsapha peri-urban has over the years experienced rapid growth characterised through the utilisation of empty land pockets particularly along the Manzini-Matsapha highway, as depicted on Figure 1.4.

Figure 1.3: Private Rental Units at Kwaluseni, north of VOCTIM and west of UNISWA



Figure 1.4: New Informal Rental Housing along the Manzini-Matsapha Highway next to Eteteni Engen Filling Station



Subsequent to Swaziland government's misconception of rental housing tenure (see 1.2), it is imperative to underscore some of its benefits. A study conducted by Cadstedt (2006: 91) in Mwanza (Tanzania) documents responses from tenants on the advantages of rental housing, who claimed that: 'renting gave them more independence and freedom; renting gave them flexibility to easily change neighbourhood if one happened not to like the area; and one saves money to construct a house'. Furthermore, Datta (1996: 245), basing her arguments on a study of the low income rental market in Gaborone (Botswana) argues that 'renting offers a positive alternative to some households as it provides accommodation in

convenient locations and a flexible housing option which is particularly appealing to the young and mobile'. Although not operating in isolation, the above advantages serve as a deliberate attempt of the study to bring to the fore the magnitude of rental housing.

The aim is to sensitise government on the significance of rental housing, low-income in particular thereby addressing her rental housing tenure misconceptions. In addition, whilst planning, environmental, health and other factors take centre stage in informal settlements debates in Swaziland (MHUD, 1997), the housing factors are often ignored. This gap, both in debate and in policy is central to the investigation of this study hence the need to underscore the importance of paying attention to informal settlements in the country.

1.6 Hypothesis of the Study

The study is based on the assumption that 'most landlords operate on a small scale and tend to live on the premises' (Gilbert, 2003: 56). Similarly, a tenant's decision 'rests on the relative costs of renting versus owning and upon the relative size of the rental housing stock' (*ibid*.: 57). More importantly, it is 'the combination of demand and supply factors' (*ibid*.: 57) that determine informal rental housing. The assumption is that there is a high demand for informal rental housing from tenants thus directly influencing a corresponding supply from landlords. Other influential factors include income, demographic shifts, population growth, industrial development, affordability, location, and economic conditions. Simposya (2010: 6) argues that factors contributing to the growth of unplanned settlements are 'rural-urban migration; shortage of affordable housing; availability of idle land; economic hardships/poverty; legislation, policy, and policy-related factors'.

The study also assumes that private individuals of all income groups have since acknowledged the need to invest in rental housing in informal settlements, a practice previously prevalent in urban areas. However, government does not support the establishment of informal rental housing despite the shortage of formal affordable housing. The problem statement has demonstrated government's preoccupation with the provision of institutional housing for her employees. Accordingly, private households are responding to people's needs through the provision of affordable informal rental housing. Another assumption is that informal rental housing seems to be prominent in areas where the traditional leadership is in dispute. This promotes the emergence of unscrupulous

leadership and the haphazard allocation of land parcels. The study also assumes that rental housing in the country is dynamic in nature as it responds to the needs of the people.

Therefore, informal rental housing establishment is fully supported as it is a direct response to the housing market. Finally, the study assumes that landlords and tenants are better positioned to declare rental housing challenges. Gilbert (2003: 77) states that 'the major problems are the high degree of over-crowding and the lack of sufficient services'. Figure 1.5 depicts congestion in the study area which renders some rental housing units inaccessible by car.

Figure 1.5: An Aerial View of Informal Rental Housing Congestion at Eteni, along the Manzini-Mbabane highway, next to the junction to the Matsapha International Airport.



He further lists rental housing problematic issues as discrimination against some categories of tenants; disagreements between landlords and tenants on rent levels; assumptions that landlords make excessive profits; substandard quality of rental housing stock; non-enforcement of legal issues such as oral lease agreements; high tenant mobility due to eviction threats; and landlord-tenant conflict. Hence, the assumption that informal rental housing in the study area also exhibits some of the above rental housing challenges.

1.7 Research Methods for the Study

In undertaking the study, qualitative tools in the form of primary and secondary sources of data were utilised. The rationale was to gather as much information to guide the study through all the stages thereby arriving at informed decisions. Qualitative methods involve

understanding the social dynamics of stakeholders and are exploratory in nature. Therefore, they are useful in linking all the facets of a study from problem statement, hypothesis, and literature review to data analysis thereby leading to an informed product. Primary data was gathered through interviews of tenants and landlords in the peri-urban areas of Kwaluseni, Sigodvweni, Eteteni, Esibayeni, Eteni, and Mbhuleni as well as from the Manzini Regional Secretary. The study purposefully targeted rental housing units within peri-urban Matsapha, where a questionnaire (see Annexure 1) was administered to 22 tenants. These interviews were done to determine the reasons for renting, their sources of livelihood, their migration patterns, and the number of years engaged in rental housing. The rationale was to investigate one of the assumptions relating to their housing preferences.

The researcher personally administered the interviews through tenant visits to their rental housing units to attain maximum participation. The results were then tabulated in percentage form and where necessary, direct quotes were used for ease of reference. Another questionnaire (see Annexure 2) was administered to the landlords preferably from the same residential units tenants were interviewed for ease of implementation, and a total of 13 were selected from the study area. However, where the landlords could not be found within the premises, assistance of the interviewed tenants was enlisted to determine their whereabouts. The rationale was to investigate the main reasons they were investing on rental housing, the rental scale and their sources of rental housing in line with the study's hypothesis. The questionnaire was administered in person by the researcher. Landlords, like tenants, were interviewed in their places of abode. Likewise, the results were tabulated in percentage form in accordance with the questionnaire for ease of reference. Personal interviews (see Annexure 3) were also held with the Manzini Regional Secretary, by virtue of being the administrative head to ascertain government's position regarding informal rental housing in the study area.

The interview was conducted in his office, whose rationale was to ascertain government's role in addressing such a phenomenon with the respective traditional leadership. Similarly, a brief background on the administration of peri-urban Matsapha was sought and the identification of the traditional authorities to be interviewed in the study area. Furthermore, a personal interview was held with the Minister for Housing and Urban Development at her office to balance the study with a political view at the national level, which was a step above

the regional level. This interview was supplemented by personal ones from the Ministry of Housing and Urban Development's Principal Secretary and the Principal Planning Officer from the Ministry of Tinkhundla Administration and Development in their respective offices to offer technical input into the rental housing tenure discourse at the national level. At the local level, the Kwaluseni Community Police spokesperson was personally interviewed from his workstation at Mbhuleni to have a better understanding on the challenges or opportunities rental housing was posing in the study area.

The rationale was to understand their involvement in petty crimes and squabbles associated with crowding of people. The overriding objective of the personal interviews was to enhance the balance of the study thus leading to informed recommendations and conclusions. In addition, the researcher, through the aid of a camera, took pictures from the study area to form part of the findings. The rationale was to capture the kind of rental units found in the study area for ease of reference. Furthermore, the primary sources of data identified above were complemented through a number of secondary sources of data. These included reading materials (books, journals, newspapers, published and unpublished publications, policies, pieces of legislation, conference materials, etc) sourced from libraries, the internet, other software such as Earth Google and attendance of conferences during the course of the study. These materials were either in the form of literature, tables, maps and others. The rationale was to gather lots of information at both the international and national levels relating to informal rental housing in an effort to test the present study's hypothesis and to address the study's research questions.

1.8 Limitations of the Study

Whereas this research intended to gather literature from various sources in the country, these offered limited information relating to informal rental housing. Although the country boasts of national and international studies, the informal rental housing sector suffers from lack of literature. The only literature in the country that comes close to the present study is on informality. Given the scarcity of literature, some of the sources are out of date owing to studies conducted in the 1940s, whose relevance to the present study is insufficient. The study was also affected by the limited time to conduct field work, especially in light of the fact that a majority of tenants were not found in their places of abode during the course of

the day. This was due to a number of reasons, some of which related to being at their workplaces, institutions of learning and others. This scenario posed serious challenges hence the fieldwork was conducted only during week-ends.

Another serious challenge related to finding the landlords, especially those not residing within the study area. Like the tenants, the landlords were also interviewed during week-ends. Setting up appointments with all the stakeholders for personal interviews also proved a challenge thus constrained the researcher financially as a number of trips had to be made. Such financial challenges resulted from the fact that the study was not sponsored, a situation that compelled the researcher to use his own funds in undertaking the exercise. In addition, since rental housing is a political and sensitive matter, some information could deliberately be censored by the interviewed stakeholders thus compromising the study's findings. Information relating to landlords' profits, for instance, was hard to disclose owing to the fear of the taxman (government). Their main fear related to the fact that such information may prompt government to tax them thereby decreasing their financial muscle.

The size of the interviews was therefore limited by the tight schedule of the fieldwork and as such may not form a meaningful sample size of the study area. Another limitation related to the language used by the researcher on the identified stakeholders. Whilst the questionnaires and personal interview questions were all in English, there was a need for the researcher to pose them in the siSwati language. This posed translation problems for the researcher as it meant spending more time on the interviews. Another limitation related to the unavailability of latest statistics, which adversely affected the output of the study. Although the country's population census conducted in 2007 was the main source of statistics, it lacked information relating to informal rental housing hence the reliance on outdated statistics. Furthermore, the country's census population was only classified in terms of rural and urban to the exclusion of peri-urban areas. This relegated the population numbers relating to peri-urban areas to speculative rather than specific measures.

1.9 Ethical Considerations in the Study

The objectives of the research was to understand the factors influencing informal rental housing; the providers and consumers of this type of housing tenure; its challenges from the

point of view of landlords and tenants; the services provided therein; the scale of rental housing and the financing mechanisms; whether they were profit or demand driven; the average rental costs, etc. This was a strictly research project that would not directly benefit either the tenants or landlords, but would enlighten the researcher and other housing stakeholders on the dynamics of the informal rental market. From the above viewpoint, the research was aimed to come up with some recommendations to government and other stakeholders for consideration whose adoption or otherwise could not be guaranteed.

The study entailed the administration of interviews by the researcher, through administering questionnaires as highlighted above. However, given the sensitive nature of rental housing tenure, the interviewed respondents' identities were not divulged. As a result, the study adopted to use personal interview (PI) instead of using pseudo names to quote them. Furthermore, interviews were administered only to willing participants as the researcher, upon introduction, explained the purpose of the study. They were also informed of the voluntary nature of this exercise on their part. Questions or clarifications were sought from them relating to their understanding of the study's objectives before they exercised their right to either accept or decline to partake in the exercise. The rationale was to foster a conducive environment between the researcher and participants thereby eliminating any form of mistrust and intimidation.

In addition, participating respondents were not compelled to give answers to questions they were not comfortable with. They were also at liberty to halt the interview anytime, given its voluntary nature. The rationale was to give the study the necessary legitimacy and credence. Furthermore, the physical presence of the researcher was not a source of conflict between landlords and tenants in the sense that it did not raise any false hopes that it would directly address whatever challenges they were faced with. Information shared in confidence between the researcher and respondents remained confidential and did not form part of the study, although opinions that enriched the study were made to that effect. At this juncture, the conceptual framework and case study deserve special attention for a better appreciation of the present study.

CHAPTER 2: CONCEPTUAL FRAMEWORK AND CASE STUDY OF MATSAPHA PERI-URBAN

2.1 Introduction

Simultaneous to the above, this chapter provides the study's conceptual framework through identifying and defining the key concepts. The aim is to stimulate a better understanding for their application in Swaziland. Furthermore, an overview of the study area in terms of its social, economic and political set-up is presented. Specifically its demographics, interactions with Matsapha industrial estate and Manzini city, physical attributes, educational facilities, religious centres and other related factors are given prominence. The rationale is to provide an in-depth analysis of the study area in readiness for its application on the international and national debates in the ensuing Chapters.

2.2 Key Concepts of the Study

A number of keywords are central to the study: informal settlements; peri-urban areas; Swazi Nation Land (SNL); urban; rental housing; *kuKhonta*; Regional Administrator; Chief; *Indvuna*; *Umgijimi*, *Bandlancane*, *Bandlankhulu*, and *iNgwenyama*. Each will be examined for a better appreciation.

2.2.1 Informal Settlements

At the international context, informal settlements are defined as:

> Those settlements of the urban poor that have developed through unauthorised occupation of land. Tenure insecurity is the central characteristic of informal settlements, with varying attributes of unhealthy and hazardous living conditions to which overcrowding and lack of basic services may contribute (Huchzermeyer and Karam, 2006: 3).

However, in the Swaziland context, informal settlements are defined as those areas in both urban and peri-urban areas that consist of unplanned, unserviced, unsurveyed human settlements either owner-occupied, rented or used for both, whose construction is not in accordance with the provisions of the Building and Housing Act of 1968. Contrary to the international context, in Swaziland these settlements exhibit authorised occupation of land and security of tenure principles. It is only the structures they construct that exhibit informality as they do not conform to the necessary legislative framework. Since the

Swaziland context introduces urban and peri-urban concepts, their understanding is imperative.

2.2.2 Urban

Urban is defined at the international level as:

> Built-up area. Settlements are usually designated as urban once they have grown large enough to support industries which are not rural in nature. However, no common figure can be put on the necessary size as settlements function differently in different areas due to local circumstances (ITS Tutorial School, 2005).

In the Swaziland context however, urban is defined as 'all areas within gazetted city or town boundaries. This land is almost always title deed, held as Government Land over which the Ministry of Housing and Urban Development has responsibility or is privately owned under freehold' (MHUD, 2001). As of now, this refers to cities, towns and town boards.

2.2.3 Peri-urban Areas

These are sometimes referred to as peri-urban interface. Sihlongonyane (2003: 33), for instance, states that:

> The peri-urban interface (usually used interchangeably with peri-urban areas) is where the urban and rural activities meet in a mosaic of agricultural and urban ecosystems affected by material and energy flows demanded by urban and rural areas. These are socially and economically heterogeneous and subject to rapid changes.

Equally, MHUD (2001) asserts that:

> Peri-urban refers to areas outside formal urban boundaries and jurisdictions that are in a process of urbanisation and therefore assume many of the characteristics of urban areas. There are no firm boundaries to peri-urban areas. A line drawn today will be outdated a year later. Instead, the boundaries should be defined in functional terms, where there is increasing population density, where most of the work force travels to urban areas for employment purposes and where population densities create the need for formal water and sanitation and waste removal and other services.

In the Swaziland context therefore, peri-urban areas are those that exhibit high population growth characteristics. These areas are not only located on the periphery of urban areas,

but predominantly in rural settings, which include Rural Growth Areas such as Siphofaneni, Buhleni, Hluti, Luve to name a few.

2.2.4 Swazi Nation Land (SNL)

Swazi Nation Land 'refers to land held by the *Ngwenyama* in trust for the Swazi Nation either administered under customary tenure or leased' (MNRE, 2000: 48). Section 228 of the country's Constitution states that '*iNgwenyama* is the traditional head of the Swazi State and is chosen by virtue of the rank and character of his mother in accordance with Swazi law and custom'(Swaziland Government, 2005: s1110) . In addition, Hughes (1962: 256) asserts that 'the Swazi ruler, the *Ngwenyama* is technically the ultimate authority as far as land distribution goes, but in practice this power is effectively vested in the subordinate territorial authorities, the local chiefs who rule 180 chiefdoms into which the Swazi Area of Swaziland is divided'. In this study, SNL denotes all the land registered as such in the Deeds Registry, which can either be within or outside urban boundaries, whose jurisdiction is under traditional administration of *iNgwenyama* through delegated responsibilities of Chiefs, *Tindvuna* or national Statutory bodies such as Tibiyo and Tisuka TakaNgwane. For the purposes of this study, SNL will be used interchangeably with communal or rural land. To this end, it is imperative to define the concepts of Chiefs and *Tindvuna* in the context of SNL.

2.2.5 Chiefs (*Tikhulu*)

Section 233 of the Constitution points out that 'Chiefs are the footstool of *iNgwenyama* and *iNgwenyama* rules through the Chiefs' (Swaziland Government, 2005: s113). From the above, it is clear that there is interdependency between the institution of *iNgwenyama* and that of Chiefs in the sense that Chiefs are an extension of *iNgwenyama* through which he rules the Swazi nation. Therefore, Chiefs form an integral part of the Swazi traditional government system. Furthermore, Rose (1992: 22) classifies chiefs into three categories: '*indvuna*, the governor of a royal village; *Umntfwanenkhosi*, the prince who is allotted an area and following of his own; and *sikhulu*, the clan chief'. She further argues that all three chief types maintain a unique relationship with *iNgwenyama* in as far as exercising land rights is concerned. In discharging their responsibilities, they are usually assisted by a number of stakeholders. These include *Indvuna* (Chief's Deputy), *Umgijimi* (Runner), *Bandlankhulu* (Great Council) and *Bandlancane* (Inner Council) (Hughes, 1972).

2.2.6 *Indvuna* (single for *Tindvuna*)

Hughes (1972) defines a Chief's Deputy in terms of his recognised authority and duties. Hence, 'he is expected to assist the Chief in his task of ruling the Chiefdom; to attend and organise all meetings and courts; and to screen all business, complaints and requests that individuals wish to bring to the Chief' (*ibid*.: 106). Like Chiefs, 'the position of Chief's Deputy is a hereditary one, and is almost invariably given to a member of a clan other than the Chief's own' (*ibid*.: 106). In executing their responsibilities, both the Chief and his Deputy are assisted by an *Umgijimi* (Runner).

2.2.7 *Umgijimi*

Hughes (1972: 107) points out that an *Umgijimi* 'has no executive power but is employed to summon people to meetings, court cases or tribute labour gatherings; and as a general assistant for the Chief and his Deputy'. In essence, he serves as a messenger of the Chiefdom or rather a link between the Chiefdom and the community. In executing their responsibilities, the Chief, his Deputy and Runner do not operate in isolation but are assisted by members of an Inner Council, known as *Bandlancane*.

2.2.8 *Bandlancane*

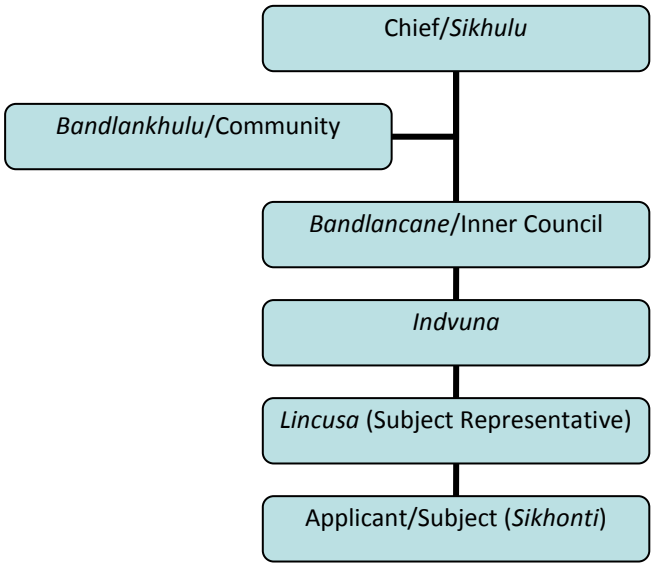
Hughes (1972: 104) states that it is a 'smaller body, usually numbering ten or so persons, made up of men whom the Chief has personally selected from among the more influential of his subjects to act as his personal advisors' on a number of wide ranging matters. Chief among these, include land allocations within the chiefdom; community development projects; land related and other disputes among community members such as stock theft, witchcraft practices, adultery cases; and other matters referred to them by the Chief from time to time. Notwithstanding the important role they play in advising the Chief, Hughes (1972) contends that the decision-making process rests with the Chief. Their role as personal advisors to the Chief, however, is more pronounced in the *kuKhonta* process.

2.2.9 *KuKhonta*

Broadly, Kuper (1947: 67) defines it as 'the offer of homage and allegiance to a superior. Chiefs *khonta* to the king as a sign of loyalty; commoners *khonta* to chiefs. *KuKhonta* is a

type of vassalage, involving legal and economic obligations on both parties'. Specifically, Kuper (1963) defines it as the process where newcomers offer allegiance to a chief. It is a process whereby an individual approaches a respectable member of the community he is interested to settle in, who will introduce him to *Bandlancane*. In turn, *Bandlancane* reviews the application through a criterion involving the applicant's marital status, background and reasons for wanting to settle in the area. Thereafter, *Bandlancane* makes a recommendation to the chief, who may either approve or reject same. A representative is then sent to the chief from whom he is relocating to inform him about the applicant's new area of residence (MHUD, 2001). Figure 2.1 depicts the *kukhonta* process.

Figure 2.1: *Kukhonta* Process



Source: Ministry of Housing and Urban Development (2001)

2.2.10 *Bandlankhulu*

Although there is consensus on the role of *Bandlankhulu* as 'an open forum, where every adult male in the chiefdom is entitled to air his views' (Hughes, 1972: 103) the argument to the effect that 'a chief is assisted in carrying out his duties by a council consisting of every adult male subject (in effect an open forum where all can air their views)' is insufficient as it leaves out the other key stakeholders discussed in detail above. Again, with the advent of gender equality at the international and national levels, *Bandlankhulu* currently consist of both adult male, female community members and the youth which is a new phenomenon.

2.2.11 Regional Administrator

Is a designation conveniently characterised by both traditional and modern capacities. He is a 'political Head of the Region and shall be appointed in line with the country's constitutional provisions' (MTAD, 2005: 17). Furthermore, the Constitution of Swaziland (2005: S52) emphasises that 'each Region is headed by an administrative official called the Regional Administrator…appointed by the King on the advice of the Minister responsible for *tinkhundla'*. A line of departure from the definition of a Regional Administrator is that he is appointed by the King not *iNgwenyama* hence an extension of the modern government system as opposed to the traditional one. But he is not detached from the operations of the traditional government system as his responsibilities include among others, the resolution of chieftaincy disputes in the different chiefdoms within his jurisdiction.

In the modern sector, he is regarded as a Deputy Minister, but in the traditional set-up, he is a link between the chiefs and *iNgwenyama*. However, in practice, chiefs report directly to *iNgwenyama* as opposed to the Regional Administrator or Minister responsible for Tinkhundla Administration and Development. Each *Inkhundla* consists of one or more chiefdoms and act as nomination centres for elected members of Parliament. They also serve as economic engines of development through the decentralisation of infrastructural, industrial and other services from urban to rural areas.

2.2.12 Rental Housing

Rental housing seats in the middle of Swaziland's dual intricate system between the traditional and modern administration. This means it is a formidable challenge since it calls to look at it not only as an urban structural challenge, but institutional as well. In addition, it is usually not defined as a concept, but the tendency is to define rental and housing in isolation. Cadstedt (2006: 37) defines rental as 'the tenure form where a person makes regular payments for an accommodation, either for a room or a house, excluding the renting of land'. Rental housing is defined as the kind of housing that involves a landlord and tenant relationship, it may either be bound by an oral or formal lease agreement. In Swaziland, rental housing has always been associated with urban areas. But recent developments, particularly in the study area have demonstrated that rental housing is also provided in peri-urban areas. This goes on to show that rental housing in Swaziland

embraces both modern and traditional modes of governance. However, the fundamental question relates to its acceptability on SNL by the powers that be.

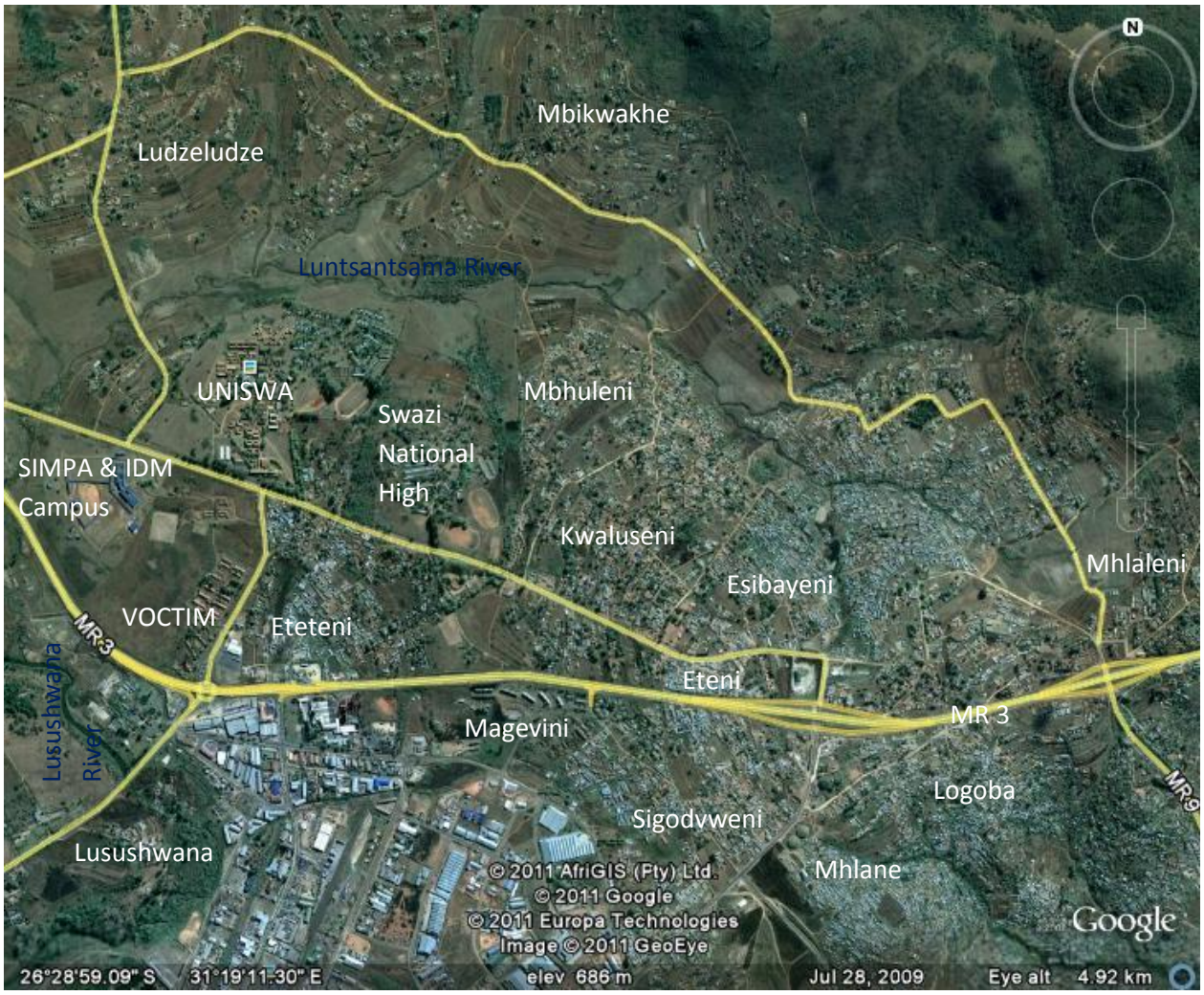
2.3 An Overview of Matsapha Peri-urban Areas

This case study was selected by virtue of exhibiting rapid growth in informal rental housing, as alluded to in 1.5. Additionally, the study area has over the years been a subject of many studies particularly relating to informal settlements. To date, however, the researcher is not aware of any study focussing specifically on informal rental housing. Other factors relate to its location (close proximity to Matsapha industrial estate and Manzini urban), justifications dealt with in detail below. Generally, it is imperative to state that Matsapha refers to both urban and peri-urban areas. These include 'Matsapha industrial estate, Eteni, Mbhuleni, Kwaluseni, Magevini, Swazi National, Kwaluseni Campus, Police College, Mshayazafe, St George's, Prison, Sigodvweni, and Mobeni' (MHUD, 2007 see Map 1.3). In addition, some areas such as Eteteni, VOCTIM, SIMPA and IDM Campus, and Matsapha International Airport, among others form part of Greater Matsapha. Whilst the present study's focus is exclusively on Matsapha peri-urban areas, it does not operate in isolation owing to its intricate connection to Matsapha urban.

This is in light of the interdependence syndrome between the two in terms of economic opportunities, retail facilities, accommodation, labour and others, as will be discussed in detail below. Indeed, it is part of this interdependence that has given impetus to the present study, from which it should be understood. Furthermore, the study area is intricately connected to Manzini city in terms of labour, employment opportunities, retail facilities and others. This is in light of the study area's close proximity to the city of Manzini, which serves as the country's economic hub. The study area's boundary from the West includes the residential properties across the Lusushwana River and business establishments such as Salt and Pepper, Matsapha Inn, Swaziland Water Services Corporation depot and VOCTIM, both along MR3, and the new SIMPA and IDM campus to the North-West of VOCTIM. Its boundary is best defined by the Luntsantsama River, which borders the study area from behind UNISWA thus separating Mbhuleni and Mbikwakhe, Kwaluseni and Logoba extending to Esibayeni, an area next to the Matsapha Weigh Bridge and along the Matsapha

road from Ndlunganye and to the East its boundary extends to Sigodvweni and part of Mhlane. Figure 2.2 depicts the Matsapha peri-urban boundary.

Figure 2.2: Matsapha Peri-urban Areas Adapted from Google Earth Site



The study area is accessed through three main Roads, MR3, which is the Mbabane-Manzini highway, the road from the traffic circle to Kwaluseni junction and the road from MR3 off-ramp in the East to Lozitha and the Matsapha main road leading to the Prison. There is also a link road between Sigodvweni to Matsapha Shopping complex. These are all tarred roads. Two tarred roads located to the East of Magevini estate, along MR3 link parts of Eteni with the main Matsapha road. However, parts of the link road are in a poor state of repair owing to its support of high traffic volumes especially public transport vehicles servicing the area from parts of South Eteni to Sigodvweni. The availability of public transport is a direct response to the members of the public residing in the informal rental housing units

prevalent in the area. However, the road lacks maintenance from MPWT by virtue of being a public road. Consequently, its width is compromised as it is breaking from one side. This makes it difficult to accommodate two cars moving from either one or different directions.

Furthermore, the road has no pavements for use by pedestrians which exposes them to accidents as they compete with cars, particularly minibuses for the use of the road. Figure 2.3 depicts the condition of the road. But, the rest of the roads accessing and within Matsapha peri-urban areas are gravel, a majority of whose state are in poor repair.

Figure 2.3: The State of the Road Linking Parts of Eteni and Matsapha Main Road



In addition, the junction of the two roads linking parts of Eteni and areas East of Magevini estate is characterised by indiscriminate waste dumping from the informal rental housing occupants found at the South of the road. The Northern part of the road is characterised by a vacant piece of land from which residents capitalise on. The dumping in this area is not in isolation as it also extends to the study area's watercourses. Figure 2.4 depicts the scenario.

Figure 2.4: Waste Disposal into a Stream to the West of Sigodvweni



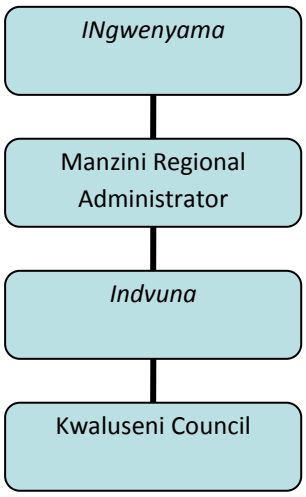
The illegal dumping is attributed to an access short-cut pathway linking the area to the South East of Magevini estate and Western part of Sigodvweni from the Matsapha industrial site. Given that a number of pathways linking the Matsapha peri-urban area and Matsapha urban could not all be accessed during the time of fieldwork visits, there is a possibility that illegal dumping is prevalent throughout the study area. This situation is a result of the unavailability of designated waste disposal facilities. Although some informal rental housing units were having waste disposal facilities such as pits, a few had bins. Informal rental housing from the watercourse is estimated to be located approximately at 10 metres, which is in contravention of the Natural Resources Act of 1951 which stipulates that developments need to be located at a distance of 33 metres from the centre line of a stream, whose rationale is to protect watercourses from pollution and water table disruptions.

The study area is predominantly located on SNL thus under Swazi customary law with the exception of the few areas on TDL, Magevini estate and Lusushwana. Its administration, however, is complex and confusing. This is probably in relation to the fact that the study area comprises a number of areas falling under different chiefdoms. Whilst the acting Regional Secretary (Fieldwork, 2010) pointed out that the area falls directly under *iNgwenyama,* some respondents (tenants and landlords) provided a total of three chiefdoms: Zombodze, Mhlane and Kwaluseni respectively. According to MHUD (2001), Kwaluseni falls under the late Chief Mandanda Mtsetfwa and the acting chief is T. V.

Mtsetfwa, who is directly in charge of Zombodze chiefdom. But, taking into account the government position from the Regional Secretary (RS), it means that *iNgwenyama* also doubles as a chief of the study area. Regrettably, such developments do not conform to the categorisation provided by Rose (1992: 21) above relating to the type of chiefs (see 2.2.5).

The RS stated that *iNgwenyama* rules Kwaluseni through the Manzini Regional Administrator (RA), who appoints an *Indvuna* to work with the Kwaluseni Council. He pointed out that the main responsibility of the *Indvuna* is to ensure that no illegal land allocation was taking place in the area. The RS' submission was confirmed by the Secretary of the area's Community police (Fieldwork, 2010) relating to the existence of a Kwaluseni Council. He also indicated though that the area, given its administrative structure, is characterised by power disputes. Unfortunately, at the time of the fieldwork it was not clear on the responsibilities of the Kwaluseni Council or how it was constituted. However, judging from the conflicting chiefdom allegiances among respondents, it is clear that the study area suffers from an administrative crisis. Furthermore, from the government point of view, it is clear that the study area has a unique administrative structure, from which an attempt through Figure 2.5 is made to put it into perspective.

Figure 2.5: Administrative Structure of Matsapha Peri-Urban Areas Adapted from Fieldwork (2010)



The study area falls under the Kwaluseni *Inkhundla* and has a population of 15,269 people where 8687 are female and 6582 are male (Central Statistical Office, 2010). It is made up of 1270 homesteads, consisting of 5960 households. Table 2.1 to be read in conjunction with Figure 2.6, showing the Enumerating areas capture the figures in detail. However, it should

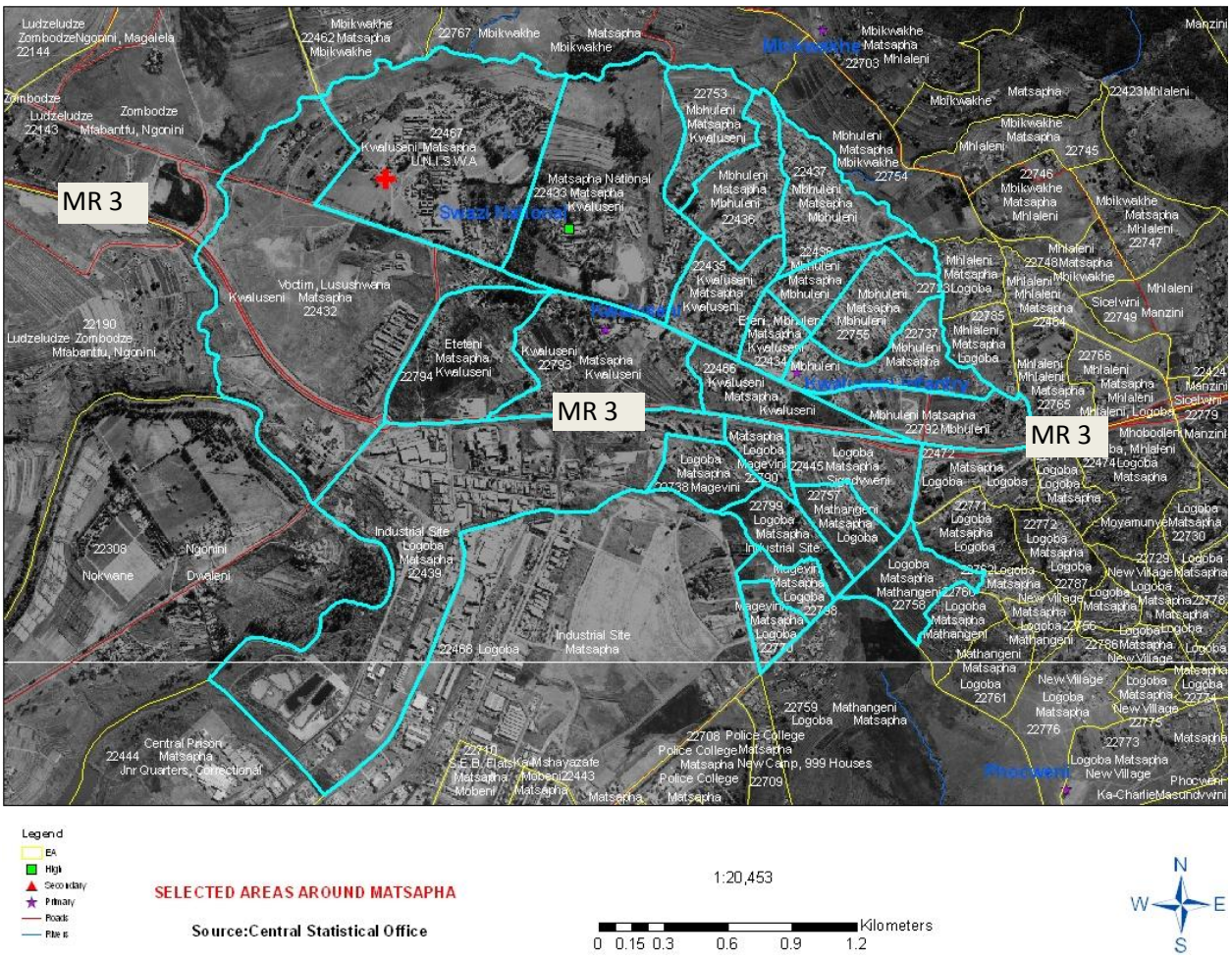
be noted that these statistics represent only the residents of Matsapha peri-urban area without taking into account the tenants, as they are registered in their areas of origin.

Table 2.1: Population for Matsapha Peri-Urban Area for 2007

Sub Area	Minor Name	Homesteads	Households	Male	Female	Total Pop
Kwaluseni	Voctim, Lusushwana	50	212	262	272	534
Kwaluseni	Matsapha National	94	203	284	375	659
Kwaluseni	Eteni, Mbhuleni	33	168	194	274	468
Kwaluseni	Kwaluseni	50	379	505	557	1062
Mbhuleni	Mbhuleni	83	427	560	735	1295
Mbhuleni	Mbhuleni	128	483	510	706	1216
Logoba	Industrial Site	10	84	169	197	366
Logoba	Sigodvweni	70	288	394	456	850
Kwaluseni	Kwaluseni	82	277	254	376	630
Kwaluseni	U.N.I.S.W.A	30	170	241	256	497
Mbhuleni	Mbhuleni	91	480	469	607	1076
Logoba	Magevini	28	53	64	90	154
Kwaluseni	Mbhuleni	59	223	267	352	619
Mbhuleni	Mbhuleni	41	111	165	221	386
Logoba	Mathangeni	59	333	345	526	871
Logoba	Mathangeni	68	289	263	359	622
Logoba	Magevini	10	234	193	318	511
Logoba	Magevini	23	89	46	96	142
Mbhuleni	Mbhuleni	36	180	171	279	450
Kwaluseni	Kwaluseni	39	117	67	181	248
Kwaluseni	Eteteni	117	746	862	897	1759
Logoba	Magevini	21	237	154	291	445
Logoba	Industrial Site	48	177	143	266	409
		1270	**5960**	**6582**	**8687**	**15269**

Source: Central Statistical Office, 2010

Figure 2.6: Matsapha Peri-Urban Enumeration Areas.



Source: Central Statistical Office, 2010

Kwaluseni *Inkhundla's* population from the 2007 Census stood at 41 780 people, made up of 18 843 male and 22 937 female. Of this figure, Matsapha peri-urban area account for only 36.5%. A total of three public schools are found in the study area, namely Swazi National High, Kwaluseni Primary and Kwaluseni Infant. In addition, a total of two private schools are located in the study area: Phumelele High and Phumelele Primary. Two institutions of higher learning are also located within the study area. These are the University of Swaziland (UNISWA), which is the largest institution in the country and the Vocational Commercial and Training Institute Matsapha (VOCTIM). Furthermore, Swaziland's campus of Institute of Development Management (IDM) and the Swaziland Institute of Management and Public Administration (SIMPA) are also located within the study area, adjacent to the two institutions of higher learning.

A number of churches are also located within the study area and they include: Assemblies of God, Pentecostal, Methodist, Jesus Call (J C) Ministries and others. The study area has a Post Office, situated at Kwaluseni, above the Kwaluseni Primary School and in close proximity to the Swazi National High School. A number of shops of different sizes are spread throughout the study area thus bringing services closer to the people. Unfortunately, no shopping complexes are located within the study area although two are located within close proximity. These are the Matsapha Shopping complex located to the East of the Matsapha traffic circle and the Big Tree shopping complex located adjacent to it. These shopping establishments consist of a number of shops such as Spar, Shoprite, Pick and Pay, Tru Pep, KFC, Pharmacies and others. Furthermore, a number of financial institutions are found in these shopping establishments such as Nedbank and Swazi Bank. First National Bank and Standard Bank have Auto Teller Machines (ATMs) located within the Matsapha shopping complex as their Branches are in close proximity.

A total of three Filling Stations are located within the two shopping establishments, Shell and Total. Only one Filling Station, Engen is located in the study area at Eteteni. The Matsapha shopping complex also houses the Revenue offices for Swaziland Electricity Company (SEC), Swaziland Water Services Corporation (SWSC), Swaziland Posts and Communications Corporation (SPTC), and Swaziland Government Revenue office respectively. All these bring services closer to the people. A Post Office and Police Post is also located within the Matsapha shopping complex. The two shopping establishments are within a walking distance to and from the study area. But Manzini city, estimated at 7 km away offers a number of alternative shopping malls for the study areas' residents. These include the Riverstone mall, Bhunu mall, Hub mall and others. Recreational facilities are mainly located within the educational institutions such as Swazi National High School (soccer field), UNISWA (football, volleyball, basketball, netball, tennis, etc), and VOCTIM (volleyball). But the study area's community has access to the Swazi National High School soccer field, where games under the Kwaluseni Zonal League are played.

CHAPTER 3: INTERNATIONAL PERSPECTIVES ON INFORMALITY AND RENTAL HOUSING

3.1 Introduction

Subsequent to the case study background, it is ideal to test it against international perspectives on how it is dealt with in Swaziland's context. The rationale is to determine whether the international perspectives are compliant or dismissive of informal rental housing in the country. This chapter provides an analysis of the theoretical framework relating to rental housing tenure within which the various approaches emerge. The intention is to provide a historical background to informal rental housing linking it to the present study. Since the international approaches offer contrasting views, the theories are mainly divided into modernist (conservative and liberal); and postmodern. In addition, other theories that do not conform to the above classification are analysed. Finally, additional factors influencing rental housing such as affordability, economic geography and others are also analysed.

3.2 The Modernist Approach

The conservative modernist theory is advocated by Burgess (1982) and the liberal modernist advanced by Turner (1972). Although Turner's theory is postmodern, it is deemed modern as he advocates for the formalisation of informality. Formalisation is modern since it is concerned with orderly development of human settlements. His viewpoint underscores the importance played by informal settlements in the housing sector. Burgess' theory is conservative as it is conformist and perceives informal settlements as an unnecessary phenomenon in society. In contrast to the progressive approach of an autonomous society, the conservative approach supports that government has to play an active role in society through the promulgation and enforcement of rules and regulations. Although both theories focus on self-help housing, they can be adapted to the present study. Turner's ideas were influenced by his involvement in Peru squatter settlements.

Harris (2003: 245) states that 'Turner has been the most influential writer about housing in the developing world. Turner's contribution was to bring Latin American ideas about squatter settlements to the attention of urban scholars around the world'. Hence, his ideas influenced international institutions such as the World Bank to play an active role in

housing. He also argues that Turner's ideas were developed in the late 1960s and changed the low-income housing outlook:

> He taught us to value self-help, to think of housing as a verb, to see squatter settlements as solutions, not problems. As a result, in the early 1970s the World Bank began to fund site-and-service schemes whereby governments helped people to acquire modest homes by building their own (*ibid*.: 245, 246).

In contrast, Burgess is Turner's main critic whose arguments are capitalist-driven. Additionally, Nientied and Linden (1988) provide an analysis of both Turner and Burger's divergent arguments. Tuner (1972) calls upon governments to embrace informality as a self-help response on the part of low-income people to meet their housing needs. Gardner (1989) emphasises that informal settlements need to be accepted as a solution owing to the failure of the formal housing processes to provide for the population. In the Swaziland context, his argument would be that there is a need to embrace informality as a necessary phenomenon that meets the needs of the citizenry. Whilst Turner (1972) advocates for autonomy, defined by Souza (1999: 190) as 'the democratically most legitimate way to achieve more *social justice*, and a better *quality of life* when the individuals group themselves and define the concrete contents of development (goals and standards) in the context of their comfort zones', Burgess (1982) advocates for government involvement in the housing process.

Turner (1972: 158) argues that 'the best results are obtained by the user who is in control of the design, construction, and management of his own home'. On the contrary, Burgess (1982: 56, 57) asserts that 'self-help is not a new idea but a very old one. The new idea in fact is that people do not and should not build their own houses'. Turner argues that the involvement of government in housing results in people being consumers and passive beneficiaries whereas Burgess states that a majority of products are consumed through the market. Furthermore, he emphasises that 'the intervention of the State and the law must be seen in the context of the maintenance and the regulation of the general conditions for the reproduction of capital' (*ibid*.: 78). It is clear from the above divergent views that the progressive approach advocates for people to make their own decisions relating to the housing process whereas the conservative approach perceive government intervention

through legislative framework as ideal. Accordingly, the progressive modernist approach embraces informality as its establishment operate outside the legislative framework.

Though not deliberate, the progressive modernist approach can be linked to the traditional land tenure system discussed in 1.2 as housing construction is not subject to legislative provisions. Therefore, Gardner (1989: 21) is perhaps in order when he states that 'informal settlements must be viewed as a practical and rational economic reaction to prevailing circumstances, rather than as a deliberate disregard of the law'. Whereas it is true that government needs to put in place the legislative framework, as advocated by Burgess (1982), such an intervention should not, as a matter of fact, erode the element of autonomy on the part of society. Intervention needs to be directed to the sectors where it is needed the most. In the housing sector, for instance, whilst government intervention through the legislative framework is necessary in urban areas, the contrary is true in rural areas. It is through this autonomy, therefore, that informal rental housing is established.

Conversely, government intervention seeks to eradicate informal settlements through imposing among others, minimum building standards which are not only rigid, but also expensive especially to the low-income sector. Turner (1972: 149) argues that the enforcement of minimum standards is detrimental to the poor as 'they price the great majority of would-be home builders out of the market'. In contrast, Burgess (1982: 83) argues that 'minimum standards have always been used as a method of reinforcing the class segregation of the urban habitat'. He also states that minimum standards are a means to maintain the status quo of dominance by one class over the other and as a spatial planning tool by which the State enforces control on public health, sanitation, water supplies and others. Critiquing the two theories, Nientied and Linden (1988: 142) state that:

> Turner and Burgess are not really opponents, but, rather, authors exemplifying different approaches, chosen for the present discussion to demonstrate an opposition of viewpoints more clearly, and to suggest the distinction between a Marxist and a liberal approach.

They argue that the two offer a divergence of theories and practice in the sense that Turner deals with unique attributes of reality whereas Burgess is of the view that there is a need to apply scientific approaches to reality. They also emphasise that 'the two different approaches of the study of Third World urban housing problems have a different method of

analysis, they start with different questions and refer to different principles' (*ibid*.: 145) thus making it difficult to strike a balance. They also point out that the two views demonstrate clearly the wide gap that exists between theory and practice and argue that 'theory should not drift apart from practice and should recognise the state's reaction in the real world' (*ibid*.: 146). In the context of this study, both the conservative and liberal modernist approaches' main weakness relate on their failure to capture the peri-urban aspect of informal settlements, hence urban-based.

Chiefly, due to the fact that the progressive modernist theory by Turner (1972) was informed in the 1960s from his urban Latin American experiences. According to Ley (2010: 11) the 1960s housing approach was characterised by 'mass housing and slum clearance' a situation that may have influenced Turner's theory. Unfortunately, Burgess (1982) critiqued Turner's theory without situating his analysis on other forms of land and housing tenure as his main preoccupation was to present the capitalist mode of production. Similarly, his theory can be linked to the housing approaches of the 1980s characterised by 'community enabling (comprehensive upgrading) and market enabling approaches' (*ibid*: 11). However, despite both theories' shortfall, their ideas are to an extent applicable to the present study. As Turner (1972) advocates for self-governance and autonomy, both phenomenon are practised to a certain extent in the study area.

Partially in the sense that, as Burgess (1982) points out, no society can absolutely self-govern and be autonomous but there is a need for rules and regulations to guide development and/or individual behaviour. This is true for the present study as whilst Swazi customary law has no blue-print document, SNL allocation is guided by procedures. Hence, it does not operate in isolation from the traditional government administration. Demarcation of homesteads, for instance, takes place upon allocation and has to be respected by beneficiaries. Failure to do so may lead to a homestead head being fined. But the capitalist theory advanced by Burgess (1982) has also some shortfalls in the sense that its preoccupation relates to government's direct involvement in the housing process. This is despite empirical evidence (Gardner, 1989) suggesting that formal housing is in short supply thus promoting to the establishment of informal rental housing. Indeed, the study fully identify with Snijder (2001: 8) who emphasises that 'informal renting...is a result of the

inability of the formal rental and ownership housing sectors to provide sufficient and affordable housing to lower income households'.

Whereas it is true that government is in direct control of the capital in terms of resources, in practice however, the opposite is true. Instead, government is exposed in the sense that financial resources are usually sought from international institutions such as the World Bank, who then introduce their own policies that may be unfavourable to beneficiary countries. Pugh (1994: 160) points out that:

> Since it entered the low-income housing projects in developing countries in 1972 the World Bank has exerted a powerful influence in the development of housing theory and policy. Some of its influence and power arises from its role as a major financier because it is able to express its favoured policy reforms in the conditionality clauses attached to loan agreements with governments. Conditionality is negotiated with governments in a context where the Bank has power to withhold loans and governments are ready to assess the political feasibility of reforms.

The above argument reinforces the mechanism of capitalism at its best whilst also demonstrating clearly that governments are actually not always in control of the legislative framework relating to housing. Instead, the providers of the financial resources are indirectly in control as they dictate how governments should operate. This situation is exploitative as the low-income people are actually made worse-off owing to its top-down approach. Government is therefore a conduit upon which the legislative framework is implemented as a precondition to benefit from funding. Consequently, the beneficiaries are forced to look for employment to comply with the imposed foreign legislative framework. It is on these grounds, therefore, that capitalism is perceived an exploitative process. Unfortunately, the low-income sector is at the receiving end.

3.3. The Postmodern Approach

An articulation theory is advanced by Ward and Macoloo (1992) who argue that every house has a value attached to it. They point out that the exchange value of a house is determined by a number of factors such as the land upon which it is built; the dwelling structure; availability of services; location and security of tenure. Land acquisition is linked to other housing related costs such as informal fees paid to leaders and their agents, thereby influencing the housing tenure preferences of households. Additionally, they argue that the state exerts some form of control through security of tenure, which explains the integrated

planning approach proposed by Swaziland's draft Peri-urban Growth Policy of having two levels of land management whose rationale is to incorporate peri-urban areas into urban boundaries. The articulation theory, like the modernist approach, falls short in addressing rental informality as its main focus is on home-ownership, which is one aspect of housing tenure. Similarly, it is urban-based.

Contextually, the approach is applicable to peri-urban Matsapha as land acquisition is through the *kuKhonta* system where the payment of a cow has since been replaced by its equivalent monetary value. More importantly, it underscores the monetary value of a house whether it is located in a rural or urban area, which is a paradigm shift from the notion that rural housing has no value. Despite the argument that 'SNL held under traditional tenure may not be bought, mortgaged, leased or sold' (Armstrong, 1985: 10) in practice this is not the case. This is in light of recent newspaper advertisements where SNL is offered for sale to interested members of the public. Houses built on SNL and rental housing units have not been spared. Empirical evidence suggests that this practice is rampant. A report by Zwane (2011) titled "Defiant residents still sell land at troubled KaShali" is one such evidence since the affected area is peri-urban. The report serves as a classic case of land sales taking place on SNL hence it can be inferred that this practice is prevalent in peri-urban areas.

Another useful theory to the study area relates to Local Economic Development (LED) survivalist economy, which focus on livelihoods, investment and profit factors. Chambers (1995) unpacks the concept of livelihoods towards understanding the challenges of urban poverty. He defines poverty 'to refer to the whole spectrum of deprivation and ill-being; poverty has a narrow technical definition for purposes of measurement and comparison' (*ibid*.: 179). He argues that as a measure, income-poverty has been widely used and accepted the world over. However, income-poverty 'is suspect because it serves the needs of professionals in the cores of power rather than emerging from the realities of the poor at the peripheries' (*ibid*.: 182). On employment, he states that 'as with poverty, attempts have been made to impose them [in reference to employment, unemployment, job, workplace and workforce concepts] in the South, including the rural and agricultural South' (*ibid*.: 182). He emphasises that 'the informal sector has been discovered and explored, and livelihood has been proposed as a better word than employment to capture the complex and diverse reality of most of the poor' (*ibid*.: 183).

Furthermore, he argues that, contrary to popular beliefs 'poor people have many priorities. What matters most to them often differs from what outsiders assume, is not always easy to measure, and may not be measurable at all' (*ibid*.: 191). He states that 'developments have to be sensitive, have to decentralise and empower, to enable poor people to conduct their own analysis and express their own multiple priorities' (*ibid*.: 191). He identifies livelihood strategies of the poor to include home-gardening, fishing, hunting, grazing, marketing, etc, which conforms to his argument that 'on livelihoods, the strategies of the poor are usually diverse and often complex' (*ibid*.: 192) thus demonstrating the subjectivity of livelihoods definition. Finally, he puts emphasis on participation, ownership and empowerment as buzzwords in modern life societies and calls upon all professionals to embrace change. Therefore, 'management cultures, styles of personal interaction and procedures all have to change' (*ibid*.: 197). Although his theory is also urban-oriented, his argument that it is wrong for professionals and government to classify people in terms of poverty and economic factors is credible.

Moreover, it brings to the fore that individual and professional perceptions differ. In the Swaziland context, for instance, rural homesteads are perceived as poverty stricken whereas empirical evidence (Hughes, 1972; Ngubane, 1983) suggests that they base their economic situation on the number of livestock owned. It is the same livestock that homesteads sell when necessary to get money to undertake developmental projects within their homesteads. Similarly, the number of livestock in Swaziland is a form of prestige as it can also be used for dowry payment in marriages. Hence, plays a pivotal role in a homestead's economy. Admittedly, this crucial role is usually overlooked by the modern economy. Given the importance rural homesteads attach to livestock and subsistence farming as their way of life, there is a need to recognise them as such. Essentially, this underscores the paradigm shift from top-down to down-top approaches relating to the implementation of developmental projects earmarked for communities.

The overriding principle being that community needs and aspirations should always take precedent over technical plans imposed by professionals. It is an appeal that communities should be empowered to shape their own destinies with professionals proffering the requisite expertise in the form of advice. After all, communities are better placed regarding their situation in terms of needs, financial muscle, survival strategies, etc as opposed to

outsiders. The theory's relevance to the study therefore, relates to the provision of informal rental housing by landlords as means of livelihood. Gilbert (2003) points out that naturally, all landlords let property for financial gains notwithstanding the different strategies adopted. He classifies landlords into two categories: commercial, profit-driven and are prevalent in the high or middle income sectors and non-commercial, mainly found in low-income sectors of society. Furthermore, he notes that some landlords in developing countries 'are dependent on their rents in order to live, but they are, most certainly, not professional in their behaviour' an assertion that underlines the importance of livelihood and the non-commercial nature of their operations. Generally, renting serves as:

> A safety net against precarious employment, meeting household expenditure, housing improvements, a regular source of income when moving from waged employment to own account forms of employment, capital investment and rotation in business, as a form of pension after retirement and old age and as investment for the next generation (*ibid*.: 69).

He also emphasises that 'many landlords operate on a small scale and tend to live on the premises' (*ibid*.: 56). Regrettably, his analysis fails to identify the reasons tenants rent rooms hence one-sided. Despite its shortfall, the hypothesis that rental housing is small-scale in peri-urban Matsapha, but profitable to landlords is also supported by Edwards (1990). Through his study on Africa and Latin America, he confirms that 'despite its small scale, landlordism is an extremely important method of generating income for poor owners, particularly single-parent families headed by women' (*ibid*.: 262). In this regard, rental housing plays a pivotal role as a means of livelihood for the poor. In contrast, rental housing is profit-driven for middle and high income groups. Empirical evidence from Lusaka demonstrates that funds expended in rental housing construction are recouped within ten months, hence the observation that 'no other investment offers the poor such attractive and easy returns' (*ibid*.: 262). Martin (1982) argues that historically, rental accommodation and landlords became common in squatter settlements owing to in part, the high rate of return, which constituted about 100% per annum in Lusaka.

But in other parts of the world, rental housing is commercialised. Aina (1990: 88) defines commercialisation as 'that part of the popular response to the housing crisis characterised by the provision of housing, or land for housing, in exchange for money'. In this instance, housing has become a source of livelihood, in the process transforming both shelter and

land into commodities of rental housing and land market. Notwithstanding the fact that access to peri-urban areas is through customary law, 'the use of customary law has not been inconsistent with commercialisation' (*ibid*.: 93). Consequently, commercialisation cannot be ruled out in the study area as Sihlongonyane (2003) notes the emergency of gate-keepers in peri-urban areas throughout Swaziland. Amis (1984) confirms that in Nairobi, unauthorised rental housing has been commercialised as housing is profit-driven instead of being subsistence-driven. He observes that this has resulted in the establishment of a large-scale unauthorised rental sector that is backed by politicians thus deemed acceptable. He further states that informal rental housing is an attractive and lucrative business undertaking where landlords recoup their investments within a short period of time.

The Nairobi case however, negates the notion that property investments yield best financial returns on secure land tenure. Perhaps, this approach explains in part the massive growth of this form of housing tenure in peri-urban Matsapha. Furthermore, it reinforces the interdependence between rental housing and ownership. Sigodi *et al*, (2001) argue that a successful rental housing tenure is influenced largely by successful ownership tenure in the housing market. In addition, they state that it is not surprising for landlords to let or sublet their properties towards improving their own financial status. In light of the interdependence between rental housing and ownership tenure, scarcity in rental housing drives households into some form of home-ownership whereas aplenty rental housing may delay their home-ownership transition. Hence, the continued provision of rental housing by landlords is largely dependent on profits derived from the service (Gilbert, 1990). He also points out that investment in rental informal housing is characterised by the developer using his/her own savings.

In return, rental stock provides the household with monthly income to sustain its operations. Furthermore, he notes that in other instances, rental stock remains the only source of livelihood for households whose rate of return is exceptionally good. Ultimately, he emphasises that these lucrative returns shed some light on the massive investments made by households without reliance on financial assistance. Lee-Smith (1990) contends that rental housing offers accommodation to members of the public in search of job opportunities. She also notes that homeowners, in their endeavour to fulfil rental housing needs, may resort to extending to maximise their profits from rental income. From the LED

survivalist theory, two divergent viewpoints emerge. The first relates to the fact that rental housing is undertaken by landlords mainly for livelihood purposes. The second is that rental housing is a profitable venture. However, generalising on these two would be dangerous as each viewpoint needs to be contextualised. Hence, the present study's aim to uncover the situation specifically in relation to Matsapha peri-urban areas by looking at some theories.

3.4 Location Theory

Originally developed by Johann von Thunen in 1826 (Ullman, 1941), the theory explains the location of different land parcels over space. Its main argument is that land values decrease further away from the centre. Whilst the theory is best applied on urban settings, its usefulness in peri-urban areas and informal rental housing in particular cannot be overlooked. Specifically relating to affordability, proximity to economic opportunities and transportation cost factors. Gilbert (2003) argues that most rental accommodation traditionally concentrates in the inner city. But he also notes that location is not a static phenomenon. Whilst confirming that the centre exhibits pull factors, he states that modern developments in the form of transportation presently makes location not a prominent indicator of rental housing accommodation. Consequently, people may be influenced by other factors other than close proximity to the capital core in their housing decisions. He states that in poorer cities, most rental accommodation is located in self-help suburbs. McFadden (1977: 1) argues that:

> The classical economically national consumer will choose a residential location by weighing the attributes of each available alternative – accessibility of workplace, shopping, and schools; quality of neighbourhood life and the availability of public services; costs, including housing price, taxes, and travel costs; dwelling characteristics, such as age, number of rooms, type of appliances; and so forth – and picking the alternative which maximises utility.

The location theory defines the relationship between the consumption of housing in relation to distance and transportation costs. It also brings to the fore the housing costs as a function of location. Zax (2002) notes that transportation costs increase as housing consumption distance increases. Conversely, he argues that housing prices provide divergent viewpoints as housing is more expensive in the centre and becomes cheaper as distance increases. He points out that naturally, inaccessible locations are prone to

attracting lower populations. But, with all factors equal, he states that housing consumption will be greater despite a longer trip to work. Though urban-based, the theory demonstrates that given the contrasting views between transportation time, location and demand the expectation is that a majority of people will locate at the centre to save on transportation costs. However, practice demonstrates that a majority of the population settle further away from the centre regardless the travel and time costs involved.

Contextually, the above arguments put into proper perspective the location of informal rental housing in Matsapha peri-urban areas in accordance with Lea's (1973) findings that a majority of people settled in peri-urban Matsapha than Manzini urban in post-independence Swaziland. Thus, confirming that location is one of the factors influencing people's decisions on housing tenure. The choices made are influenced by a number of individual needs. Hence, the study is in agreement with Fox (1977: 258) that our needs in relation to a suitable location 'include the right to live close to our most favourable work opportunities, where the normal amenities of life would be readily available to me and to my family, whom I would expect to be able to live with me'. Likewise, rental housing developments are largely influenced by location. Landlords' decisions are guided by factors relating to access to buildable and affordable land parcels located in close proximity of main centres of relevant economic activities. Consequently, the extent of rental housing, the type offered, the quality and its market costs are dependent on its geographical setting (Aina, 1990). The argument herein is that location not only influences tenant decisions, but also landlords to venture into rental housing.

Bourne (1981) notes that location of housing is interrelated to the distance one travels and the transportation costs involved to and from economic opportunities. He argues that low-income households are more likely to locate on the periphery, where rental housing is affordable than within urban centres where rental housing is expensive. His theory puts into context the location of rental informal housing in peri-urban Matsapha, as the combined transportation and rental housing costs may be lower than formal rental housing costs in Matsapha urban. Therefore, it is not surprising that informal settlements are characterised by a majority of residents working near their areas of abode. This makes it convenient for them to walk to and from their workplaces and utilise nearby facilities and amenities. Close

proximity also extends to educational facilities, as school going children walk to and from schools located within informal settlements (Smit, 2006).

3.5 Economic Geography Factors

Linked to the location theory, the economic geography theory's relevance to the present study relates to demand and affordability factors. It is premised from the observation that people's economic status is another important factor that influences their housing tenure preferences. Like social needs such as food, the expectation is that people choose the type of housing tenure affordable to them. However, empirical evidence suggests that in practice, this is not always the case. For instance, given poor people's lack of sufficient income to partake in the formal housing market, they end up in occupation of informal housing. Factors such as lack of finances and housing market dynamics will force them to settle for what is on offer, as opposed to what they wish for (Gardner, 1989). Peri-urban Matsapha identifies with the above argument relating to the demand for rental housing, especially textile workers employed in Matsapha industrial estate.

The argument being that this kind of housing is affordable to them, given their meagre salaries/wages. Local textile and apparel companies, whose majority is located in Matsapha industrial estate have confirmed that 'it is difficult to offer workers competitive wages because their competitive advantage had diminished over the years' (Shongwe, 2010). The above arguments suggest that economic people's status largely influence their decisions relating to housing tenure. Equally, a self-help project study in Lusaka reveals that 'cheap rental accommodation was in high demand' (Martin, 1982: 271) owing to the prevalence of squatter settlements. Rental housing was thriving as there was no alternative housing tenure for employment seeking individuals and families in the form of permanent home-ownership. As a result, they had to settle for what the market offered, in the process influencing the high demand for rental housing. Matsapha peri-urban is not different from the Lusaka experience.

Mafico (1991) brings to the fore the housing demand discourse by stating that it is an economic perception largely dependent on willingness and ability to pay. Although this concept mainly identifies with housing demand in terms of the disposal process, it also

applies to rental housing in the sense that one's ability to settle monthly rentals is considered. In addition, relocation decisions from one rental housing unit to another are also dependent on one's willingness and ability to pay the rental fees on offer. Income therefore, plays an integral role in determining people's choices on the type of housing tenure. Research reveals that household consumption for housing is largely linked to income. An increase in income, automatically leads to a corresponding increase in housing consumption thus demonstrating interdependence between the two concepts (Muth, 1967). Incomes however, are influenced by other factors.

Housing demand, for instance, is a function of the quality of housing in the sense that lower quality housing has a corresponding low demand, and higher quality housing has a corresponding high demand in the market (*ibid*.). The above arguments highlight the dynamics of the rental housing market. Furthermore, Sigodi *et al* (2001) note that owing to an increase in demand, a majority of people are seeking rental accommodation as they are unable to afford home-ownership. Thus, emphasising that some individuals are not afforded a preferred choice in housing tenure. Instead, rental housing tenure is a must, an argument in line with Matsapha peri-urban. Gilbert (2003) contends that private household rental is prevalent in the low-income sector as households respond to market shortages and an ever-increasing demand. Furthermore, he notes that some governments of developing countries have also realised that the supply and management of public rental housing is unsustainable.

Accordingly, this kind of rental stock is either limited or non-existent in some countries. Sigodi *et al* (2001) argue that rental accommodation in Africa is characterised by high supply from small-scale landlords. Edwards (1990: 67) emphasises that 'the bulk of affordable rental housing is now provided in the homes of low-income homeowners (whether they have legal, semi-legal or no legal tenure)'. His argument is that rental housing for the poor does not attract large-scale, formal-sector capital as it has low rates of return. Rates of return too depend on equilibrium between supply and demand in the housing market. Sigodi *et al* (2001) point out that both developed and developing countries are characterised by an increasing demand for rental tenure owing to factors relating to decreasing affordability for ownership. They also argue that rental housing demand is not only

dependent on income, but also on factors related to the availability of the requisite infrastructural services for ease of access to workplaces.

Hence, 'rental housing remains a popular form of housing for low, middle and high income people in both the developed and developing world' (*ibid*.: 10). Affordability of rental housing is also linked to availability and cost of renting (Gilbert, 1990). Empirical evidence suggests that a majority of households living in rental housing do so under duress as they cannot afford to buy. Conversely, other households' evaluations are based on comparing the costs involved between home-ownership and rental housing tenures. In so doing, they view home-ownership as an expensive undertaking and rental housing an affordable tenure option. He further notes that home-ownership is a long-term investment whereas rental housing is only attractive in the short-term. In the context of Swaziland, a majority of households associate home-ownership with their rural homesteads and their perceptions of rental being a temporary phenomenon.

3.6 Urbanisation Factors

These factors usually comprise population growth and migration. The United Nations (1977: 7) states that 'the major two causes [of urbanisation] are natural population growth and rural-urban migration. Urbanisation and rural-urban migration are universal phenomena'. Studies of Africa show that the continent is faced with the challenge of 'a rapid process of urbanisation and the migration from rural areas to urban centres' (Turin, 1967: 201) which in the case of Swaziland have spill-over effects to peri-urban areas leading to the provision of informal rental housing. Rural-urban migration is influenced by a host of factors, one of which relates to industrial developments taking place in urban areas. Consequently, a majority of rural migrants are attracted to cities in search of job opportunities, better housing conditions and amenities all in short supply in rural areas. The rural-urban migration phenomenon therefore, contributes to the high population growth in cities of the world. This internal migration and rapid urban population growth takes place against a backdrop of acute supply of affordable housing to accommodate the in-migrants. As a result, overcrowding is experienced as they settle in slums of metropolitan cities or in peri-urban areas (United Nations, 1962).

Generally, migration is characterised by push and pull factors. Push factors include those of people who willingly move out of overcrowded areas or unaffordable accommodation and also those who are forced to move out from their area of abode with nowhere to go. Pull factors are usually characterised by people's movements in search of employment who for convenience purposes want to be in close proximity to work opportunities (Smit, 2006). Population and urbanisation rates in Africa are so high that any economic development programmes become insignificant. Urbanisation is skewed towards urban areas to the detriment of rural areas in terms of economic and social factors thereby forcing people to migrate from rural to urban areas. The development disparity between rural and urban areas also extends to housing and community facilities, whose provision has mainly concentrated in urban areas (United Nations, 1969). A majority of cities of the world, irrespective of the countries' level of development have slums, with squatter settlements being the fastest growing in the developing world.

Slums and squatter settlements are characterised by excessive proportion of immigrants from rural areas. Regrettably, high urbanisation rates are not complemented by housing and land supply to support the in-migrants. Consequently, people are forced to illegally occupy land. This is against the backdrop of acute shortage of health services, employment opportunities and social services to support the surging population, whose growth is double or more of national population growth rates (United Nations, 1977). Growing urbanisation in a majority of countries, therefore, negates efforts to establish rental housing units. The high costs associated with home ownership leads to individual families settling for rental housing units perceived as sub-standard (Nevitt, 1967). In contrast, Amis (1990) argues that many governments' challenge relates to rural-rural migration in urbanisation studies as opposed to rural-urban migration.

He therefore, calls for a paradigm shift in this regard. Population growth is also closely linked to industrialisation. Early stages of industrialisation are often characterised by rapid population growth owing to a fall in death rates and birth rates remaining high. Population growth at this stage is concentrated around the developing industrial centres, with no significant population reduction in rural areas. At this stage, the market forces and government policies tend to give much priority to matters relating to accommodating the rapid population growth of households (Donnison, 1967). Matsapha industrial estate's

development identifies with the early stages of industrial development, which explains the establishment of Mobeni estate, to accommodate the workers. Rapid urban growth is also a function of high levels of rural-urban migration, attributed to concentration of economic development in the form of job opportunities in towns. The wage disparities offered between urban and rural employees exacerbate rural-urban migration.

Instead of redressing this anomaly, most governments continue to invest a great deal of resources on urban populations to the total neglect of rural ones (Datta, 1996). However, Amis (1987) offers a different dimension (demand versus supply) by noting that long term migration results in excessive rental housing in urban areas thereby precluding the majority population from the sector. As a result, the poor engage in the establishment of informal settlements through self-help as the only alternative. The argument is that formal rental housing is unaffordable to the majority in urban areas whereas informal rental housing is affordable in informal settlements. Tied to the above argument, another dimension relates to the fact that migration has an effect on housing through housing entitlements, which may increase prices thereby resulting in the exclusion of other income groups. The argument is that housing entitlements and personal circumstances are the main determinants of one's choice in housing (*ibid*.).

Other arguments relate to post-independence Africa owing to massive migration resulting from the lifting of sanctions for Africans to access urban areas. Such rapid growth remains the source of the establishment of informal settlements on urban fringes (Lee-Smith, 1990). In Africa, owing largely to colonial rule, migration is traditionally viewed as a temporary phenomenon. Accordingly, this explains in part the preference of a majority of people to engage in rental housing as opposed to home-ownership (Edwards, 1990). Traditionally, Africans have their roots firmly embedded in rural settings, where there is flexibility and land parcels are usually larger. Swazis are no exception to the above notion.

3.7 Aspiration Theory

Aspiration owes its relevance to the present study from the notion that people have different aspirations. Whilst some aspire to be home-owners, others aspire to be renters depending on the context. On home-ownership aspirations, Gilbert (2003) argues that no

person is inherently a home-owner. The aspiration theory introduces empowerment, defined by Appadurai (2004: 64) as 'helping the poor to help themselves' which means giving them the necessary tools to shape their destiny. Furthermore, he states that 'poor people increasingly see themselves as a group, in their own societies and also across these societies' (*ibid*.: 65). He asserts that poor people have a strong connection to the communities they live in and labels them as survivors. Empowering them through voicing out their aspirations therefore allows them to shape their future and that of their offspring. They are in a better position to influence development goals and objectives to their favour as opposed to those of development professionals. That 'aspirations about the good life, about health and happiness, exist in all societies' (*ibid*.: 67) is no understatement. However, the capacity to aspire in unevenly distributed in society.

Studies show that people choose rental housing tenure, either because they cannot afford to build their own houses or they can afford houses of their own, but choose to invest on other ventures. Edwards (1990) confirms this notion through his Africa and Latin America study. The argument is true for peri-urban Matsapha, although the line of departure is that some are renting because they have invested in rural housing. Rental housing is deemed a temporary measure, whilst they are in gainful employment. Upon retirement or retrenchment, they normally return to their rural homes. Furthermore, individual preferences are influenced by the flexibility rental housing offers in their search for employment opportunities (Lee-Smith, 1990).

3.8 Conclusion on Modern and Postmodern Arguments

Despite being urban-based in nature, the theories contribute positively to the present study's comprehension of informality. Furthermore, they help situate in time the housing developments that have taken place at the international level. This is helpful in using them as a benchmark against the present study. Whereas theories are the most preferred instruments in analysis, the importance of other factors cannot be overlooked. Essentially, they not only complement the theories, but also stimulate debate towards the comprehension of a study. Hence, the study has demonstrated fusing theories and related factors positively enriches the necessary debates.

CHAPTER 4: NATIONAL PERSPECTIVES OF INFORMAL RENTAL HOUSING

4.1 Introduction

As the previous chapter on international perspectives relating to informality, this chapter attempts to analyse rental housing debates at the national level in line with the conceptual framework and case study. The national debates will focus mainly on Swaziland's historical background relating to informality and rental housing in particular. Accordingly, the chapter will analyse traditional, modern and postmodern perspectives. Where appropriate, the perspectives will be fused with the relevant legislative and policy framework. Historically, the country's legislative framework was promulgated after independence in 1968. The early 1980s, following the demise of King Sobhuza II in 1982 was characterised by political upheavals relating to succession, which slowed the establishment of statutory framework. However, the coronation of King Mswati III on 25th March 1986 was characterised by massive development in the country's legislative and policy framework.

4.2 Traditional Approach (Pre-colonial to 1968)

The traditional approach focuses mainly on the customary administration of land from the pre-colonial period to independence in 1968. The key stakeholders involved and the processes involved are discussed. Its rationale is to bring to the fore the political, social and economic structures influencing land allocations on SNL. Regrettably, it is based on unwritten Swazi customary law which is sociologically passed from one generation to another. Whilst Rose (1992: 24) notes that 'the land allocation methods practised in a Swazi chiefdom must be analysed within the context of national and local political communities; membership in a political community underlies land access'. Funnell (1991: 75) contends that 'in Swaziland, land has always been associated with power and patronage'. At the national level, land belongs to the Swazi nation and *iNgwenyama* holds it on their behalf. In practical terms, the Swazi nation, by virtue of being Trustees of SNL, have entrusted *iNgwenyama* to administer it on their behalf. Hence, the argument by Rose (1992: 24) that:

> At the apex of the pyramid begins the land allocation process: rulers distribute land and associated responsibilities to chiefs. At the middle level of the pyramid, chiefs distribute land to subjects, while at the lowest level of the pyramid, subjects, usually male homestead heads, assign plots to members of the homestead.

In the Swaziland context, the rulers include *iNgwenyama* and *iNdlovukati* (Queen Mother). Kuper (1947: 54) contends that 'at the peak of the political hierarchy are the king and his mother, each with hereditary title and special insignia of office, each with political power sanctioned on the familiar African pattern by ritual and belief'. In addition, 'they are the central figures of all national activities: they preside over the highest courts; they summon national gatherings, control the age classes, allocate land, disburse national wealth, take precedence in ritual, and help to organise important social events' (*ibid*.: 54). Traditionally, *iNgwenyama* 'rules in conjunction with the *iNdlovukazi* (she elephant), who may be his biological mother, which is presently the case or, on her death, a senior wife' (Business Year Book, 2010: no page). *Indlovukati* serve as 'the custodian of the sacred objects of the nation, but they are not effective without his co-operation in manipulating them' (Kuper, 1947: 55).

Whereas *iNgwenyama* and *Indlovukati* at the national level allocate land in specific areas under their direct control, it is at the middle level (chiefdom) where most of land allocation is experienced. However, the number of chiefs in the country is confusing. Whilst Ngubane (1983) points out that SNL is divided into some 172 chiefs, Funnell (1991) states that 200 chiefs control the allocation process. In contrast, MHUD (1997) argues that *iNgwenyama* has devolved allocation rights to 180 chiefs. All three different figures present some serious statistical challenges to the present study. But a closer analysis suggests that the number of chiefs increased between the 1980s and early 1990s with a decline in number during the late 1990s. Although Ngubane (1983: 96) notes that 'the number of chiefs is less, as a few hold more than one chiefdom and where a chieftaincy is in dispute the King may appoint a regent who can be a neighbouring chief' her argument addresses part of the problem and fails to provide answers on the different statistics relating to chiefs in Swaziland.

Despite the conflicting number of chiefs in Swaziland, Hughes (1972) emphasises that the chief, whose position is hereditary is at the helm of the local government level on SNL. He further argues that a chief executes his responsibilities through the assistance of his council, which is divided into two: *Bandlancane* and *Bandlankhulu*. His role is crucial as 'he is the main formal link between the people in his Chiefdom and the National authorities' (*ibid*.: 105). Similarly, a chief 'centralises law, economics, and ritual; if his mother is still alive, she shares with him the responsibilities of control and is in charge of the main section of the homestead' (Kuper, 1963: 34). Marwick (1966: 161) asserts that 'the local chief has control

of the land allotted to him subject, of course, to the will of the king'. In addition, Kuper (1947: 46) emphasises that he 'has the power to accept subjects and grant them land and also to evict subjects from land'. Ngubane (1983) points out that one such responsibility relates to ensuring that his chiefdom is in good order and the general welfare of his subjects is taken care of on behalf of *iNgwenyama*. Therefore, he has:

> To ensure, as far as possible, that they all have the land they need for crops and livestock, as well as a place to live. This is achieved primarily by allocating land to heads of homesteads for cultivation and retaining common land for pasture, available to all homesteads in the chiefdom (*ibid*.: 96).

The above argument, although traditional in nature, captures the important role of optimal usage of land parcels within chiefdoms. Ngubane (1983) also notes that the only time that chiefs exercise the full right of land allocation is mostly towards a newcomer to the chiefdom, who has to go through the *kuKhonta* process, mainly determined through his acceptance by the prospective neighbours and his reputation from his previous area of abode. Furthermore, Rose (1992) points out that a chief, in exercising his land administration duties, may delegate responsibility to either his deputy or council of elders the resolution of minor land matters. She further argues that at the lowest level, a chief entrusts individual male homestead heads with responsibilities of reallocation of family holdings to married sons and wives in polygamous homesteads. From the above arguments, it is clear that land allocations usually adopt either the *kuKhonta* process for newcomers or through reallocation within a homestead, which embraces incremental principles.

However, in practice, nothing forbids an eligible member of a homestead to pursue *kuKhonta* process within the same chiefdom. The chiefdom's decision is usually informed by the availability of residential land parcels being conscious of its optimal utilisation. Despite the co-existence of the two forms of land allocation at the local level, literature usually focus on the *kuKhonta* process. Perhaps, this is owing to the fact that it is through the *kuKhonta* process that a homestead is established, which is the lower level of the traditional government structure. Bowen (1993) argues that the right of a married man to give allegiance to a chief in return for a right to build his homestead remains at the centre of the Swazi economic system. In addition, he states that *kuKhonta* rights were not accorded

unmarried men, but were achieved at a particular stage in the homestead development cycle. Armstrong (1985) brings to the fore inheritance as another important aspect.

She contends that although both forms of land acquisition are reserved for the sole benefit of men, 'but recently there are indications that in some chiefdoms unmarried females with children are receiving land' (*ibid*.: 10). Such a practise, however, is also male influenced in the sense that unmarried women traditionally *khonta* through their sons. The homestead, therefore, is allocated land parcels through the son's last name notwithstanding his age. It is this bias that gender advocates such as Larsson (2001) frown upon. In her study of gender perspectives in housing and planning, she emphasises that it is imperative to integrate gender equality on matters revolving around access to housing. This is because housing, 'both as shelter and its social and physical surroundings is ...crucial for women as a centre of their activities' (*ibid*.: 4). Her arguments are modernist in nature as the traditional government system views women of inferior status to their male counterparts on matters relating to land acquisition on SNL. But its distinct advantage relates to the empowerment of women in the acquisition of TDL. Armstrong (1985: 6) notes that:

> A woman married in community of property cannot own property, since her husband must act as her legal guardian. An unmarried woman, a woman married according to customary rites, or a woman married out of community of property may own property.

The argument demonstrates the overriding influence the traditional system of government has over the modern one. Gender inequality is not only prevalent in customary land acquisition processes, but also in housing. The experience of the Republic of South Africa on the allocation criteria of housing subsidy which stipulates that 'an applicant must be legally competent to contract (i.e. over 18 years of age, or married or divorced and of sound mind' (Department of Housing, undated: 4) puts the matter into perspective. Also, that 'an applicant must be married or constantly be living together with a spouse. A single person with proven financial dependants (such as parents or parents-in-law, grandparents or grandparents-in-law, children, grandchildren, adopted children, foster children) may also apply' (*ibid*.: 5). Admittedly, Larsson (2001) argues that there is a need for gender best practices to identify women as individuals in a household instead of focussing at households as small units. The aim is to recognise them in their own right as human beings, not as part

of a package. She emphasises that owning a house for an unmarried woman with children is important as she becomes a householder thereby creating a sense of independence and identity whereas living with other people subjects her to be 'under the headship of a man, such as a father, brother or uncle' (*ibid*.: 7) thus perpetuating their reliance on men.

The head of a homestead is situated at the apex of a homestead. Kuper (1947: 36) contends that 'within the peasant society the major social unit is the *umuti* (homestead), under the control of an *umnumzane* (headman)' who 'wields recognised legal and administrative powers' (*ibid*.: 64). Historically, homesteads 'are scattered widely over the country, the factors determining the locality chosen being the availability of good grazing for stock and of arable land for gardens and proximity to water for domestic purposes' (Marwick, 1966: 9, 10). They are characterised by three key features: *sibaya* (cattle byre), *indlunkhulu* (great hut), and *lilawu* (bachelor's quarters) thus adopting 'a fairly standardised plan' (Kuper, 1947: 38). From a traditional perspective, Bowen (1993: 4) situates a homestead as 'a configuration of huts, was the dwelling place of a man and his wives and children, and was based on the *indlu* (household) as its most basic unit'. In this context, a house 'comprised a woman and her children, under the judicial authority of a headman, and the administrative authority of his mother' (*ibid*.: 5).

He further notes that the allocation of each wife her own fields and possibly cattle for her use is attained upon serving her mother-in-law for a period of time. From the above perspectives, the importance of a household usually manifests itself mainly through polygamy where a man is having more than one wife. As head of the household, he is obliged to provide a house for each of his wives within the homestead. In this context, a household should, therefore, be understood as a subset of a homestead. Likewise, a homestead is made up of a number of households. This family organisation embraces the element of sharing resources thereby enhancing the economy of the homestead. As ably pointed out by Bowen (1993: 5), 'the rural economy was subsistence based, dominated by cultivation and sedentary pastoralism, with minimal hunting'. He further notes that maize was the most cultivated crop and that cattle mainly provided milk for the homestead. He also notes that the homestead tasks were classified in terms of men, who were expected to plough fields, milking cattle, hunting, animal husbandry and others.

Women and children's responsibilities included maize planting, manuring and weeding fields, child rearing, cooking and maintaining the homestead. Furthermore, Ngubane (1983: 99) contends that:

> Each "house" in the homestead is entitled to its own fields for cultivation, provided by the head from the land already belonging to his *umuti* or from additional land which he has obtained from the chief. These fields are tilled principally by the wife, who also uses the labour of her unmarried children in so far as they are not at school or working elsewhere. She thus has her own sources of sustenance in maize (or sorghum) and vegetables for herself and her children, and is expected to meet at least part of her husband's food needs from her fields.

Like Bowen (1993), she argues that women's responsibilities revolve around the internal, domestic affairs of the family group while men are responsible for external matters. Her line of departure though relates to her assertion that some tasks, although the responsibility of one sex, such as weeding and ploughing, can be shared. The ownership of land and livestock within a homestead also deserve special mention. Ngubane (1983) argues that although traditionally land is owned by the head of a homestead and decides on how it should be apportioned to his sons upon marriage, in practice, land belongs to wives by virtue of controlling the disposal of their produce. Livestock ownership, however, is different from land ownership. Ngubane (1983) states that although all the livestock within a homestead technically belong to its head, in practice, some may be owned by his wives, children and relatives. But, he is held responsible as they are all registered in his name at the dip tanks.

Indeed, like all government systems, the Swazi traditional system has its fair share of challenges. Flory (1987: 15), writing from a commercial agricultural perspective, points out that 'one feature attributed to the traditional land tenure in Swaziland is the lack of secure tenure. The chief has the power to allocate land but also the power to take it away'. However, empirical evidence (Ngubane, 1983 and Hughes, 1972) suggests that homestead banishment by chiefs is practically impossible. The main reason being that, as the present study has demonstrated, there are a number of key stakeholders forming the traditional government system both at the national and local levels. In addition, a chief's decision is not final as traditional customary law dictates that an appeal may be lodged with *iNgwenyama*, whose decision is final. Hughes (1972: 147) states that 'the power of the Chiefdom, as a community, to banish one of its members is not absolute. Anyone against whom a sentence of banishment has been passed has a right of appeal to the *Ngwenyama'*.

But the Centre for Human Rights and Development (undated; no page number) argues that 'Swaziland has a rich history of forcibly evicting people from land without the due process of the law and without offering any compensation'. This was in response to the 2011 forced eviction and demolition of 18 homesteads at kaShali area under Nhlambeni *Inkhundla* in the Manzini region. That the High Court stopped the eviction and demolition of their homesteads (Jele, 2011) reinforces the fact that community banishment is not an easy undertaking, especially now that people are conversant with their rights. But evictions and demolitions in Swaziland remain prevalent on TDL as private owners are granted High Court orders, which is a process under the modern government system discussed below. Flory (1987) asserts that the most common criticism levelled against the traditional Swaziland system relates to the fact that it cannot be used as collateral for loans.

Whilst his viewpoint is true from a contemporary standpoint, it is however, viewed differently from a traditional perspective. Armstrong (1985: 10), for instance, emphasises that 'Swazi Nation Land held under traditional tenure may not be bought, mortgaged, leased or sold. It may be lent (not for cash payment) to another Swazi' which confirms Flory's viewpoint. Rose (1992: 27) notes that SNL holdings are perceived as 'too small and fragmented, tenure is insecure, land is left fallow by migrant workers, serious erosion results from overgrazing, and modern innovations such as fencing and credit are discouraged'. In support of SNL, Ngubane (1983: 113) states that:

> His *umuti* assures of every Swazi a comprehensive personal security scarcely yet available in towns or from employment, etc. It is in the countryside still, however modestly, that the basic means of life and of reliable support in adversity are to be found. Wage employment may be hard to obtain sometimes, or may be lost once gained; and businesses can fail. Freehold property may have to be sold to meet indebtedness, or mortgages may foreclose.

Her arguments compare the advantages of traditional land tenure *vis*-à-vis modern land tenure. They also help to balance the criticism levelled against SNL. Furthermore, they demonstrate the importance Swazis attach to SNL. More importantly, they also bring to the fore 'quite solid and practical reasons for a Swazi not to abandon his rural base, whatever his degree of success in modern activities – in urban employment generally, or otherwise in commerce or the pursuit of a professional career' (*ibid*.: 113). SNL, therefore, provides the perfect retirement home to many Swazis. And for this reason, it is not surprising that a

majority of TDL property owners simultaneously maintain their SNL homes. Therefore, dualism presents Swazis with the added advantage of unlimited enjoyment of both the traditional and modern land tenure systems. That being the case, it is not surprising that any land reforms in Swaziland on SNL do not succeed as it remains the mainstay of the country.

It is clear from the above arguments that a homestead may contain a number of households, which the modern perspectives may perceive as overcrowding. Furthermore, it is clear that this kind of system embraces land tenure ownership as opposed to rental tenure. More importantly, that rental housing is not an option. But Gilbert (2003) points out that in practice, property owners comprising of large families are effectively acting as landlords, who unfortunately are not receiving rent. Although, his viewpoint is modern in nature, it can also apply to the traditional system of government in Swaziland. At the homestead level, for instance, every member is under the rules and regulations of the head. Technically, they are in the homestead through his mercy. He decides the land allocation to every individual member hence commands respect. In return of being provided with a home, homestead members engage in household chores such as livestock rearing, crop production and others, which are forms of payment, not in monetary terms though.

Similarly, at the local level the chief allocates land parcels through *kuKhonta* to married heads of homesteads. Hence, are viewed as landlords as they allocate land parcels and receive payment in the form of a cow or its monetary equivalence. In return, subjects provide labour through ploughing, weeding and harvesting chiefs' fields. Although perceived as paying allegiance to the chief, technically it is payment in kind. Likewise, at the national level, chiefs are at the mercy of *iNgwenyama*, who appoints them through hereditary lineage. As SNL vests in *iNgwenyama* who holds it in trust for the Swazi nation, his position is that of a landlord; the chiefs, tenants and subjects, the sub-tenants. In practice, therefore, the Swazi traditional system is crafted along informal leasehold principles as no written contract exists between the parties. Essentially, subjects through the land allocation process, are given user-rights instead of outright rights granted through the modern system.

4.3 Modern Approach

The modern approach in the present study relates to those initiatives in legislative and policy framework pushed by government to address matters relating to informality and

rental housing in the country. Since independence, government has been pre-occupied with a number of mechanisms towards managing informality in the country. Hughes (1972: 101) observes that:

> Chiefdoms (nowadays) have clearly defined geographical boundaries, and equally clearly definable populations. They are recognised as local governmental units by the Swaziland government and National authorities, and have a formal and relatively standardised internal organisational structure.

Ngubane (1983) argues that the homestead should not only be understood from the traditional system, but also from the modern system of government. Therefore, it has over the years demonstrated 'both an essential continuity of organisation and a marked ability to adapt itself to modern opportunities and needs' (*ibid*.: 113). She further argues that tradition, as embodied in the homestead and modernity are not at opposing sides, but 'complementary sides of a single existing way of life still changing as the world around changes' (*ibid*.: 113). In view of the above argument, situating a homestead only from a traditional perspective is suicidal given its versatility to adapt to the modern economy. As the world evolves over time, so does a homestead. In addition, Russell (1983: 325) contends that:

> The rural Swazi homestead is deeply and apparently increasingly engaged in off-farm employment for wages, and cannot be understood except as an integral part of the total economy. It supplies the labour that works in the modern sector, and to it is returned increasingly the wages earned in the modern sector.

From the above argument, it is clear that there exist a dependence syndrome between the traditional and modern systems of government. As such, they both need and support each other. Therefore, one cannot survive on its own without the other. Perhaps, this explains, in part ancient history practices of buttering (trade) among communities in a bid to attain that which they did not have. Given the present dependence syndrome between the two sectors, it can safely be stated that history seems to be repeating itself. The wage debate in Swaziland, although ancient, is still crucial in understanding the transformation of the traditional system into a modern one. Writing from an agricultural perspective, de Vletter (1984) points out that capitalism through capital penetration fostered both external and internal labour migration thus resulting in stable food decline. As stable food declined, the

need to supplement the homestead economy was supplemented through the wages earned in the form of remittance.

The main reason that can be attributed to the stable food decline relates to the migration of heads of households whose main responsibility was to provide for their families. As alluded to above that ploughing was one of their main responsibilities, their absence was bound to affect subsistence cultivation at the homestead level. Another reason relates to the scarcity of land resources from which more staple crop production could be undertaken. Rose (1992: 16) notes that 'colonial land policy arguably sought to impose a situation of land scarcity on Swazis in order that a capitalist system of production, supported by cheap labour would be possible'. Consequently, it 'resulted in over-population, overstocking, erosion, child malnutrition and disease in the same areas which became the greatest generators of labour out-migration' (*ibid*.: 16). The above arguments suggest that the traditional land tenure system existing in the pre-colonial era was efficient. They also suggest that a majority of the problems in present day Swaziland such as overcrowding are a result of colonialism.

However, this is not to suggest that the pre-colonial era was without its challenges. Instead, the arguments help to situate the informal rental housing problem from a historical perspective. More importantly, to bring to the fore the fact that traditionally, informality does not exist, but it is a facet of modernism. In essence, the co-existence of the traditional and modern land tenure systems thus leading to traditional and modern governments operating side by side is one of the main problems. Asiama (1990) notes that the housing situation in Africa is caught in-between traditional and modern societies. He argues that whilst the former's expectations are for the mainstreaming of innovations and developments into the traditional cultural values, the latter's expectations, based on European cultural practices are at odds with traditional values. He states that whilst overcrowding is deemed as normal in the African tradition and 'the one-family housing unit is predominant, in the modern society people are sensitive to living in crowded conditions' (*ibid*.: 230).

Russell (1983: 328), writing from a Marxist perspective and in denial of the dichotomy notes that 'almost every homestead participates directly in both sectors; their dependence is on both sectors. Wages and subsistence supplement each other'. Similarly, he negates the

notion to the effect that 'it is necessary for Swazis to migrate to alleviate poverty at home' (*ibid*.: 328). On capitalism, he argues that 'the members of Swazi homestead still exercise choices' (*ibid*.: 331). He notes that the higher rewards of wage employment usually seduce a sizeable number of the Swazi adult each year through which they accumulate wealth, get married, undertake farming, rely on remittances from grown children and growing of cash crops. But, he further questions whether farming is a full-time commitment. He concludes by emphasising that 'the political economy of the rural areas has been subordinated to the purposes and spread of capitalism or that Swazi rural homesteads are an integral part of the capitalist mode of production' (*ibid*.: 332).

In addition, De Vletter (1984: 2) views a rural homestead 'in the context of a decision maker exploiting its economic parameters to maximise benefits'. Writing from a rural development perspective, she notes that 'by manipulating new technologies and services, the homestead has often demonstrated that its microeconomic objectives are in conflict with national goals' (*ibid*.: 3). She also notes that whilst rural development policy has increased the standard of living of the rural economy, it has unfortunately created a wage dependency syndrome. Her arguments bode well with the present study in the sense that informality at the national level is perceived as negative development. As such, it has to be eradicated. This explains in part the conception of the Urban Development Programme (UDP) in 1994 by the Swaziland Government. However, as the study demonstrates, informality is a necessary phenomenon that needs to be embraced by national goals.

As the above arguments have demonstrated, formality and informality are two sides of a coin. They are intricately related and are both necessary as they serve traditional and modern economies at different levels of the development cycle of a Swazi homestead. De Vletter (1984) argues that the homestead, given its rural setting is usually associated with the periphery, traditional modes of production, primitive accumulation and dependency. However, given its geographical proximity to employment opportunities provided mostly by urban areas, the homestead has retarded urban growth. As a result, it has provided permanent residence for workers and has in effect, fostered the creation of a middle class of shopkeepers, transport operators and others. Added to this list are landlords, by virtue of their role in providing private rental housing. Her analysis of the homestead is quite useful

to the understanding of informal rental housing in Swaziland, Matsapha peri-urban areas in particular.

In addition, it suggests that informality exists owing to the existence of peripheral areas or rural areas outside capital core areas. Whilst the members of rural homesteads are seduced by employment opportunities, they consciously decide to settle on the periphery, given their rural economic backgrounds instead of locating within urban areas. Gabele (1987: 6) contends that 'informal settlement has been advancing rapidly onto peri-urban government lands and has been encouraged by the allocation of plots on SNL by some chiefs'. Additionally, he confirms that 'some of the best available peri-urban land is held under traditional Swazi law' (*ibid*.: 6). The above approaches, however, fail to take into consideration the historical background relating to colonialism and the introduction of capitalism in the country. The analysis suggests that capitalism existed before the colonialism era. However, they make no mention of whether colonialism and capitalism were good or bad in as far as the Swazi homestead is concerned.

Hughes (1972) observes that contemporary economic role of land depends largely on homestead members. He lists these as 'a dwelling place; a source of raw materials for building domestic needs and handicraft; a grower of crops; a provider for one's stock; a potential source of monetary income; and the basis of a social security system for oneself and one's dependents' (*ibid*.: 274, 275). Actually, the above roles introduce an element of commercialisation of traditional land. Hughes (1972) confirms that Swazi rules and regulations do not in any way forbid homesteads to engage in growing cash crops. On the contrary, Rose (1992: 29) points out that 'Europeans introduced a monetary economy and promoted cash crops, thus providing new routes to status'. Poulsen (1983) addresses the important role played by community participation. Her argument is that a homestead is bound to be influenced in its social and economic development by what is taking place within the community such as brick house construction instead of stick and mud. Its importance to the present study is that it brings to the fore the sociological impact in development. Sociological as it is the process through which information flows from one person to the other.

Furthermore, there exist government-driven modern approaches relating to the promulgation of legislative framework dating back to the pre-colonial era. These are complemented by requisite policy framework and related initiatives, all aimed at managing informality. They include the Town Planning Act of 1961, Building and Housing Act of 1968, Urban Government Act of 1969, Urban Development Project (UDP), National Housing Board Act of 1988, Human Settlements Authority Act of 1988, as amended in 1992, Residential Tenancies Bill of 1997, Draft National Land Policy of 1997, Housing Policy of 2001, Swaziland National Physical Planning Bill of 2001 and Environment Management Act of 2002. These are deemed modern as they usher in formalisation to human settlements development. Contrary to the traditional approaches discussed above which are guided by unwritten Swazi law and custom, modern approaches are written and based from the Roman-Dutch law. However, their main weakness to date is that they apply only to TDL to the total exclusion of SNL (refer to Annexure 4, for a detailed analysis of the legislative and policy framework).

4.4 Postmodern Approach

This approach is characterised by the introduction of new initiatives that are a departure from the norm. Its rationale is to integrate both the traditional and modern systems of government. In the context of Swaziland, it entails the establishment of structures comprising of membership from both the traditional and modern government structures. However, there is a thin line between modernism and postmodernism hence overlaps are bound to be experienced in some cases. Historically, postmodernism in the country can be traced to the colonial era. De Vletter (1984: 1) states that:

> From the historical perspective we see colonial and capitalist collaboration which harnessed cheap labour for industry (mostly for South African mines) and land for white settlers. This was largely accomplished through the coercive measures of high poll taxes and the Land Proclamation Act of 1907, the latter relegating the Swazi to barely one-third of the total land area.

Situating the above argument in time, the country's colonialism by Britain in 1902 and capitalism played a significant role to the integration of the modern system into the traditional one, although coercive in nature. This is the era responsible for the introduction of the dual system in the country's land tenure system and governance. On the one hand

was the preservation of SNL and traditional way of life through Swazi customary law and on the other, the introduction of TDL and modern government by the colonial masters, governed through Roman Dutch Law. As a result, the country was divided into two: rural and urban areas. Given that Swazis were used to the traditional way of life before colonialism, SNL was the most preferred land tenure system over TDL, which was a foreign concept. In contrast, the colonial masters preferred TDL hence the development of urban areas to the total neglect of rural areas. Consequently, this led to disparities between rural and urban areas in terms of infrastructural developments.

In contrast to the two approaches analysed above, postmodernism in the country was mainly through government initiatives. These include the Draft Peri-urban Growth Policy of 1997, the Study on the Extension of the 99-Year Leasehold Concept to Areas on Swazi Nation Land of 2001, and the Constitution of Swaziland, 2005 (refer to Annexure 5 for detailed analysis). They are deemed modern as their acceptance depends on both political will and civil society.

4.5 Conclusion

A majority of the study's concepts are traditional in nature and unique to Swaziland. More striking was the prominence accorded the traditional over the modern way of life. Not only through the exemption of SNL from the statutory framework, but also on marriages. Whilst the three approaches are distinct in nature, modernism and postmodernism are characterised by overlaps. Overall, all three approaches have underscored the magnitude of the challenges related to the country's dualism on the land tenure and governance. Exclusively though, postmodern approaches were deemed incompatible with the powerful traditional mode of government. Mainly owing to their proposals, whose implementation failed to take into account the sensitivities associated with SNL in the country. One such proposal relates to stripping chiefs of their land allocation powers without offering alternatives such as remuneration.

CHAPTER 5: PERSPECTIVE OF LANDLORDS ON INFORMAL RENTAL HOUSING

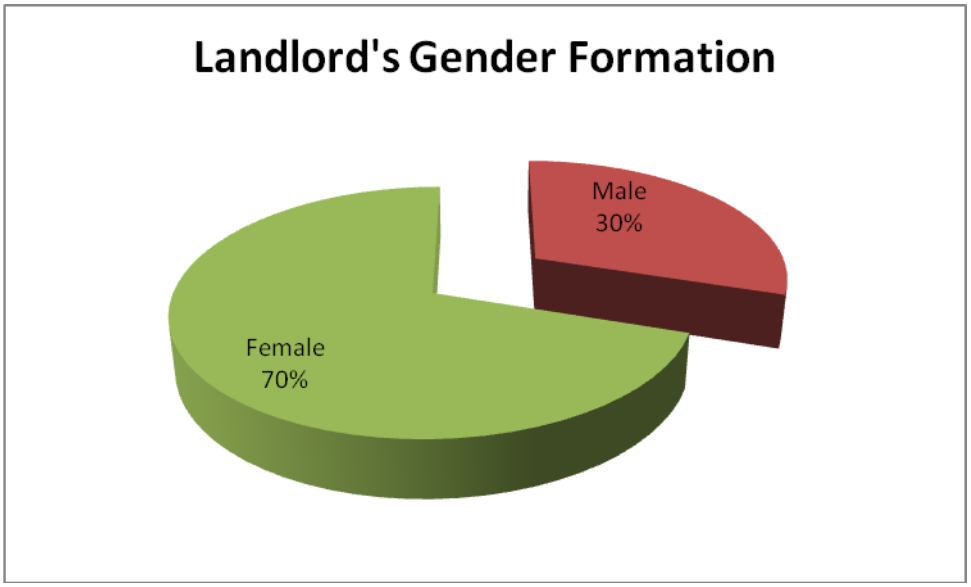
5.1 Introduction

The chapter sets out to present the research findings and analysis of the landlords' perspective on matters relating to informal rental housing in Matsapha peri-urban areas. Subsequent to 1.7, a total of thirteen (13) landlords were interviewed on the 3rd, 4th and 10th of July 2010. Of these, two were abandoned halfway as the landlords had to leave. In addition, a third interview was halted by the Researcher due to misrepresentation, as the respondent was a relative to the landlord. Accordingly, the findings presented herein are from the successful interviews administered to a total of ten (10) landlords.

5.2 Demographics of Landlords (Gender, Marital Status, Age, Region of Origin, Citizenship)

Gender is essential in comparing the contribution made by both sexes on matters relating to informal rental housing. The findings showed that gender composition was tilted towards females. Out of the 10 interviewed landlords, only three were male compared to seven female, which constitutes 30% and 70% respectively as captured on Figure 5.1.

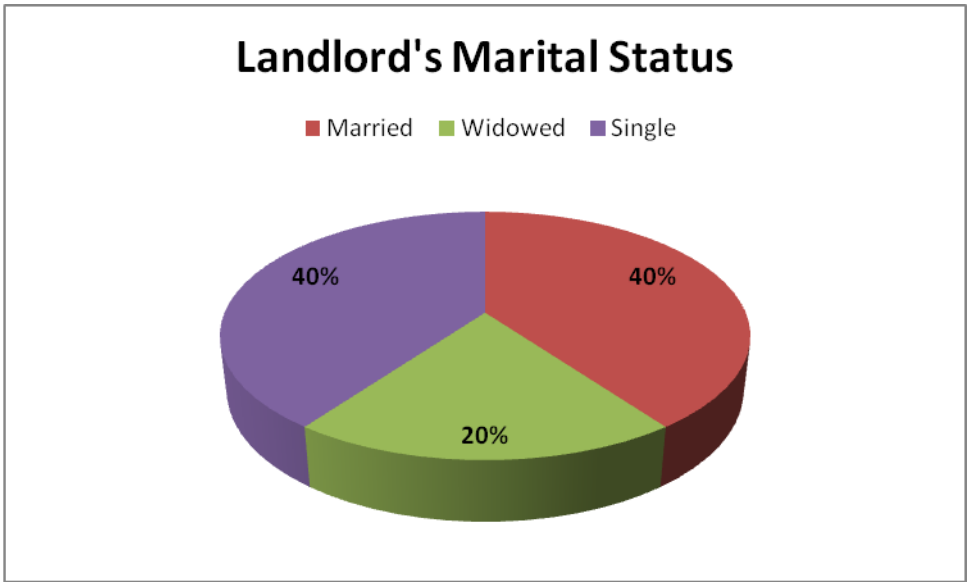
Figure 5.1: Matsapha Peri-urban Areas' Landlord's Gender Formation



The results confirm the country's 2007 population census which recorded the female population at 537 021 compared to the male population of 481 428. In addition, they confirm Kwaluseni *Inkhundla's* population records of 8687 female compared to 6582 male

(Central Statistics Office, 2010) all of whom demonstrate female gender dominance. The marital status findings indicated that a majority of the landlords were married, totalling 60%. Out of these, 20% were widowed. For clarity purposes the study presents the marital status of the married landlords in twofold: married and widowed. Single landlords accounted for 40%. Figure 5.2 captures the marital status of the landlords.

Figure 5.2: Landlord's Marital Status

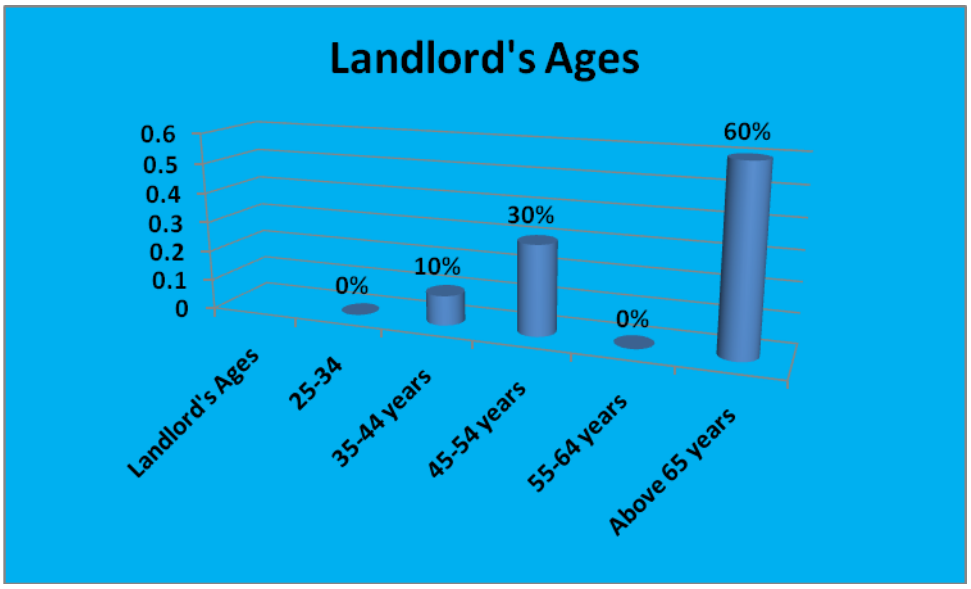


Taking into account the overall 60% of married landlords, the findings reflect that informal rental housing in the study is mainly associated with married people. Perhaps, due to the fact that married people have the advantage of merging their financial resources compared to single people. Furthermore, the findings show the important role played by inheritance on land tenure in view of property succession by the two widows. This conforms with Section 34 (1) of the country's constitution, which stipulates that 'a surviving spouse is entitled to a reasonable provision out of the estate of the other spouse whether the other spouse died having made a valid will or not and whether the spouses were married by civil or customary rights' (Swaziland Government, 2005: S31, S32). In contrast, empirical evidence from Zambia show that inheritance laws prohibit widows any right to a couple's estate (Larsson, 2001). The findings also showed that inheritance extends to offspring irrespective of gender or marital status.

A single female landlord, for instance, inherited property from her late mother, demonstrating the fragmentation of conservative culture in peri-urban areas. The ages of

landlords also provided vital information on the rental housing discourse. The findings showed that a majority of the landlords (60%) were above 65 years old, followed by those within the 45–54 years bracket (30%) and 10% within the 35–44 years bracket. Figure 5.3 depicts the scenario.

Figure 5.3: Ages of Landlords

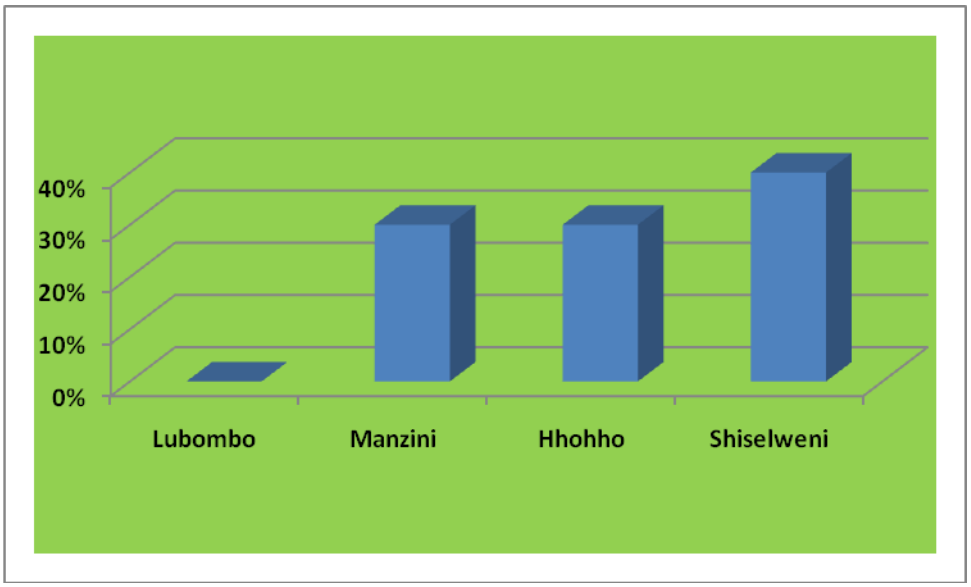


The ages of the landlords reflect that a majority have retired from active employment which explains their business ventures into rental housing. A female landlord stated that she invested her retirement benefits into rental housing. Gilbert (2003: 55) confirms that 'landlords tend to be older than other owners and much older than most tenants'. Furthermore, he points out that 'because of their age, landlords are much more likely to be retired, live in larger properties than other families and have lived longer in their current home' (*ibid*.: 55). In contrast, the sole landlord within the 35-44 years bracket invested in rental housing owing to her being retrenched from the Matsapha industrial estate. Regrettably, the findings could not determine when a majority of landlords embarked on informal rental housing in a bid to enrich the study's data analysis. However, the findings that a total of four landlords were within the working group demonstrate that some people invest in informal rental housing whilst still in gainful employment.

Another important consideration relates to migration patterns of the landlords in terms of their Region of origin. The findings showed that the Shiselweni region was leading with four

(4) landlords, followed by a tie of three (3) apiece between Hhohho and Manzini regions, and Lubombo region recording no landlord at all. Figure 5.4 captures the findings.

Figure 5.4: Landlord's Region of Origin



The results reflect that the Shiselweni region is characterised by high out-migration in conformity with the 2007 population census findings which recorded out-migration of 51 996 people compared to in-migration of 20 615 people thus leading to a gross migratory balance of -31 381 (refer to Table 1.3). The lack of formal sector employment opportunities in this region is responsible for this scenario (MHUD, 1997). The findings also confirm that Manzini region experiences high in-migration patterns recorded at 72 037 people (CSO, 2010). More importantly, they reflect high migration rates within the Manzini region, whose statistics at the national level are unfortunately lacking. On citizenship, the findings showed that all landlords were Swazi citizens by birth, which underscores the notion that SNL is reserved for Swazi nationals. However, that is not to suggest that other nationals were not found on SNL as presently foreign nationals use the *kuKhonta* system as means to circumvent the long process of citizenship application.

5.3 Landlord's Means of Livelihood

It was to the study's interest to find out how the landlords earned their living. Consequently, the findings revealed that half (five) of the landlords were unemployed, three were self-employed, and two were employed. Of the two employed, one was on contract and the

other on permanent employment. Interestingly, both employed landlords were male. The self-employed landlords were made up of one male and two females whose livelihood was dependent on rental housing provision. Only one of the female landlords was complementing her informal rental housing income. The unemployed landlords comprised of females, of whom two were the widows, two married women and one single woman. Table 5.1 depicts the findings relating to the landlord's means of livelihood.

Table 5.1: Landlord's Means of Livelihood

	Contract	Permanent
Employed	10%	10%
Self-employed	0%	30%
Unemployed	0%	50%

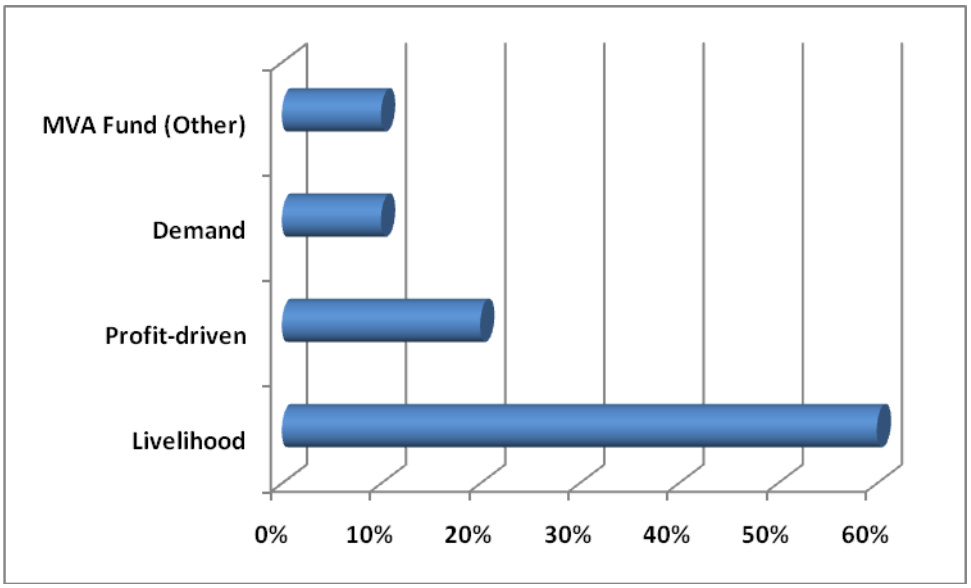
The results that both employed landlords were male reflect the high unemployment rates of the female population in accordance with the 2007 population census. Whilst male unemployment was recorded at 33.6%, female unemployment accounted for 47.4% (refer to Table 1.2). From Table 5.1, the results reflect that a majority of the landlords are dependent on informal rental housing provision as their source of livelihood. Hence, confirming the study's assumption that informal rental housing was a source of livelihood on the part of landlords.

5.4 Factors Influencing Rental Housing Provision

The landlords attributed a number of reasons as motivation factors to venture into informal rental housing. Chief among these related to livelihood, business related or profit-driven, demand-driven, and Motor Vehicle Accident (MVA) Fund compensation. A majority of the landlords (60%) ventured into informal rental housing provision for livelihood purposes. Out of these, five were female and one was male. Of the two profit-driven landlords, one was a married male and the other a single female. In addition, one married male landlord indicated that he was motivated by demand to venture into informal rental housing as he was approached by a number of people for accommodation. Finally, one of the widowed female landlords pointed out that it was influenced by the receipt of MVA Fund compensation. Instead of meeting her other needs, she decided to invest in informal rental housing to sustain her grandchildren. Her long-term objectives translate to livelihoods

although she used the compensation as capital injection towards informal rental housing provision. Figure 5.5 depicts the findings in this regard.

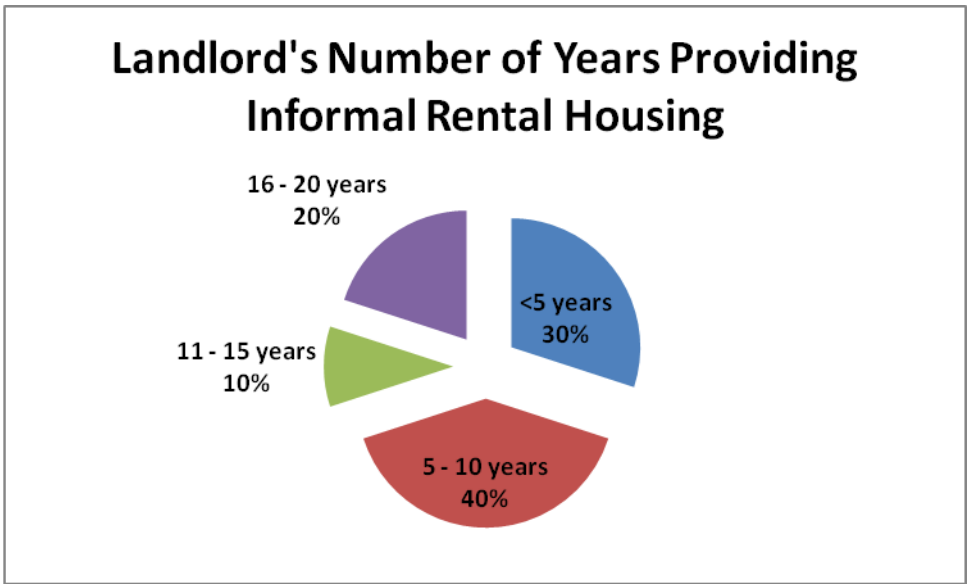
Figure 5.5: Landlord's Rental Housing Provision Motivation Factors



The results reflect that livelihoods play a pivotal role in influencing landlords to venture into informal rental housing. Again, the results can be linked to the high unemployment rate totalling 40.6 (CSO, 2010). Secondly, the findings that profit comes second to livelihoods demonstrate that the landlords in the study area are small-scale and non-commercial in nature. Thirdly, they demonstrate that informal rental housing is in demand. Finally, they show that other factors influence the provision of informal rental housing other than livelihoods, profit and demand.

Linked to the above motivation factors is their number of years involved in this kind of venture. The findings showed that almost half of the landlords (40%) have been engaged in informal rental housing provision for a period of between 5-10 years. Following them closely were landlords (30%) who had been in the business for less than 5 years. The last but one range was that between 16-20 years where only (20%) landlords were found. Finally, 10% landlords have been engaged in informal rental provision for a period of between 11-15 years. Figure 5.6 depicts the scenario.

Figure 5.6: The Landlords' Number of Years Providing Informal Rental Housing in Study Area



The 11-15 and 16-20 years results are in conformity with the country's manufacturing sector development, which was complemented with informal rental housing provision. Similarly, the rest demonstrate the demand of new informal rental housing influenced by the ongoing Matsapha expansion. Furthermore, the findings showed that 80% of the landlords acquired their land through *kuKhonta*, 10% as cultivation fields and another 10% through a relative. The land acquisition costs varied. Whilst 50% paid a cow or its equivalency, 30% could not quantify the costs involved, 10% incurred no costs and another 10% stated that although money was paid out, the matter was sensitive. Figures 5.7 and 5.8 depict the findings.

Figure 5.7: Land Acquisition Type by Landlords

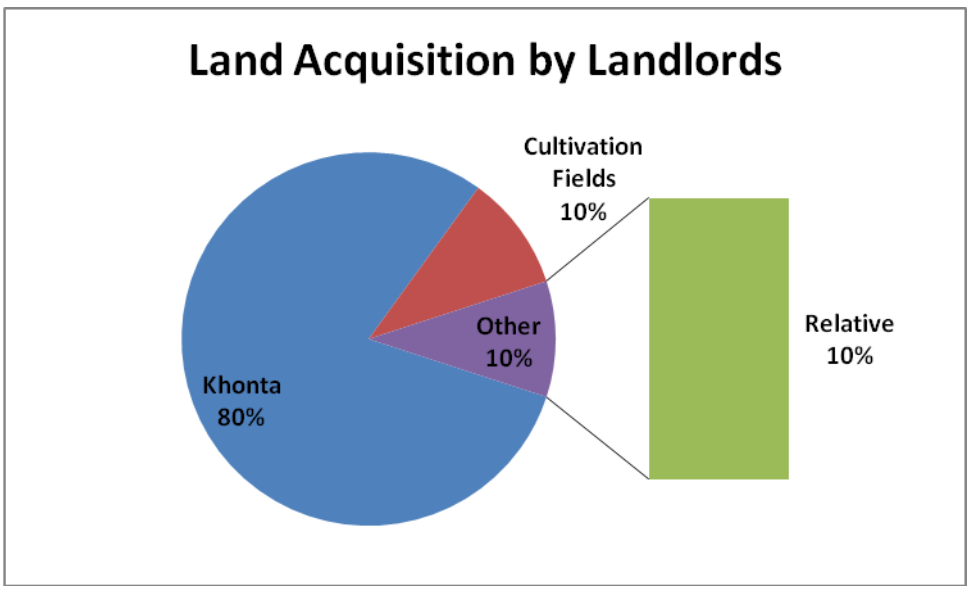
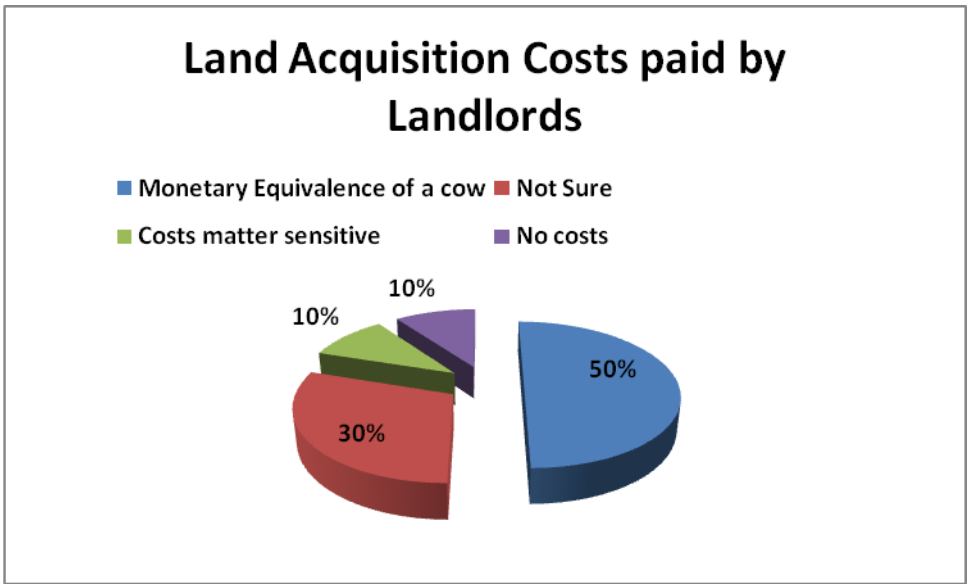


Figure 5.8: Land Acquisition Related Costs Paid by Landlords

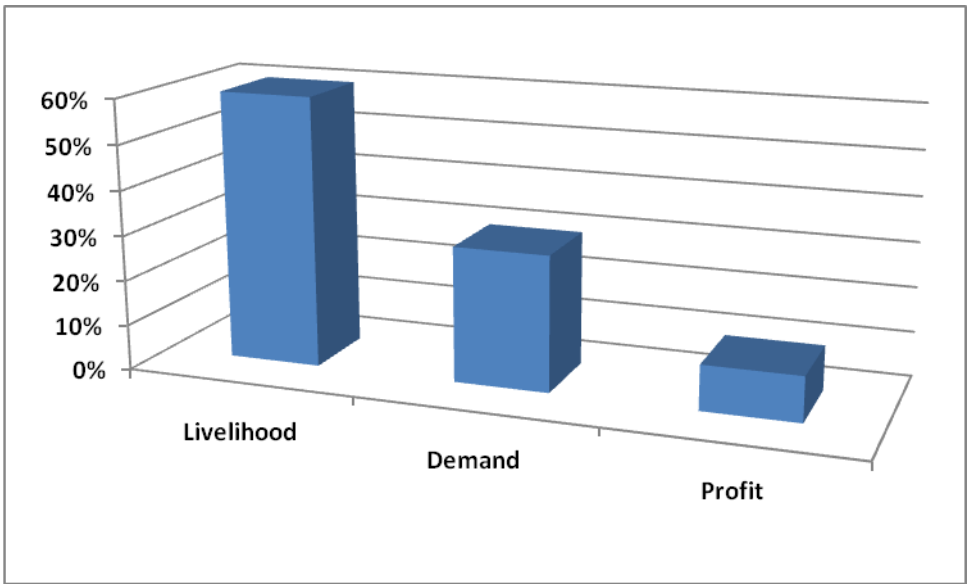


The mode of land acquisition reflect that all the landlords were allocated through the *kuKhonta* system including the other two who stated that it was for cultivation purposes and the other who acquired same through a relative. According to Swazi customary law, a person cannot be allocated land solely for cultivation purposes unless s/he is a resident of an area. Procedurally, allocation is for both residential and agricultural purposes. Not unless the landlord acquired the piece of land from an individual who subdivided his/her fields. Similarly, the landlord who acquired land through a relative was a single female, who, according to Swazi customary law is precluded from owning SNL. Her land acquisition through a male relative confirms women's dependence on men relating to SNL acquisition, which is gender biased as argued by Larsson (2001). Contextually, it can be inferred that *kuKhonta* is a motivation for migration.

The *kuKhonta* costs vary depending on the land acquisition year. One landlord stated that he paid E20 in 1975, equivalent to a cow at the time. Two landlords indicated that they each paid E2500 and E1000 respectively whereas the other two stated that they each paid a cow. Compared to urban land acquisition costs, SNL is acquired at a minimal fee. All three landlords who were not sure of the incurred *kuKhonta* fees were married women. Given the sensitivity around money, one landlord could not disclose the money she spent. Furthermore, the findings showed that 60% of landlords' choice of rental housing provision

over home-ownership was influenced by livelihood factors, followed by demand (30%), and profit-driven (10%) respectively. These findings are captured in Figure 5.9.

Figure 5.9: Factors Influencing Rental Housing over Home-ownership

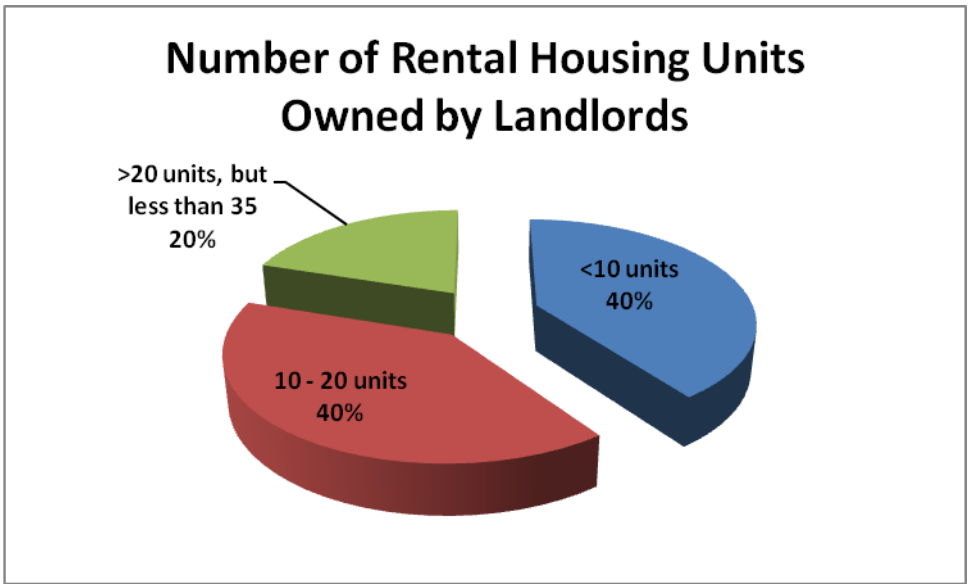


The findings confirm the argument by Gilbert (2003) that landlords in developing countries are dependent on rent as means of livelihood.

5.5 Rental Housing Characteristics

The section presents findings relating to the scale of rental housing and the charges involved, the mode of rent collection applied by landlords, tenant selection criteria and majority of tenants catered for, construction costs involved and how funds were acquired, the challenges associated with managing rental housing stock, and the provided social services. Regarding the scale of rental housing, the findings showed that informal rental housing was small-scale. A total of four landlords owned rental units of less than 10, another four owned units between 10 and 20 units, and only two landlords owned more than 30 units but less than 35 in number. Figure 5.10 depicts the findings.

Figure 5.10: The Number of Rental Housing Units Owned by Landlords



The findings reflect that the landlords are engaged in small-scale rental housing given the number of units owned thus in conformity with Gilbert (2003) that many landlords operate in small-scale. Rental charges per month showed that they ranged from E50-E500. Interestingly, landlords had differential rentals on some of their units. The findings showed that two landlords charged within the E50-E150 bracket, six within the E151-E300 bracket, and two across two income brackets, E151-E300 and E301-E500 as depicted on Table 5.2.

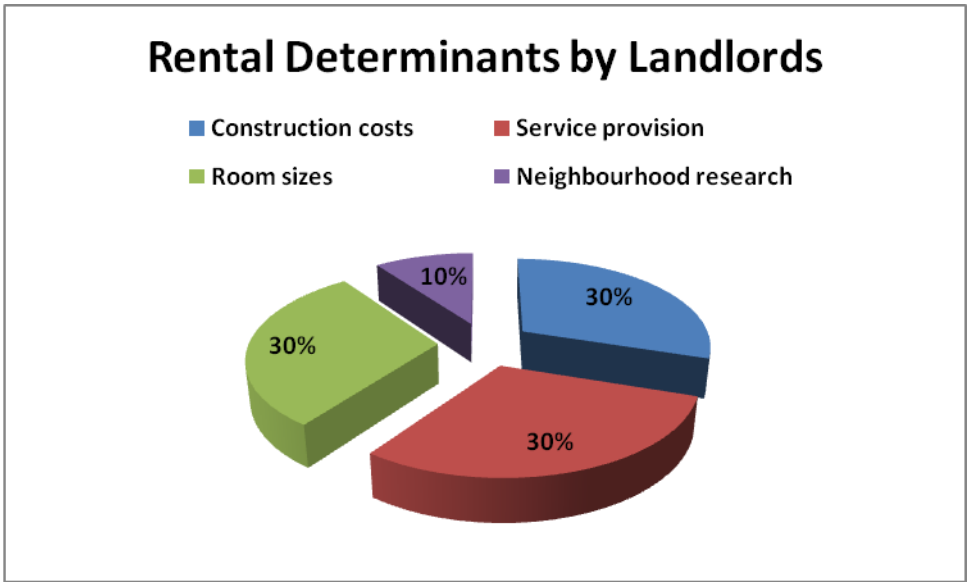
Table 5.2: Rent Charges by Landlords

Rent Charged	Number of Landlords	Percentage
E50 – E150	2	20
E151 – E300	6	60
Combination of E151 – E300 and E301 – E500	2	20

The results reflect that informal rental housing is affordable and attracts the low-income bracket of society given its range between E50-E500 per month. However, affordability is subjective as in this case it does not take into account the tenant's salaries/wages discussed in Chapter 6. A closer look at the results reflect that a majority of the units, totalling 115 were those within the E151-E300 rental bracket compared to 18 units within the E300-E500 rental bracket. The E50-150 rental bracket consisted of nine units. An interrogation of the

results reflect that the E151-E300 rental bracket was the most marketable in terms of demand and supply on the part of both the landlords and tenants compared to the rest. In determining monthly rental charges, the landlords were guided by construction costs incurred (30%), consideration of neighbouring rental market (10%); provision of services (30%), and room sizes (30%). Figure 5.11 depicts the findings in this regard.

Figure 5.11: Rental Housing Determinants Applied by Landlords

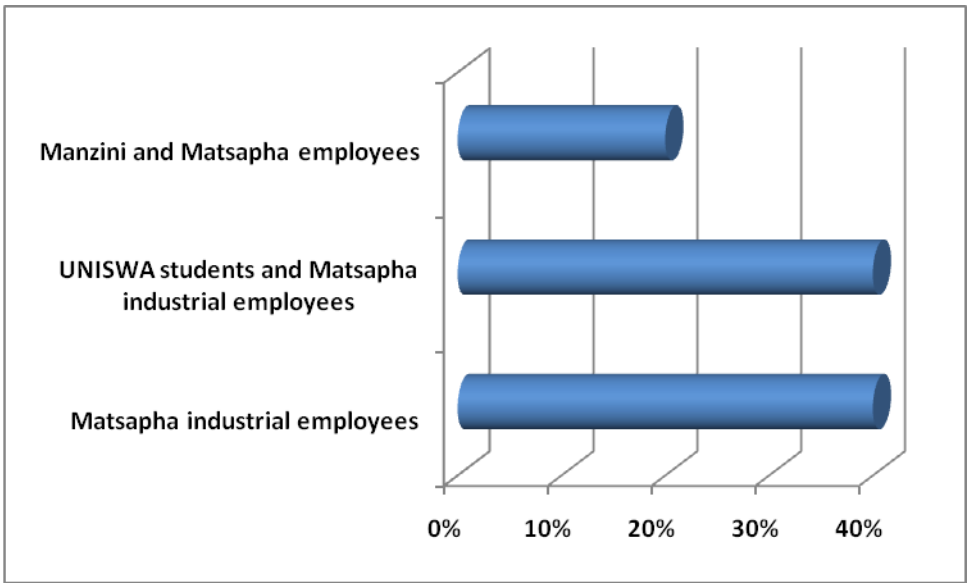


The results reflect that three considerations were crucial in rental determination by landlords: construction costs involved, room sizes and availability of services. The less important consideration related to market research of the neighbourhood. Social Housing Foundation (SHF, 2009) states that monthly rental is a function of three distinct elements: basic rental, service costs and additional charges. Basic rental, payable to the landlord every month is based on unit size and its location, number of bedrooms and construction costs. Furthermore, Stone and Strauss (1999) emphasise the importance for landlords to familiarise themselves with rental rates in their neighbourhood in their rental determination endeavours. The above arguments suggest that the landlords' determination of their monthly rentals follow legally and acceptable international practices. Furthermore, the findings showed that a majority of the landlords collected monthly rentals from tenants (90%) and 10% involved a third party. Of the majority, 60% stated that monthly rentals were paid directly to them and 30% collected monthly rentals from tenants. Unfortunately, the

questionnaire failed to determine whether landlords deposited collected rentals into their bank accounts or not.

The criteria used by landlords in determining their tenants varied. Three landlords stated that no criteria was used, two stated that it was on employment basis, one landlord stated that her criteria was based on working people with no children, another pointed out that everybody was free provided they could afford rental payments, another's criteria was based on religious grounds, and the last two landlords were providing for UNISWA students and working people. In addition, the findings showed that a majority of the tenants accommodated were the Matsapha industrial estate employees (40%) and a combination of UNISWA students and Matsapha industrial estate employees (40%). Only 20% landlords indicated that their tenants were a combination of people working in Matsapha and Manzini. Figure 5.12 depicts the findings.

Figure 5.12: Classification of Tenant Type by Landlords



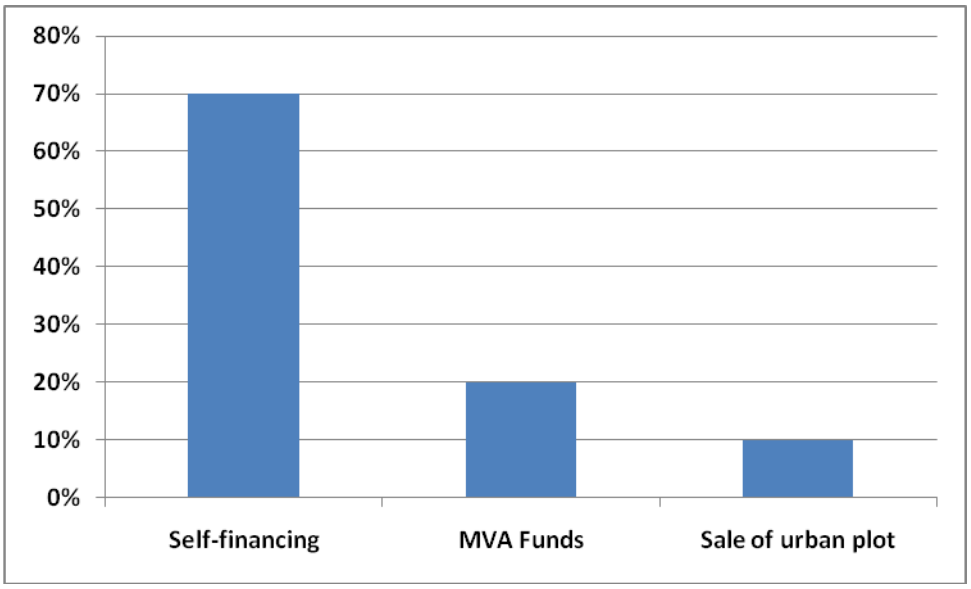
The tenant selection criteria adopted by landlords reflects that it was biased towards employed tenants and UNISWA students as unemployed tenants are deemed high-risk. UNISWA students were also targeted as they receive annual allowances hence medium-risk. Contextually, the results confirm the economic geography factors to the effect that informal rental housing is affordable to the low-income sector of society as demonstrated by its catering for UNISWA students, who are unemployed. Despite the discriminatory criteria adopted by landlords, Perry (2000: 55) notes that 'it is possible (and recommended) to

discriminate legally, as long as you show that you were fair across all applicants'. Equally, the results reflect that the majority of the landlords that accommodated UNISWA students were those in close proximity to the institution which confirms the location theory's argument. Close proximity ensures that UNISWA students save on transportation costs as they walk to and from the institution.

The same argument applies to a majority of the Matsapha industrial estate employees owing to the location of their rental housing units in close proximity to their places of employment (refer to Chapter 6 for details). Consequently, the results conform with the study's assumptions that a majority of the tenants are the Matsapha industrial estate employees and UNISWA students. They also confirm that a majority of the tenants are located in close proximity to their places of work to save on transportation costs. All landlords indicated that they had a 100% occupancy rate thus confirming that informal rental housing is in demand. Furthermore, their indication that they did not keep waiting lists owing to the high rental housing demand in the study area is in accordance with the study's assumptions. Accordingly, the results demonstrate that the landlords are unable to meet the high informal rental housing demand which outstrips supply in the study area.

However, other factors such as location, affordability as discussed in Chapter 3 need to be taken into account. Whilst three landlords indicated they were not sure on the amount expended towards the construction of their rental housing units, one stated that E13 000 was used, another used E40 000, two used E50 000 apiece, one invested E100 000, another used between E200 000 to E500 000, and the last invested E400 000. These results reflect the dynamics of informal rental housing. It also underlines the incremental form of housing construction that characterises informality as advocated by Turner's theory (see Chapter 3). Regrettably, it was beyond the scope of the present study to probe whether the landlord's construction costs were actual or estimates. Linked to the above were the findings relating to the funding mechanisms which showed that 70% landlords self-financed their investments either through salaries, retrenchment benefits or others, only 20% were financed through MVA Fund compensation complemented by self-financing, and only 10% through the sale of a plot within an urban area to invest on rental housing, as depicted in Figure 5.13.

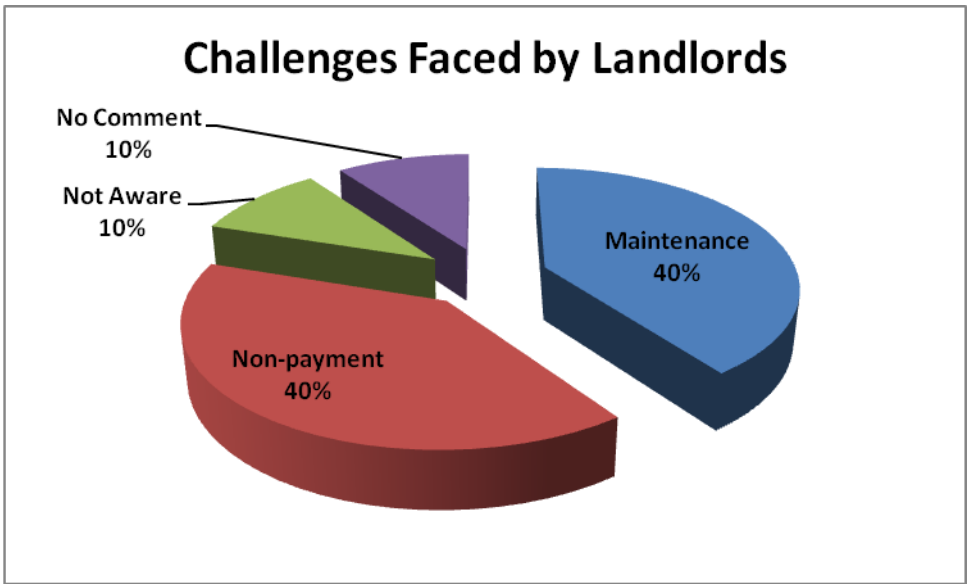
Figure 5.13: Landlord's Financing Mechanisms of Rental Housing Provision



The results show that a majority of landlords self-finance informal rental housing, which confirms Turner's theory that informality thrives on self-financing mechanisms. One landlord stated that the investment was funded 'through monthly salary as finance could not be sourced from financial institutions, as the area is SNL' (PI, 2010). Another landlord pointed out that it was 'self funded as spouse owned For Hire and truck services' (PI, 2010). Interestingly, that a majority of the landlords self-financed their investment goes on to demonstrate the level of confidence they have on SNL. The findings are also in conformity with the study's assumption that informal rental housing is self-financed by landlords. But that one landlord actually sold a plot within an urban area to finance informal rental housing is an interesting development and paradigm shift as normally it is the other way round.

A number of challenges were associated with the provision of rental housing by landlords. Whilst four landlords reported that maintenance was the main challenge, another four identified non-payment of monthly rentals as the main challenge. In addition, one reported that he used a third party hence was not aware of the challenges faced and the last landlord had no comment. Informal rental housing, like other business ventures, suffers from a number of challenges. Figure 5.14 captures the findings in detail.

Figure 5.14: Challenges Faced by Landlords Relating to Managing Rental Housing in the Study Area



The results reflect that landlords are challenged mainly by maintenance and non-payment of monthly rentals. This is despite the fact that the two are intricately connected in the sense that for landlords to maintain rental units, tenants need to honour monthly rental payments. Non-payment of monthly rental has a direct bearing on landlords' ability to maintain their properties as rental housing should be self sustainable. Nonetheless, the non-payment challenge also confronts formal rental housing. In the South African context, empirical evidence (Moss, 2003) shows high default rent payments among social housing tenants, a phenomenon linked to the country's economic development characterised by a decrease in formal employment. The Swaziland context is no exception as ably pointed out by one landlord that 'non payment of rental due to closure of industries in Matsapha' (Personal Interview, 2010) was the main challenge of managing rental housing stock.

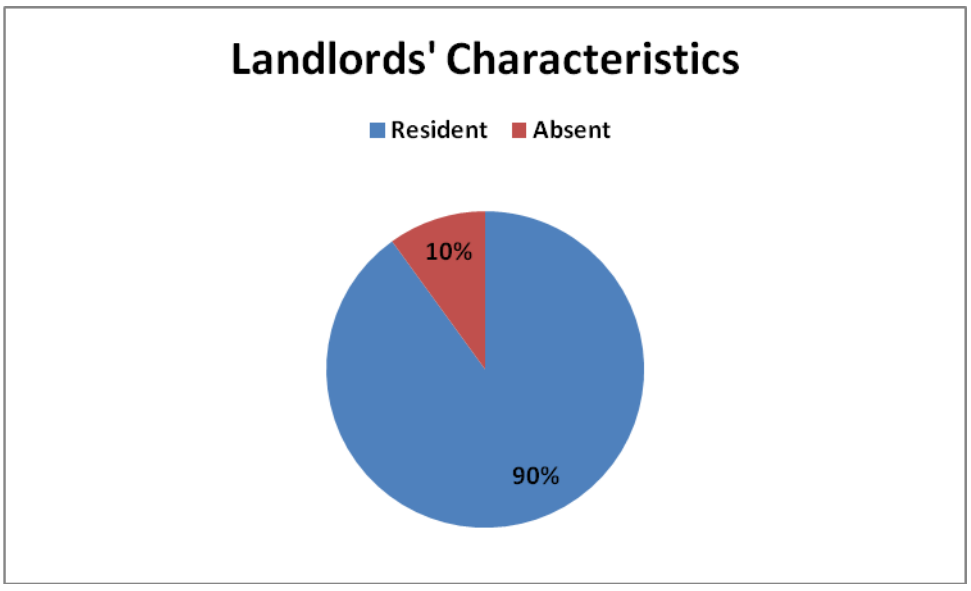
Another landlord pointed out that 'retrenchments in Matsapha industrial site pose serious problems as some tenants go on without paying whilst looking for alternative employment' (PI, 2010). Regarding maintenance, Cloete (2001) argues that at times building maintenance is accorded little or no merit at all, which is an unfortunate scenario. He accordingly points out that the willingness to incur maintenance expenditure is a result of its invisible nature as expended funds do not appear to provide a return. Whilst 'the neglect of essential maintenance is more often the product of ignorance than that of malice, but does inevitably lead to a deterioration of standards, higher costs for repairs and a lower return for the

building owner' (*ibid*.: 14). A majority of landlords are engaged on self-maintenance of their properties particularly upon the existence of a vacation, where the rental units would be painted (internal) in readiness for allocation to new tenants. Only one landlord stated that he contracted a firm once a year to maintain his informal rental housing stock.

On the social services forming part of the rental housing stock, electricity and water were the dominant. However, some units did not have electricity, but had portable water as taps were located within the boundaries. Whilst some were reported to be having internal bathrooms and toilets, some were reportedly having pit latrines. Results also reflect that landlords were providing basic social services such as water in their rental housing, which was either inclusive or exclusive to monthly rentals. Water provision by all landlords underscores its importance as a basic need. But there were differentials on the provision of electricity as some units were without, which underscores that it does not form a basic need on the part of the landlords. It also demonstrates that some landlords either do not afford electrification as the units were not profit-driven or was perceived as luxury compared to shelter provision. Alternatively, the units may have been inherited without electricity connection. Its availability or lack thereof, influenced to a large extent rental determination.

Regarding absent and present landlords, the findings revealed that an overwhelming majority were resident landlords (90%) compared to (10%) absent landlord. Figure 5.15 depicts the scenario.

Figure 5.15: Landlords' Classification in the Study Area



The findings that a majority of landlords reside on the same premises as tenants confirm the argument advanced by Gilbert (2003) to the effect that a majority operate on small-scale and live on the premises. Interestingly, landlord's houses were easily identifiable from the rental units given their sizes and their detachment from the linear housing units. Only one landlord was occupying one of the rental units like her tenants.

5.6 Conclusion

The landlord's perspectives reveal informal rental housing mainly as a function of livelihoods and profit to a less extent. Additionally, they show a strong correlation between marriage and the provision of informal rental housing. The major challenges confronting landlords relates to maintenance and non-payment of monthly rentals by tenants. Whereas confirming the study's assumption that a majority of the tenants catered for are the Matsapha industrial estate workers and UNISWA students, the findings on the Manzini employees were a new addition enriching the study. Inheritance was another new dimension brought to the fore in the informal rental housing discourse. It also brought to the fore the importance of water as a basic need in rental housing. Furthermore, it showed that landlords were not professional in handling their rental housing affairs taking into account the direct collection of monthly rentals, not keeping waiting lists and other related matters. However, they should be applauded for determining their rentals in line with formal, international standards.

CHAPTER 6: PERSPECTIVE OF TENANTS ON INFORMAL RENTAL HOUSING

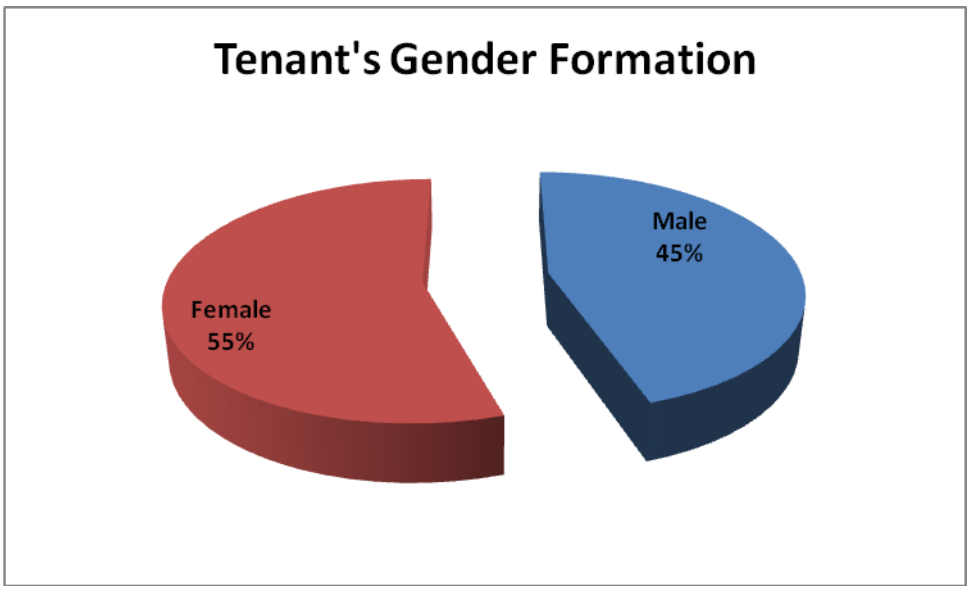
6.1 Introduction

The chapter sets out to present the findings and data analysis of the tenants' perspectives relating to the factors influencing informal rental housing in the study area. Subsequent to the Research Methods (refer to 1.7), a total of 22 tenants were successfully interviewed on the 3rd, 4th and 10th of July 2010. These interviews were carried out simultaneously with those of landlords presented above.

6.2 Demographics of the Tenants (Gender, Marital Status, Age, Region of Origin and Citizenship)

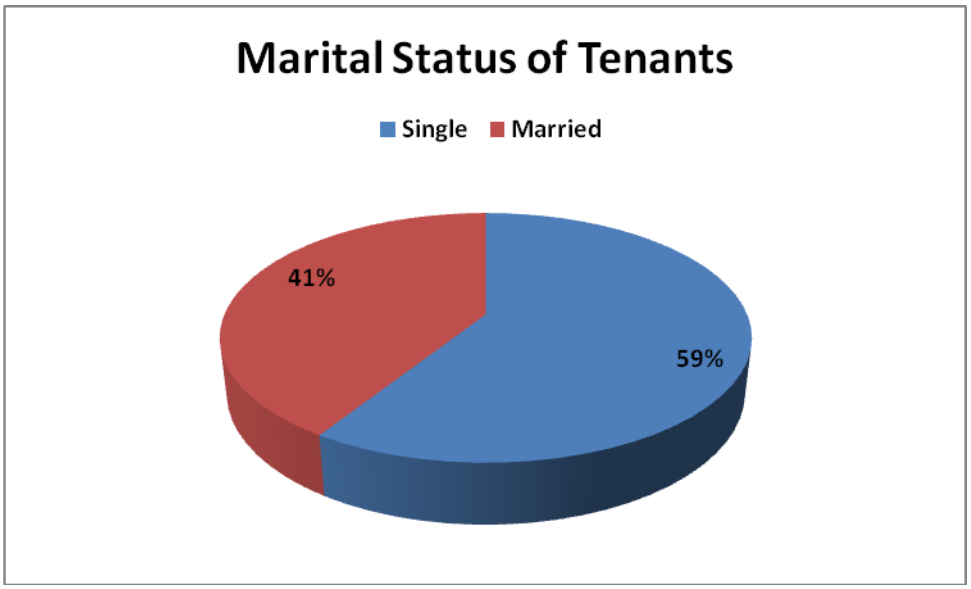
The findings showed that a majority of the tenants were female (12) and 10 were male, which constitutes 55% and 45% respectively. Figure 6.1 depicts the findings.

Figure 6.1: Tenant's Gender Formation



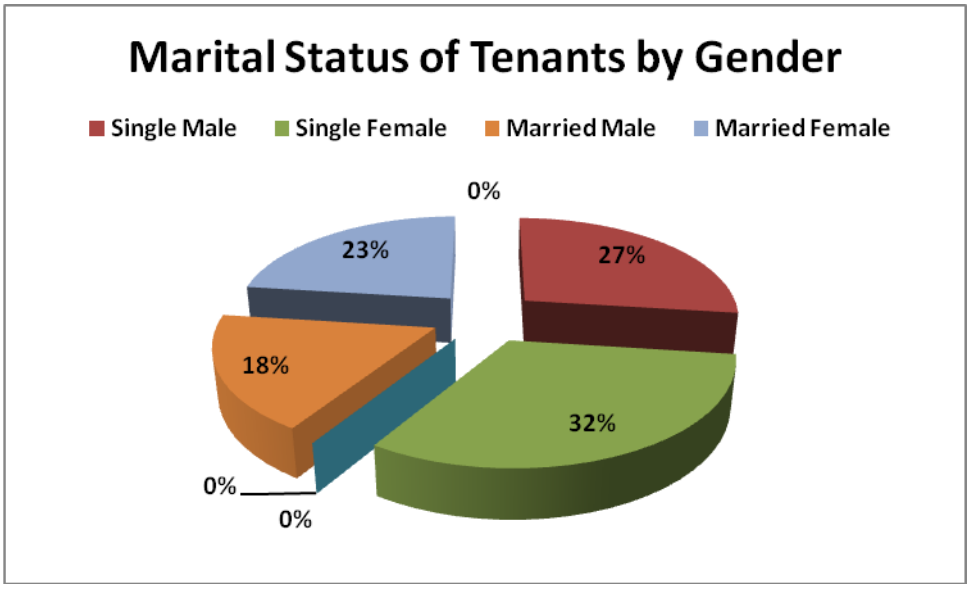
Similar to the landlords' findings, the results reflect the high population statistics of the female population to the male population in the country (CSO, 2010). Perhaps, the results conform to the fact that a majority of the Matsapha textile and apparel industries employ female employees compared to males. The findings also showed that a majority of tenants were single as they were 13 compared to nine married tenants as depicted on Figure 6.2.

Figure 6.2: Marital Status of Tenants



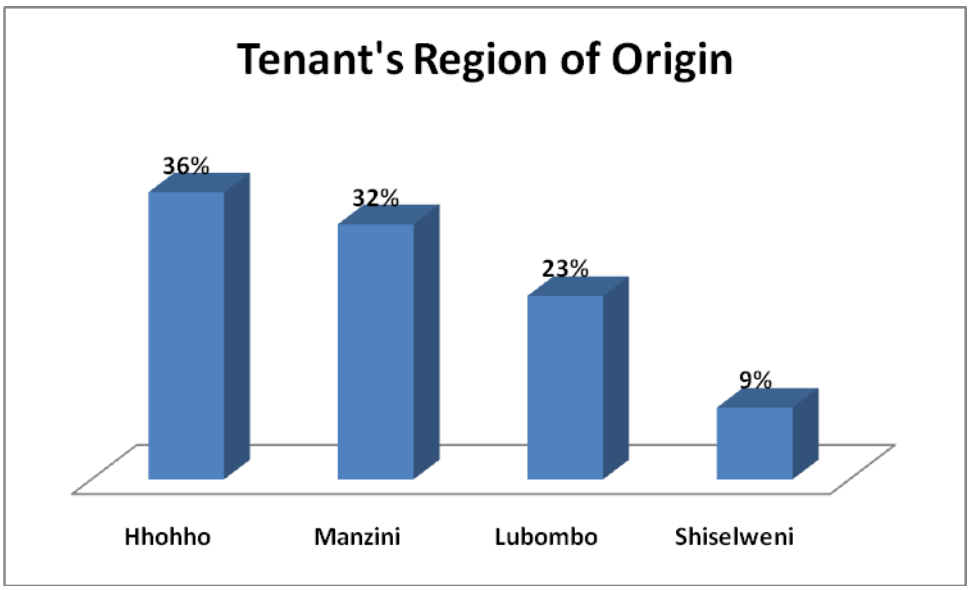
The above results are in line with the country's 2007 population census as it indicates that the single proportion is high across all age groups. At the national level, 49.9% were never married, 37.1% married, 0.9% divorced/separated, 2.3% widowed and 9.8% not stated (CSO, 2007). Again, the results reflect the high number of the country's female population as the majority of both single and married tenants were female. Whilst single tenants totalled seven compared to six male, married tenants totalled five compared to their four male counterparts. Figure 6.3 depicts the scenario.

Figure 6.3: Marital Status of Tenants by Gender



The findings relating to region of origin showed that a majority of tenants were from Hhohho (eight), followed by Manzini (seven), Lubombo (five) and Shiselweni (two). Figure 6.4 depicts the findings in detail.

Figure 6.4: Tenant's Region of Origin



Contrary to the 2007 population census showing Shiselweni as exhibiting the highest migration patterns, the results reflect that Hhohho experienced the highest migration. Positively though, they confirm that Manzini region is characterised by high in-migration patterns in the country (CSO, 2010). Of interest is the fact that Manzini region exhibit internal migration patterns where movement is from other areas to the study area owing to Matsapha industrial estate job prospects. On citizenship, all 22 tenants were Swazi by birth hence constituting 100%. However, this is not to suggest that foreign nationals are not tenants in the study area.

6.3 Tenant's Means of Livelihood

A majority of the tenants were employed, classified into permanent, temporary and seasonal, in line with their responses. Accordingly, a total of eleven tenants were permanently employed, two were temporary employed and one seasonally employed. Following closely the employed tenants were UNISWA students who were four and three self-employed tenants. Only one tenant was unemployed. Table 6.1 depicts the findings.

Table 6.1: Tenant's Means of Livelihood

	Temporary	Seasonal	Permanent
Employed	9%	4.5%	50%
Self-employed	0%	0%	14%
Unemployed	0%	0%	4.5%
UNISWA Students	18%	0%	0%

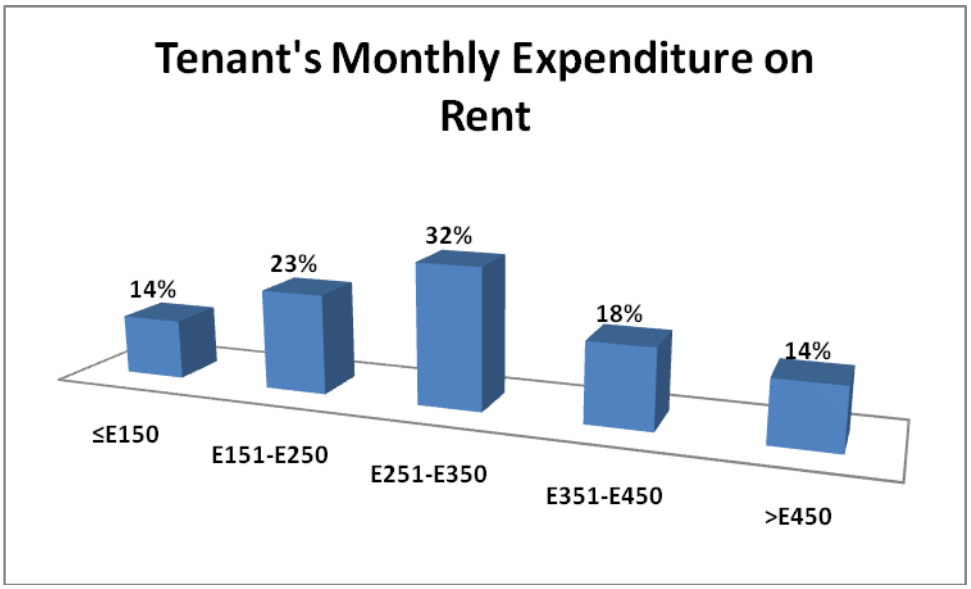
Of the tenants in permanent employment, three were male compared to eight female. In addition, both temporary employed tenants were male. So was the sole tenant in seasonal employment. Furthermore, the UNISWA students were made up of two female and two male tenants. However, the self-employed tenants consisted of two male and one female. The single unemployed tenant was female. Out of the 11 tenants in permanent employment, six were earning monthly salaries within the E1000-E1499 bracket, three above E2000 and two were earning between E500-E999. The two tenants on temporary employment were earning monthly salaries of between E1000-E1499 and above E2000 respectively. The single tenant on seasonal employment was earning a salary within the E1000-E1499 range. Of the three self-employed tenants, two were making monthly incomes above E2000 whilst one was making monthly income within the E500-E999 range. The salaries demonstrate that a majority of tenants are in the low-income bracket.

However, the four UNISWA students and the unemployed tenants' monthly incomes were not applicable. The results reflect that a majority of the tenants were in gainful employment, followed by UNISWA students, self-employed and unemployed respectively. That a majority was employed underscores the importance of their potential towards monthly rental payments. Essentially, the results are in conformity with the selection criteria adopted by landlords where employment was the main determinant, followed by UNISWA students. Furthermore, a majority of employed tenants (12) were working within the Matsapha area and two in Manzini. The UNISWA students seemed to be playing a pivotal role in shaping the tenant landscape as the institution forms part of the study area. Taking into account the monthly salaries/wages of the tenants, the results reflect that a majority were low-income employees earning between the E1000-E1499 bracket, which explains one of the landlords' challenges of rental non-payment.

6.4 Tenant's Monthly Household Expenditure on Rental Housing

The findings showed that tenants were paying rentals ranging from E150-E720 per month. These were classified into ≤E150, E151-E250, E251-E350, E351-E450 and above E450 respectively. A majority of tenants (seven) were within the E251-E350 category, five within the E151-E250 category, three within the ≤E150 and another three paying above the E450 category. Figure 6.5 depicts the scenario.

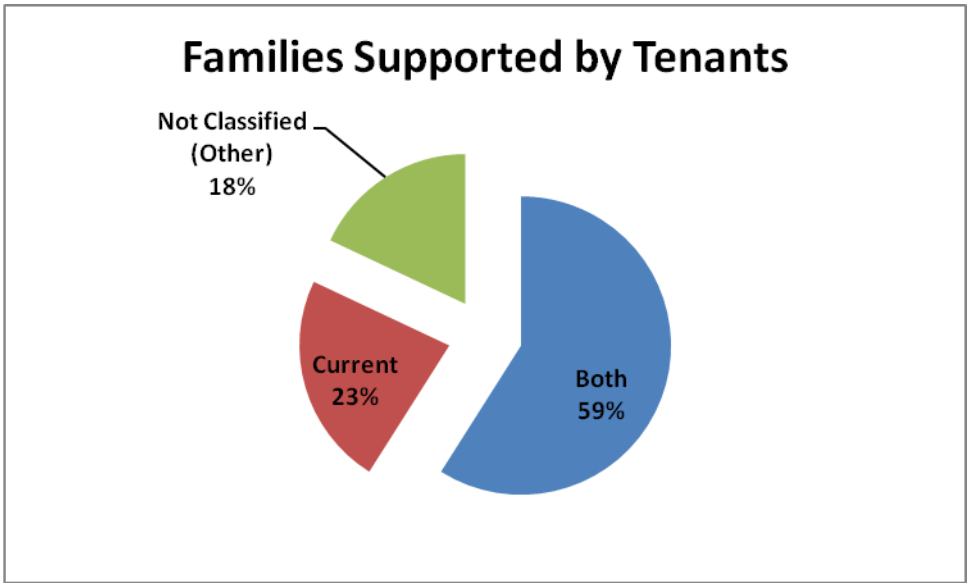
Figure 6.5: Tenant's Monthly Expenditure on Rent



The results show that the E251-E350 rental housing category was the dominant. Linked to the monthly rentals charged by landlords (refer to Table 5.2) it can be concluded that the E151-E350 range is the most available in the market. But the tenants' salaries/wages of between E1000-E1499 suggests that monthly rental accounts for more than 20% of their monthly incomes which brings to the fore the element of affordability on their part. Although landlords' analysis was to the effect that rental housing offered was affordable, is it appropriate to arrive at such conclusions without taking into consideration the monthly incomes of tenants? Belsky and Drew (2007:10) argue that 'rental affordability is by far the most common housing problem found amongst renters' which explains the high rental default payments among tenants. A comparison of the above results and the South African context suggests that informal rental housing is affordable. A study conducted in 1995 in Gugulethu and Tamboville reveal that tenants in the former paid R21 and in the latter R51 per month (Watson and McCarthy, 1998).

Though the RSA study was conducted a number of years back, it can be inferred that presently the rentals payable on average compare with those of the present study. Therefore, it is sensible to discuss affordability in relation to variables such as income than in isolation. Linked to the tenant's monthly expenditure on rental housing was the families they were supporting, classified in terms of current, previous or both. The findings showed that a majority of the tenants (13) were supporting both their current and previous families. Only five tenants were supporting their current families and the four UNISWA students were not classified. Figure 6.6 depicts the findings.

Figure 6.6: Families Supported by Tenants

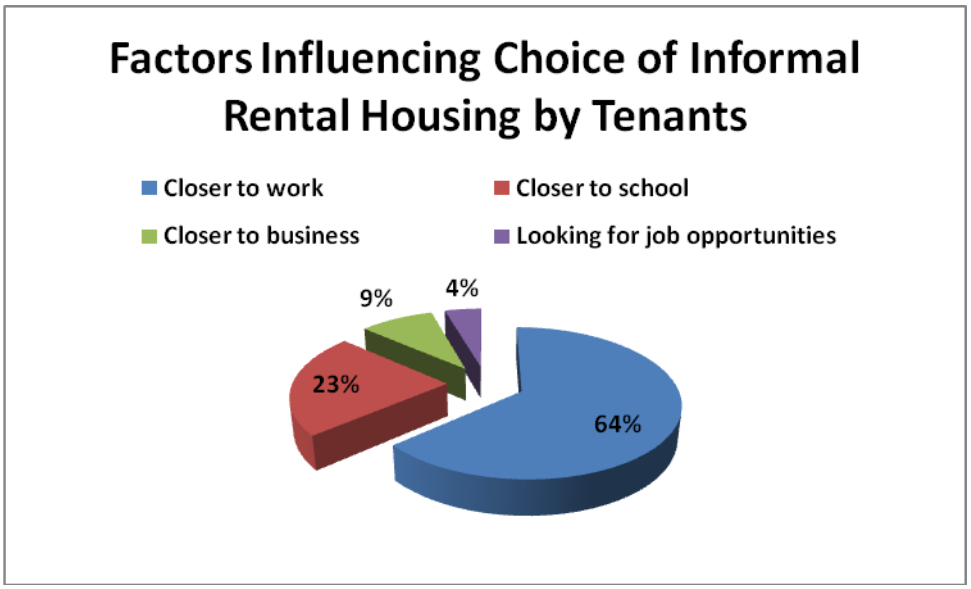


The results reflect that a majority of the tenants (59%) were supporting both their current and previous families, a problematic phenomenon in view of their meagre monthly salaries/wages. Perhaps, this explains in part the reason some tenants (23%) were only in support of their current families. Regrettably, the questionnaire did not address matters relating to tenants' pension or insurance payments.

6.5 Factors Influencing Informal Rental Housing among Tenants

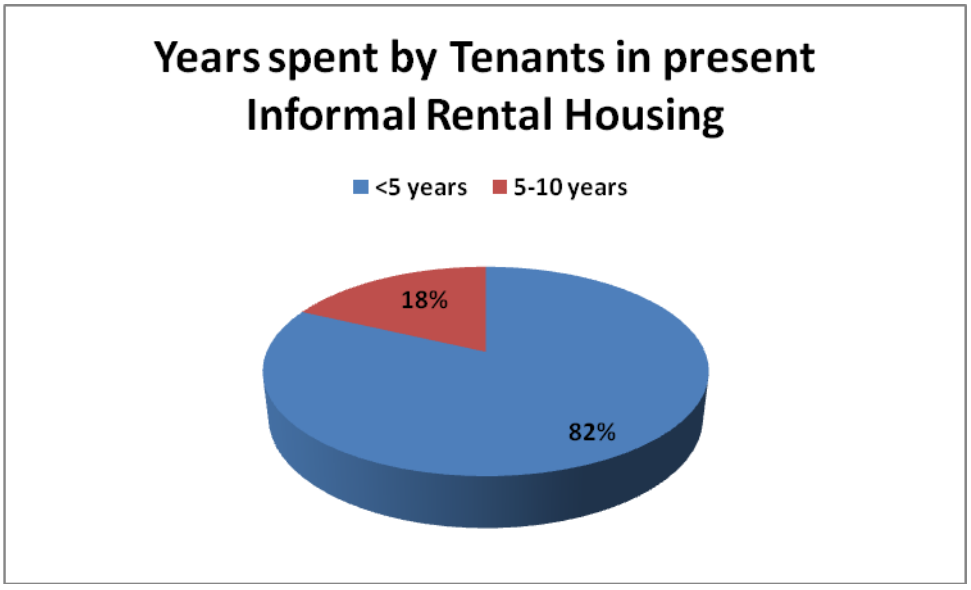
The findings showed that tenants were mainly influenced by four factors: educational, Closer to work, closer to business area and other. A total of 14 wanted to be in close-proximity to their workplaces, educational facilities (five), business areas (two) and one tenant in search of job opportunities. Figure 6.7 depicts the scenario.

Figure 6.7: Factors Influencing Choice of Informal Rental Housing among Tenants



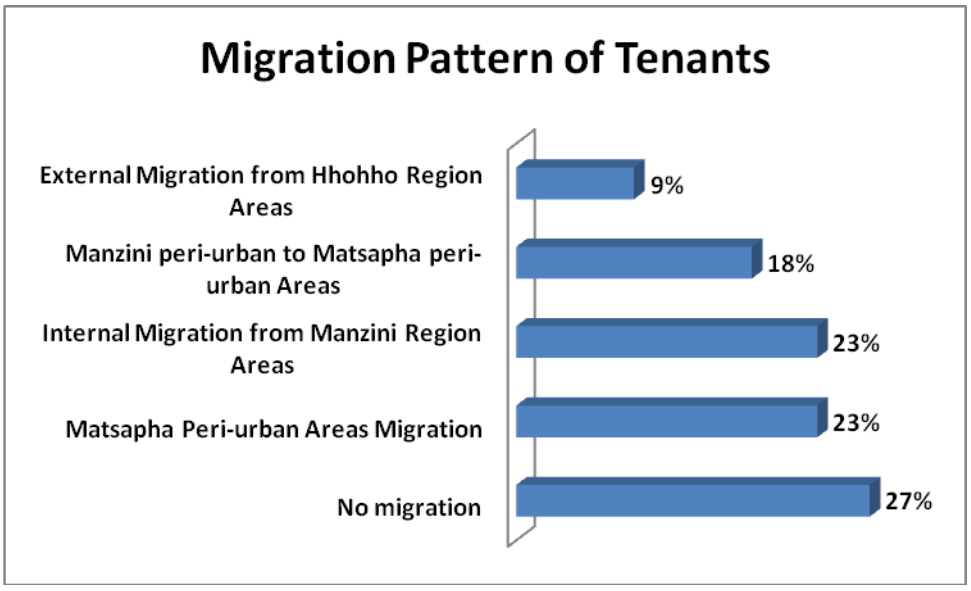
The results are in conformity with the location theory discussed in Chapter 3 on workplaces and educational facilities proximity as a majority of the tenants did not spend on transportation costs in this regard. These costs were incurred when they visited their homes or as bus fare for their school going children. In addition, the findings showed that 18 tenants have been renting in the study area for a period of less than five years and only four were within the 5-10 years bracket. Figure 6.8 depicts the scenario.

Figure 6.8: Years spent by Tenants in present Informal Rental Housing



The results suggest that a majority of the tenants were relatively new in the study area. Such a phenomenon can be linked to the recent massive development of new factories opposite Matsapha Police College thus confirming the study's hypothesis that informal rental housing is intricately connected with industrial development. Equally, it reflects that the informal rental industry is dynamic through supporting new and old tenants. Likewise, the number of years need not be considered in isolation but with other factors such as migration. This is vital in the analysis of their migration patterns from their previous places of abode. The findings showed that six tenants had not moved within the study area whereas five tenants moved from one Matsapha peri-urban area. In addition, five tenants migrated from their home areas under the Manzini region to various Matsapha peri-urban areas, four tenants migrated from Manzini peri-urban areas to Matsapha peri-urban areas, and two tenants moved directly from their home areas under the Hhohho region to various areas within the study area. Figure 6.9 depicts the scenario.

Figure 6.9: Migration Characteristics of Tenants



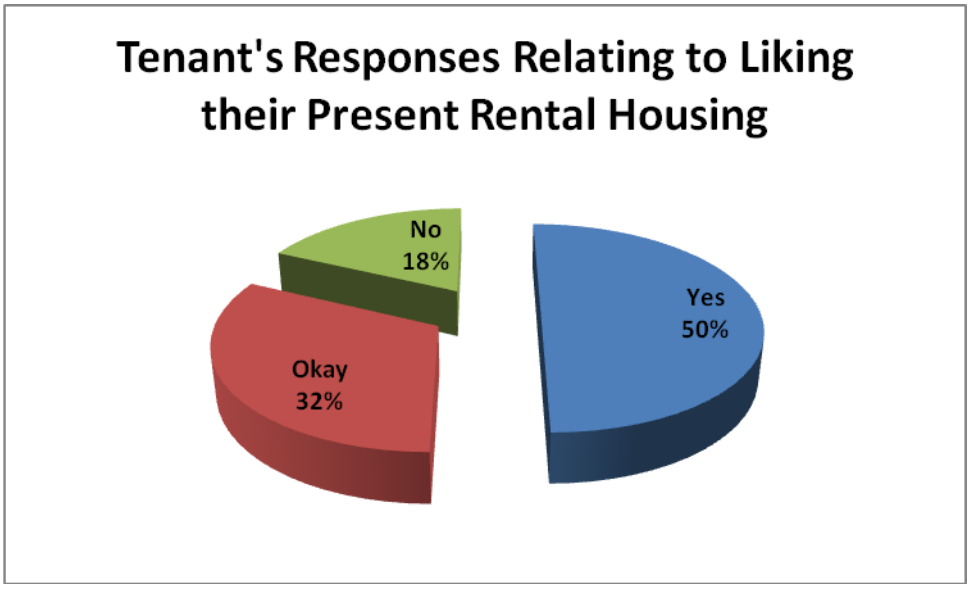
Linked to the urbanisation factors, the results suggest that migration plays a pivotal role in influencing the growth of informal rental housing in the study area. The reflection that 27% of the tenants have not moved from their present rental units demonstrates that a majority (73%) have migrated from other areas to the study area. Similarly, the results show that there are high migration patterns from one Matsapha peri-urban area to another and

Manzini peri-urban to the study area. Overall, the results reflect that 64% of the migration patterns take place within the Manzini region.

6.6 Rental Issues

Tenants within the study area face a number of challenges. Chief among these include the short supply of social amenities such as electricity. Furthermore, whilst other units' monthly rental was inclusive of water and electricity, others were only water inclusive. Specifically, the following rental challenges were uncovered: high-crime rate, no maintenance, meter-sharing, unreliable water supply and electricity. Notwithstanding the above, five tenants did not encounter rental challenges. On whether the tenants liked their present rental units, the findings showed that a majority (11) responded to the affirmative, seven stated that their units were okay and four responded to the negative. Figure 6.10 illustrates their responses.

Figure 6.10: Tenant's Responses Relating to Liking their Present Rental Housing Units



The results confirm that tenants, like landlords, are faced with a number of challenges, in line with the study's hypothesis supported by Gilbert (2003). It is important, however, to state that challenges are in most cases contextual. One tenant, for instance, stated that the challenge of rental housing was the 'high-crime rate in the area' (PI, 2010). Initially, staying at Ngwane Park with relatives, he wanted 'to be able to study with colleagues' (*ibid*.). On whether he liked his present house, he indicated that 'it is okay, as it is closer to UNISWA' (*ibid*.) where he was a student. Another tenant stated that there was no urgency on the part

of the landlord on maintenance. She decried meter sharing as problematic in that although all tenants were supposed to contribute to the purchase of electricity in light of pre-paid meter installation, some tenants did not contribute whereas they all benefited. She migrated from UNISWA residence as she 'wanted freedom to cook for herself' (PI, 2010).

She further stated that informal rental housing was cheaper compared to UNISWA residence hence demonstrating its affordability in comparison with formal rental housing. She indicated that she liked her rental apartment as it was self-contained and spacious. Another tenant migrated from another Matsapha peri-urban area since there was 'no privacy, as the house was along a main road and rent was expensive' (PI, 2010). She stated that her present house was okay, as rent was reasonable. Her main challenge too was the meter-sharing of electricity as some tenants did not contribute financially. Another tenant stated that rental housing's challenge related to the different behaviour from neighbours. He migrated from his home area within the Manzini region to be 'closer to work opportunities' (PI, 2010) and liked his rental apartment as he independently paid bills.

Another tenant decried noise from neighbours as the main rental housing challenge. But she liked her rental unit as it afforded her privacy. One tenant, although she liked her present rental unit, stated that her landlord was antagonistic. Another tenant migrated from kaKhoza (Manzini peri-urban area) to minimise transportation costs. Another tenant indicated that her previous rental apartment was small hence she liked the present one as it was a self-contained bedsitter and accommodated all her household stuff. Another tenant stated that the main challenge was the 'limited water usage on hourly basis as landlord uses a central pre-paid meter. As a result, some tenants use more electricity depending on the number of electrical appliances they have' (PI, 2010). He also stated that he did not like the rental unit he was occupying as it was not safe security-wise and that during heavy rains, raindrops permeated through the roof, demonstrating that the house was sub-standard.

Another tenant stated that he liked his rental unit as it was closer to work and bus stop. Another tenant had a number of challenges: 'we do not use electricity for cooking and ironing purposes; restrictions on relative visits; and electricity switched off by landlord at 2200 hours' (PI, 2010). She migrated as her previous rental unit did not have electricity. However, she stated that she liked her apartment as it accommodated all her household

stuff. Another tenant listed 'rent increases, unreliable water and electricity supply' (PI, 2010) as the main challenges. But he liked his rental unit as it provided him with shelter. Another tenant stated that the main challenge was that rental housing was 'about enriching other people as I would be saving rental money if I was staying at home' (PI, 2010). He migrated because he wanted to be closer to work thereby reducing transport costs. Similarly, he liked his house as it was a self-contained bedsitter. Another tenant argued that 'theft of clothes from the washing line' (PI, 2010) was the main challenge. She migrated from her previous rental unit due to non-electrification. Furthermore, she indicated that she liked her present house as it was well maintained by the landlord.

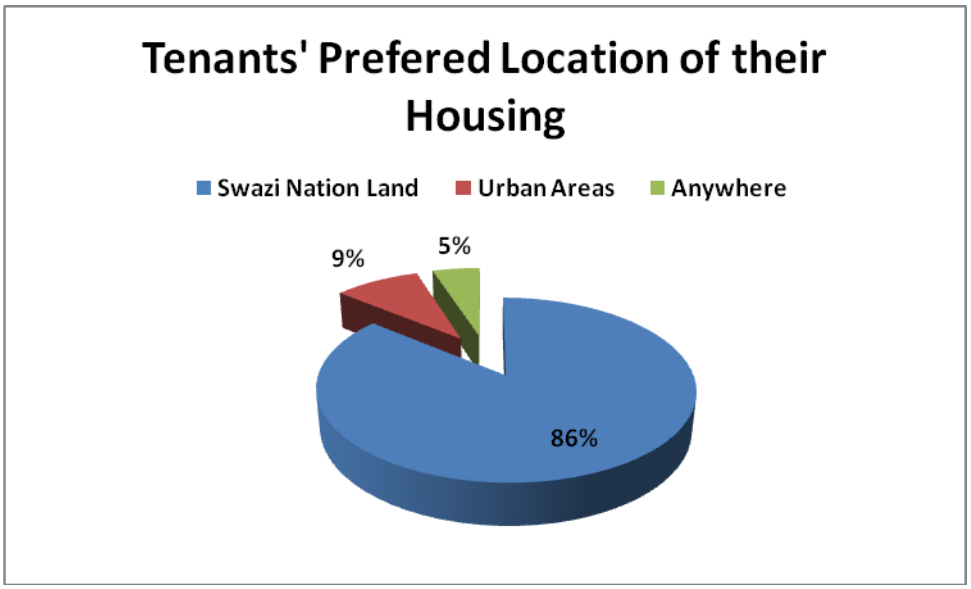
She emphasised that complaints were promptly attended by the landlord. But another tenant pointed out that 'unclean premises' (PI, 2010) was the main rental housing challenge. Her migration from her previous rental unit was prompted by the construction of new houses as her unit was to be demolished. She liked her house as it provided shelter. Another tenant stated that the houses were sub-standard and the landlord did not attend to tenant complaints. Her migration was prompted by a job transfer. She did not like her present house as it was not self-contained. Another tenant stated that the houses were sub-standard and lacked maintenance. His migration was prompted by work-related factors. He stated that he did not like his present house as it was a health hazard. The rental unit is one of those constructed on a wetland (Eteteni).

Another tenant identified the following rental challenges: 'no waste disposal facility, pit latrine without door and that landlord was unknown as monthly rental was paid at the bank' (PI, 2010). Her migration was influenced by the fact that her previous landlord was a drunkard. She stated that her house was okay as it accommodated all her household possessions. Another tenant's rental challenge related to 'poor relations with landlord and no attempt on upkeep of units' (PI, 2010). Her migration was prompted by the increasing of rentals every three months due to high electricity usage. She stated that her house was okay, although the problem was with the doors which were susceptible to let in snakes. Another tenant who had no rental housing challenges stated that she migrated due to work-related reasons. She liked her house because it was clean and well painted. The varied challenges presented above presented grouping difficulties hence discussed individually.

6.7 Tenant's Housing Preferences

The findings showed that all 22 tenants, constituting 100% preferred home-ownership over rental housing. A number of reasons were advanced in this regard. Chief among these related to independence as rental had some limitations, in order to be engaged on farming practices, to rid themselves from supporting other people through rental payments, in view of landlord-tenant conflicts, for a peace of mind as renting is stressful and others. On the location of their preferred accommodation type, the tenants' responses showed that a majority were in favour of SNL (19) whereas two were in favour of urban areas and one indicated that 'anywhere, where land parcels are available' (Personal Interview, 2010). Figure 6.11 depicts the findings.

Figure 6.11: Tenant' Preferred Location of their Housing



The results reflect that all tenants (100%) preferred home-ownership over rental housing thus confirming the perception that rental is temporary. Actually, one tenant stated that had it not been for the distance between his home area and workplace, he would be commuting every day. The same argument was advanced by some of the UNISWA students. Distance therefore (refer to location theory in Chapter 3) plays a vital role in influencing location of tenants in close proximity to their workplaces and educational centres. One tenant stated that she preferred home-ownership to save on rentals. Another stated that it was better to spend funds on own house than another person's house. Another tenant emphasised that it was everybody's aim to own his/her property some day. Another stated

that expenses would be well-managed and would be comfortable in his own house. Another pointed out that home-ownership was preferred as she would connect water and electricity. Although one tenant was for home-ownership, her inadequate monthly income prevented her from realising her dream.

Another reasoned that home-ownership would allow her 'to engage on farming as opposed to buying food all the time' (PI, 2010). Another tenant stated that home-ownership was preferred to avoid rental payments. One stated that 'everybody is entitled to own' (PI, 2010). Another argued that relations may be sour with landlord. Another tenant attributed rental housing as limiting in scope. One tenant specifically pointed out that home-ownership could rid her from rent payment, which accounted for a sizeable part of her salary. Another reflected that home-ownership would give him peace of mind. Another stated that rental housing was not conducive for the upkeep of children. Another tenant argued that rental was stressful. And another favoured 'home-ownership for independence purposes as rental had limitations' (PI, 2010). Home-ownership was viewed advantageous in the sense that 'it would meet own design' (PI, 2010). Another tenant stated that 'home-ownership was preferred since on rental you are supporting another person' (PI, 2010).

The results reflect that a majority of tenants were not in favour of rental housing as they valued their independence and thought they had a right to own. Whilst the results reflect that some were capable of owning houses, for others it was impossible owing to their meagre salaries. This confirms the argument in Chapter 3 that rental housing plays an important role to individuals who cannot afford to own a house. It also demonstrates that it is a necessary phenomenon as it provides the requisite shelter to tenants. regrettably, the questionnaire failed to probe tenants on whether they owned houses from their respective home areas. Such information would have greatly enhanced the present study. On the location of their preferred accommodation, a majority supported SNL (86%) which underscores the importance attached to this type of land tenure system in the country. The results reflect that SNL is mainly favoured for its flexibility on farming practices. One tenant stated that urban lifestyle was expensive.

Another attributed SNL as cheaper and spacious. He was also not in favour of rates payment. Another tenant highlighted the use of traditional building materials on SNL.

Another stated that no daily expenses were incurred on SNL whereas everything costs money in urban areas. Another was in favour of 'enough space to engage on agricultural activities, which could not be undertaken in urban areas' (PI, 2010). Another tenant was specifically interested on livestock rearing. Another was in favour of SNL for privacy purposes. Accordingly, the results reflect that SNL is favourable to tenants owing to the agricultural practices that can be carried out and non-payment of rates. The only tenant who stated that 'anywhere land parcels were available' demonstrated that she was not in particular about the location of an area. Of note too were the two tenants who preferred to stay in urban areas. One stated that her main reason was to be closer to his work place. The other named the urban area owing to its cool weather conditions, bringing a new phenomenon. Overall, the results reflect that people have different preferences. However, their backgrounds also play an influential role as their areas of origin were in the rural areas where SNL is predominant, a factor that underlines the importance of socialisation or upbringing. Change therefore, remains a stumbling block to a number of people.

6.8 Conclusion

The findings and data analysis show that affordability is relative. They also show that the E150-E350 range is the most sought, which is in tandem with the majority of rental units offered by landlords. Manzini region, in particular the study area, is a recipient of in-migrants both from within the region and the other three regions of the country. Tenants migrate for a number of varied reasons: unavailability of electricity, rental housing units size, problematic landlords and others. Furthermore, tenants are not engaged on informal rental housing out of choice, but forced by circumsatnces beyond their control. These include the long distances between their workplaces and their homes. Location closer to their workplaces and educational centres therefore play crucial roles as it reduces transportation costs. A majority of tenants are in favour of home-ownership on SNL as no rate payments are made and the land parcels are big. Another distinct advantage relates to its flexibility in relation to agricultural activities.

CHAPTER 7: PERSONAL INTERVIEWS FROM OTHER STAKEHOLDER - MINISTER, PRINCIPAL SECRETARY, REGIONAL SECRETARY, PRINCIPAL PLANNING OFFICER AND COMMUNITY POLICE

7.1 Introduction

In addition to the questionnaires administered to landlords and tenants, other stakeholders were interviewed in person by the researcher to balance the study. These were the Minister for Housing and Urban Development, Principal Secretary from the Ministry of Housing and Urban Development, Manzini Regional Secretary, Principal Planning Officer from the Ministry of Tinkhundla Administration and Development, and the Kwaluseni Community Police spokesperson. The results were presented and analysed in three main categories: political, technical and community policing perspectives.

7.2 Political Perspective Relating to Informal Rental Housing in Matsapha Peri-urban Areas

The Honourable Minister for Housing and Urban Development was interviewed from her office on the 5th of July 2010. She linked her role in relation to informal settlements in Manzini/Matsapha to that of the Ministry of Housing and Urban Development (MHUD). Accordingly, she stated that:

> MHUD has no responsibility on peri-urban areas. Instead, she provides affordable housing which has not been met, hence the mushrooming of informal settlements. Poor planning on government side is another contributing factor. This is characterised by her establishment of industries without the requisite accommodation for workers. Therefore, there is a need for proper planning (PI).

The findings that MHUD has no role to play in peri-urban areas confirm that they fall under the Ministry of Tinkhundla Administration and Development (MTAD), by virtue of having an oversight over SNL (refer to Figure 1.2). Furthermore, the establishment of industries in Matsapha conforms to the urbanisation factors. A number of areas were also identified as exhibiting rapid growth within the Manzini/Matsapha area. These included Mahlabatsini, kaKhoza, Mhobodleni, Mbikwakhe, Mhlaleni, Mbhuleni, Kwaluseni and Mangwaneni, all of whom are SNL. She attributed their growth to 'people in search of job opportunities; SNL tenure system in Matsapha peri-urban; the use of low-cost building materials on SNL; exemption of SNL from the legislative framework; and lack of physical planning in the area' (*ibid*.). The findings conform to the traditional and modern approaches analysed in Chapter

2. In addition, they conform to the urbanisation factors, as the search of job opportunities serves as a pull factor.

Accordingly, government's position regarding informal rental housing underlined the need for effecting development control through declaring the study area controlled in a bid to usher in proper planning. Furthermore, a number of initiatives were identified that could be explored to deal with informal rental housing. These included 'the introduction of taxes; effecting building ban to curb haphazard building; extension of urban boundaries; and the need for upgrading informal settlements through adopting the UDP practice' (*ibid*.). In line with the liberal modernist theory (refer to 3.2), government views informality as undesirable and the need for its management is underlined through among others, the introduction of development control measures. On the providers of informal rental housing, she identified members of the public, which was in conformity with the study's hypothesis. Equally, she identified low-income people employed at the Matsapha industrial site as the main beneficiaries of informal rental housing. Finally, she stated that government was considering constructing high rise flats in the study area as the land was prime.

7.3 Technical Perspectives Relating to Informal Rental Housing in Matsapha Peri-urban Areas

The Technical perspectives reflect findings from personal interviews held with the Principal Secretary (PS) from the Ministry of Housing and Urban Development, the Manzini Regional Secretary and the Principal Planning Officer from the Ministry of Tinkhundla Administration and Development. The findings were presented in the order of interviews. The Manzini Regional Secretary was interviewed from his office on the 1st of July 2010. He stated that 'the Manzini Regional Administrator was responsible for controlling the non-allocation of land within the study area through a Kwaluseni Committee' (Personal Interview). He identified Kwaluseni and Eteni corridor as the areas exhibiting rapid growth attributed to 'the high number of factories in Matsapha; government's failure to provide affordable accommodation for the workers' (*ibid*.). His argument was that although Mobeni was constructed to provide rental housing to the Matsapha industrial estate employees, their low wages/salaries made it impossible for them to afford the rental costs. He also pointed out that cultivation areas in the study area have since been converted into rental housing

due to high demand. The findings are therefore in accordance with the urbanisation factors analysed in 3.6 relating to the location of industries in Matsapha urban hence having spill-over effects to the study area, given its close proximity.

Likewise, they conform to the location theory analysed in 3.4 and the economic geography factors analysed in 3.5 relating to demand and supply principles. Therefore, he identified the draft Resettlement Policy and the Manzini Regional Physical Development Plans as the ideal policy framework towards addressing informal rental housing in the study area. He emphasised that landlords were making a lot of money from informal rental housing provision whereas they were not paying taxes. Private individuals, a majority of whom were illegally allocated land parcels in the area were identified as the providers of rental housing in peri-urban Matsapha. He claimed that only the people allocated land parcels in the 1970s were legal. Factory workers employed in Matsapha industrial site were identified as the beneficiaries of rental housing in the study area. However, informal rental housing was viewed as not in good stead. Furthermore, he stated that a majority of the landlords did not reside in the study area. Essentially, he underscored the need for the formalisation of informal rental housing as the present *Titimela* fail to meet the factory workers' needs.

The second interview was conducted with the PS from the Ministry of Housing and Urban Development at his office on the 2nd of July 2010. He pointed out that 'his office was not involved in the human settlements of the study area as such a responsibility was entrusted traditional structures' (Personal Interview). However, he stated that 'his Ministry was now tasked with the responsibility of providing land and housing for the people under the study area' (*ibid*.). The findings confirm that peri-urban areas fall under the ambit of the traditional government system. But the Ministry's new responsibility suggests a combination of both the modern and postmodern approaches. In addition, he identified Kwaluseni, Mbikwakhe, Mbekelweni, Mathangeni, Magevini, New Village and Mhobodleni as some of the areas exhibiting rapid growth owing to the predominant industrial workers in Matsapha. He argued that the lack of accommodation for the workers employed within Matsapha industrial site was the major influencing factor on the establishment of informal rental housing in the study area.

Government's position was that she did not benefit from this kind of business venture in the form of taxes owing to its informality. Consequently, she was working on a resettlement process which involves the Ministries of Housing and Urban Development, Tinkhundla Administration and Development, and that of Commerce, Industry and Trade. This was against the backdrop that presently the study area was unplanned thus impossible to provide the requisite infrastructural services. The Ministry of Tinkhundla Administration and Development's involvement emanated from their oversight of SNL areas whilst the Ministry of Housing and Urban Development's role related to declaring the area as controlled. The Ministry of Commerce, Industry and Trade's involvement related to the expansion of Matsapha industrial site. His argument was that resettlement of the area was necessary as it would free up a lot of land parcels. MHUD was therefore mandated to find an alternative site to resettle the affected people. Additionally, government was planning to do away with the present informal rental housing in the study area as the structures were not in compliance with the Building and Housing Act of 1968.

Instead, tenants would be empowered through home-ownership. Furthermore, MHUD was mandated to come up with alternative affordable building technologies. Private individuals were identified as the providers of informal rental housing in the study area. Workers in the low-income bracket were singled out as having relief through informal rental housing and home-owners were also benefiting through profits derived. Informal rental housing was perceived as plagued by problems thus undesirable as it was not controlled in meeting the building standards and requisite services. In addition, it was deemed unfair to the tenants owing to the provision of sub-standard housing. More importantly, was the realisation that landlords did not pay taxes to government as they were not formally recognised. Consequently, informal rental housing did not contribute to the country's economic development although helpful in providing shelter to low-income workers.

The last interview, conducted on the 6th of July 2010 was held with the Principal Planning Officer from the Ministry of Tinkhundla Administration and Development, conducted from her office. She stated that her 'role in relation to informal housing in Manzini/Matsapha peri-urban related to rural resettlement' (Personal Interview). Mhlane, Logoba, Kwaluseni, Mbikwakhe and Hhababa were some of the areas she identified as exhibiting rapid growth in the Manzini/Matsapha areas. She attributed 'the establishment of Matsapha industrial

site, the growth of Manzini urban area and the provision of services in support of Matsapha industrial estate' (*ibid*.) as some of the factors influencing the establishment of rental housing in the study area. She also stated that government was working on the establishment of a housing estate to be managed by a yet to be identified institution where high-rise rental housing was to be constructed. In addition, she argued that plans to resettle the tenants within the study area were underway. Private individuals and illegal occupants were identified as the providers of informal rental housing in peri-urban Matsapha.

Employees of Matsapha industrial estate, UNISWA students, civil servants, Manzini workers and micro-entrepreneurs were identified as beneficiaries of informal rental housing in the study area. However, she deemed informal settlements as harbouring criminal activities. They were also viewed as not conducive for children upbringing. Regarding informal rental housing, she pointed out that 'it was not good to the landscape as it was distorting the rental market and economy thus resulting in the creation of a false economy' (*ibid*.). She emphasised that ideally, informal rental housing should be temporary to provide housing where government was incapacitated. Her argument was that the future of informal rental housing in the study area would be informed by a socio-economic survey. However, it was succinctly stated that the future of informal rental housing looked bleak as the *Titimela* would have to be demolished to give way to formal rental housing. The intention, she argued, was to partner with non-governmental organisations (NGOs) towards the development of the proposed housing estate in phases. In conclusion, she stated that 'MHUD had not applied herself fully on her mandate relating to housing and human settlements matters in the country' (*ibid*.). Her argument was that all income groups needed to be catered for in terms of housing as opposed to the present catering for only the middle and high-income groups. The need for a legislative and policy framework to house all income groups was therefore underlined.

7.4 Community Policing Perspective on Informal Rental Housing in Matsapha Peri-urban Areas

In addition to the political and technical perspectives presented above, the spokesperson of the Kwaluseni Community Police was interviewed on the 7th of July 2010 from Mbhuleni. He stated that 'community police's responsibility was to look out for criminal activities in

collaboration with the Royal Swaziland Police' (Personal Interview). Another responsibility related to peace keeping in the community. Kwaluseni, kaKhoza and Mhlaleni were identified as exhibiting rapid growth 'owing to the fact that Matsapha industrial estate employees were not accommodated by their employers' (*ibid*.). Furthermore, he argued that 'informal rental housing was demand-driven, attributed to migrants from all over the country' (*ibid*.). Landlords were deemed as providing informal rental housing for livelihood purposes. The findings that informal rental housing was demand-driven and for livelihood purposes both conform to the economic geography factors.

He also stated that informal rental housing increase presented a number of challenges as people behave differently. As a result, people's properties needed to be protected from housebreaking and theft crimes. He noted that there was a strong correlation between overcrowding and high crime rates. Furthermore, he pointed out that 'a majority of tenants were cohabiting hence quarrels were reported to the community police' (*ibid*.). However, informal rental housing was perceived as providing the necessary shelter for Matsapha industrial estate employees. The need to uplift the standard of community policing through patrols was underscored. Calls for government to ensure the provision of enough community police was emphasised. More importantly, the need for landlords to know their tenants was viewed as a possible solution to curb crime in the study area. Private individuals were identified as providers of informal rental housing in the study area. He noted that ideally only *iNgwenyama* was the rightful authority to allocate land parcels in the area.

But owing to land disputes, two factions existed. On the one hand was the existence of a King's Council at Kwaluseni and on the other, an *Indvuna* from Zombodze. This resulted largely to the haphazard allocation of land parcels in the study area. The beneficiaries of informal rental housing were identified as Matsapha industrial estate employees through accommodation and landlords through monthly rental collections. Informal settlements, rental housing in particular were viewed as undesirable as they were poorly planned. Accordingly, it was incumbent upon the rightful authorities to ensure that the study area was properly planned or resettled.

7.5 Conclusion

The results reflect that a number of areas covered by the present study exhibit rapid growth attributed to the high number of factories located in Matsapha industrial site. This suggests the existence of an intricate relationship between rapid population growth and industrial growth, which is in conformity with 3.6 relating to urbanisation. Equally important is the location theory in terms of close proximity to job opportunities. Regrettably, government is opposed to informality and rental housing in the study area, which is in direct contrast with the country's Housing Policy. Consequently, development control was viewed as the best method of tackling informality in the study area. Regrettably, development control in the form of the introduction of minimum standards (refer to Chapter 3) negatively affects low-income people as they raise the standard of living. Although confirming the study's hypothesis that a majority of the tenants were the Matsapha industrial site employees and UNISWA students, the findings also bring to the fore Manzini employees, civil servants, and small entrepreneurs which were left out. Furthermore, the assumption that private individuals were responsible for the provision of informal rental housing was confirmed.

CHAPTER 8: RECOMMENDATIONS: MOVING TOWARDS SUSTAINABLE SOLUTIONS FOR RENTAL HOUSING

8.1 Introduction

The chapter is aimed at providing a summary of the present study drawn from the research findings (see Chapters 5, 6 and 7) of this report linking them with the answers arrived at from the Research Questions (see Chapter 1). It seeks to provide some recommendations that would assist in dealing with the development challenges within rental housing. The study only indicates proposals for rental housing, suffice for providing direction for future action however it is by no means exhaustive or prescribing. For this matter, areas for future research are pointed out as possible extensions for this research.

8.2 Emerging Issues

The study has demonstrated that the factors attributed to informal rental housing are many and varied in nature. Whilst some factors apply universally, some are contextual. Accordingly, it should be noted that whilst the study's findings may universally be replicated at the national, regional and international levels, it may not specifically apply to some areas. Similarly, although the study advocates for the prominence of rental housing on the part of the Swaziland Government, it is by no means overlooking the importance of home-ownership. Instead, it calls for the two housing tenures (rental and home-ownership) to be equally promoted as the study has demonstrated their intricate connection. For instance, the findings have shown that whilst a majority of tenants aspire to be home-owners, their financial abilities compel them to settle for rental housing. But since they also support their rural homesteads, they benefit from both housing tenure systems. Therefore, rental housing and home-ownership play a significant role in meeting the needs of society as a whole.

Furthermore, the findings have shown that landlords and tenants are the main role players of informal rental housing in the study area. However, the two parties are faced with a number of challenges relating to rental housing. Whilst landlords are faced with maintenance and non-payment of rental problems, tenants are faced with retrenchment problems from their respective workplaces. More importantly, the relationship between the two parties is characterised by finger-pointing hence not harmonious. On the one hand,

landlords argue that tenants fail to look after the units allocated and on the other hand, tenants argue that landlords do not maintain their rental housing. The various complaints between the two parties have led to sour relations thus resulting in high migration rates within the study area. Such migration has demonstrated that rental housing is indeed a dynamic phenomenon. Migration however, does not operate in isolation as other factors such as affordability, location in terms of close proximity to workplaces and educational facilities, availability of basic services such as water and others all played a pivotal role.

Likewise, the findings have shown that private individuals, at small-scale are investing in rental housing in the study area. They are doing so for various reasons, most of which relate to livelihood, profit and to a less extent demand. Owing to the fact that SNL cannot be used as collateral, small-scale landlords rely on self-financing mechanisms to provide rental housing. Hence, adopt incremental building strategies. Informal rental housing is consumed mainly by Matsapha industrial estate and Manzini employees, UNISWA students and to a less extent self-employed and unemployed members of the public. Since it is dependent on monthly rental payments for its survival, self-employed and unemployed members of the public are deemed high risk tenants. Ideally, the role of traditional authorities on SNL is to allocate land parcels for residential purposes. However, their viewpoint on informal rental housing is deliberately excluded from the study owing to the confusion regarding the rightful leadership. The intention was for the study to maintain impartiality on the matter.

That there is no clear-cut traditional leadership in the study area demonstrates some of the weaknesses of the traditional system of governance. Consequently, this fosters a free-for-all on matters relating to land allocations where a number of illegal people are involved in the process. More specifically, the lack of clear-cut traditional leadership on SNL is a breeding ground for corrupt practices as prominent members of society make quick money from unsuspecting members of the public. But government's modernist approach on informal rental housing demonstrates that it is deemed undesirable and problematic. This viewpoint is in contrast to the viewpoints of the beneficiaries, the tenants and the providers, the landlords. Surprisingly, government's modernist approach is contradictory to the position espoused in the Housing Policy on the need to embrace informal settlements and rental housing as a solution rather than a problem. Government's solution to informal rental

housing is that it should be demolished and replaced with high-rise buildings, which is an expensive undertaking.

Whilst this is tantamount to optimal usage of land parcels, such an undertaking would result in the preclusion of low-income people as the rent payable would be unaffordable. In fact, government would indirectly be promoting the establishment of new informal rental settlements as defined in Chapter 2. Admittedly, government has also failed to proactively plan for rental housing in the study area. The findings have shown that the provision of employment opportunities to the total neglect of housing resulted to the establishment of informal rental housing. This has demonstrated poor planning and lack of co-ordination among the different government ministries/departments. The lack of appropriate legislative and policy framework relating to human settlements in the country has compounded matters further. The country's legislative and policy framework deliberately exempt SNL enforcement thus giving it an advantage over TDL. Chapter 2 has demonstrated that SNL activities such as housing construction is not regulated owing to its exemption from the provisions of the Building and Housing Act of 1968, save for public buildings.

As a result, the country's development is concentrated in urban areas to the total neglect of rural areas thus exacerbating disparities. The findings have shown that urban-rural disparities have in turn given prominence to rural-urban migration in the country as towns offer better economic opportunities. The Tinkhundla system of governance, although operational in both urban and rural areas has dismally failed to address such disparities. More importantly, the country's Constitution fails to provide some practical solutions to a number of pertinent issues such as land, of whom the present study is based. Besides lacking implementation, some of its Sections need to be repealed before actual implementation takes place.

8.3 Target Issues for Recommendations

Specifically, the study has identified problematic areas that need to be considered to chart a way forward. These include the country's dual land tenure system, dualism in the government structure, inadequate legislative and policy framework, uneven regional development, lack of coordination among stakeholders involved on land matters, enforcement difficulties of legislative and policy framework on SNL, etc. It is against the

above problematic areas that recommendations of the study will be based. For ease of reference, they are classified into land tenure, legislative and policy framework, and political factors.

8.3.1 Land Tenure

The study has demonstrated that the country's land tenure system is dual where rural co-exists with urban areas. The major problem relates to the prominence given SNL over TDL. This problem is linked to the legislative and policy framework, to be discussed below in view of SNL exemption. Accordingly, SNL is treated as if it is operating in isolation from government control. Given the isolation of SNL from government control, the study recommends that all SNL needs to be declared controlled in terms of the Building and Housing Act of 1968. Declaration denotes the Gazetting of all SNL to be subject to the provisions of the piece of legislation. Since all land parcels in the country are registered in the Deeds Registry, compiling a list of all farms in the country should not be problematic. Furthermore, the advent of Geographical Information Systems (GIS) should make such an undertaking cost-effective. Instead of government's piecemeal declaration of growth areas such as Buhleni, Sikhuphe and others which are short-term measures, the declaration of all SNL would serve a long-term solution aimed at uniformly introducing the necessary development control measures.

Technically, declaring an area controlled does not characterise it as urban. But it entails the introduction of development controls relating to building and housing standards, as well as planning guidelines. Therefore, SNL areas will continue to enjoy their status but the only difference would be effecting the requisite development control measures. Instead of the present practice where housing construction is carried out anyhow, anywhere on SNL, individuals would now be expected to submit building applications to the relevant authorities that would review, defer or approve them in terms of their adequacy or lack thereof. By so doing, all buildings in the country would be constructed and or extended in accordance with the provisions of the legislation. Furthermore, all SNL areas' spatial developments would be guided in terms of the Regional Physical Development Plans. These will at the local level translate into Local Physical Development Plans. Subsequently,

informality throughout the country will be managed. However, SNL's declaration depends on the fulfilment of a number of processes by different stakeholders.

Chief among these are *iNgwenyama*, Chiefs, Ministries of Housing and Urban Development, Natural Resources and Energy, Tinkhundla Development and Administration, Justice and Constitutional Affairs, Agriculture and Co-operatives, and Commerce, Industry and Trade respectively. The list is by no means exhaustive, as there are a number of stakeholders with a stake on land matters in the country. *INgwenyama's* involvement relates to his capacity as SNL custodian on behalf of the Swazi nation. Accordingly, all SNL matters need his attention and approval before other processes can be pursued. Chiefs, by virtue of being an extension of *iNgwenyama* come second. But since they are performing a delegated function from *iNgwenyama*, they are not likely to oppose his order relating to the declaration of all SNL, but can only offer their opinions, given a chance. Similarly, Chiefs would serve as the perfect structure upon which the Swazi citizenry could be informed of *iNgwenyama's* order. The starting point for the declaration would be an announcement by *iNgwenyama* from the cattle byre (*sibaya*), considered the traditional governance system's stronghold.

The Ministry of Housing and Urban Development, a custodian of the Building and Housing Act of 1968 in consultation with the Deeds Registry and Survey departments would declare all SNL controlled. Both departments are under the Ministry of Natural Resources and Energy. The Ministry of Tinkhundla Development and Administration's involvement relates to its SNL oversight. Its other responsibility would be mobilising all 55 Tinkhundla centres on sensitisation processes relating to the declaration of SNL to be conducted by MHUD. In order for such an exercise to be successful, there is a need for the traditional system of government to finalise and clearly demarcate the respective chiefdom boundaries. The rationale being that chieftaincy disputes in the country results mainly from contested chiefdom boundaries. Another area of concern relates to the number of years it takes to replace chiefs in affected chiefdoms, upon the demise of incumbent traditional authorities. The demarcation of chiefdom boundaries would also help in the event the Survey department has to undertake necessary surveys.

The declaration of SNL as controlled is by no means a standalone initiative but should be complemented by other government initiatives such as the implementation of the country's

Constitution, draft National Land Policy, Regional Physical Development Plans, the Study on the Extension of the 99-Year Leasehold to Areas on SNL and others. More importantly, the implementation of the Physical Planning Policy and the National Physical Planning Bill. The rationale being that the two would introduce the spatial planning element throughout the country, which is presently effected only on TDL. Their application throughout the country would foster the proper planning through the production of local development plans at respective chiefdoms and/or Tinkhundla, regional physical development plans at all four regions and a national physical development plan. In this way, planning would be well structured, efficient and effective throughout the country.

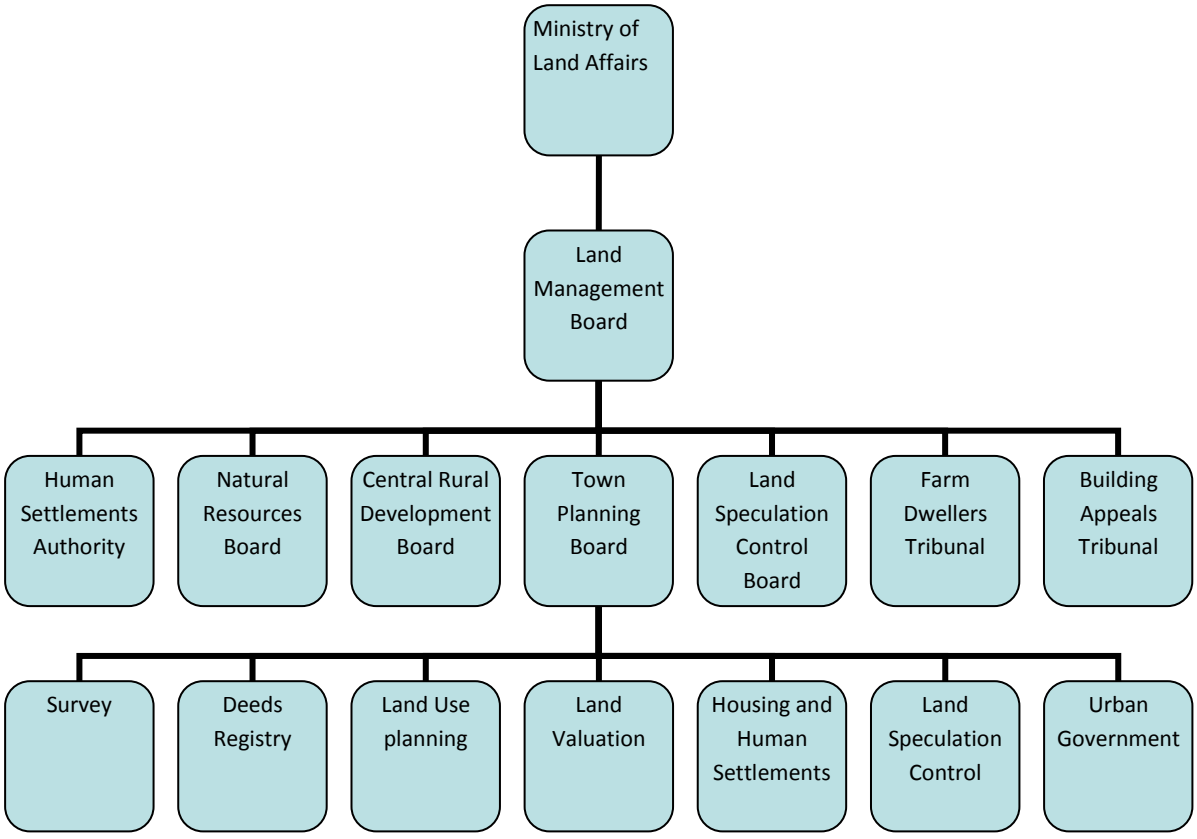
The onus therefore rests with MHUD, MNRE, MTAD and the Ministry of Justice and Constitutional Affairs to approach *iNgwenyama* on all government initiatives where SNL is a subject. Another area of interest that can be pursued is that of introducing the 99-Year Leasehold concept to growth areas on SNL, in line with the study's identified pilot project areas, as a starting point. Through the study, a majority of the stakeholders including the traditional leadership are amenable to the idea. In addition, that the concept was originally conceived from the draft National Land Policy should serve as a perfect catalyst. In its implementation, the country can learn from other countries such as Botswana, RSA and others in charting a way forward. Alternatively, the number of options proposed from the study can each be explored, modified where possible in a bid to come up with a structure that would be suitable and acceptable to all stakeholders, both governors and governed.

In view of the establishment of the Land Management Board (LMB) by the country's Constitution, the structure can be adopted with necessary adjustments. Two options are recommended. First, the status quo in the country can be maintained with some minor adjustments. One such adjustment would be for the LMB to report under a newly established Ministry of Land Affairs instead of reporting to *iNgwenyama*. Another adjustment would be, instead of the LMB operating in isolation, its responsibility can be complemented by the existing various boards such as Human Settlements Authority, Natural Resources Board, Central Rural Development Board, Land Speculation Board, Town Planning Board, Farm Dwellers Tribunal, and Building Appeals Tribunal. Ideally, these competent Boards can make recommendations to the LMB for decision through the technical expertise provided by the respective departments: Housing and Human Settlements, Survey, Deeds

Registry, Land Speculation Control, Land Use Planning, Land Valuation and Urban Government.

Chiefs can continue to allocate SNL on condition that such a process is in conformity with local physical development plans to be prepared and approved by the Town Planning Board, through technical expertise from the department of Housing and Human Settlements in accordance with the Regional Physical Development Plans since all SNL will be controlled. The service agencies such as Swaziland Water Services Corporation (SWSC), Swaziland Posts and Telecommunication Corporation (SPTC), Swaziland Electricity Company (SEC) and others would again provide their services throughout the country, guided by among others, the Regional Physical Development Plans. Similarly, Rural Water Supply (RWS) will have to continue to provide water in all rural areas. In this way, informality would be managed throughout the country. Figure 8.1 depicts the structure.

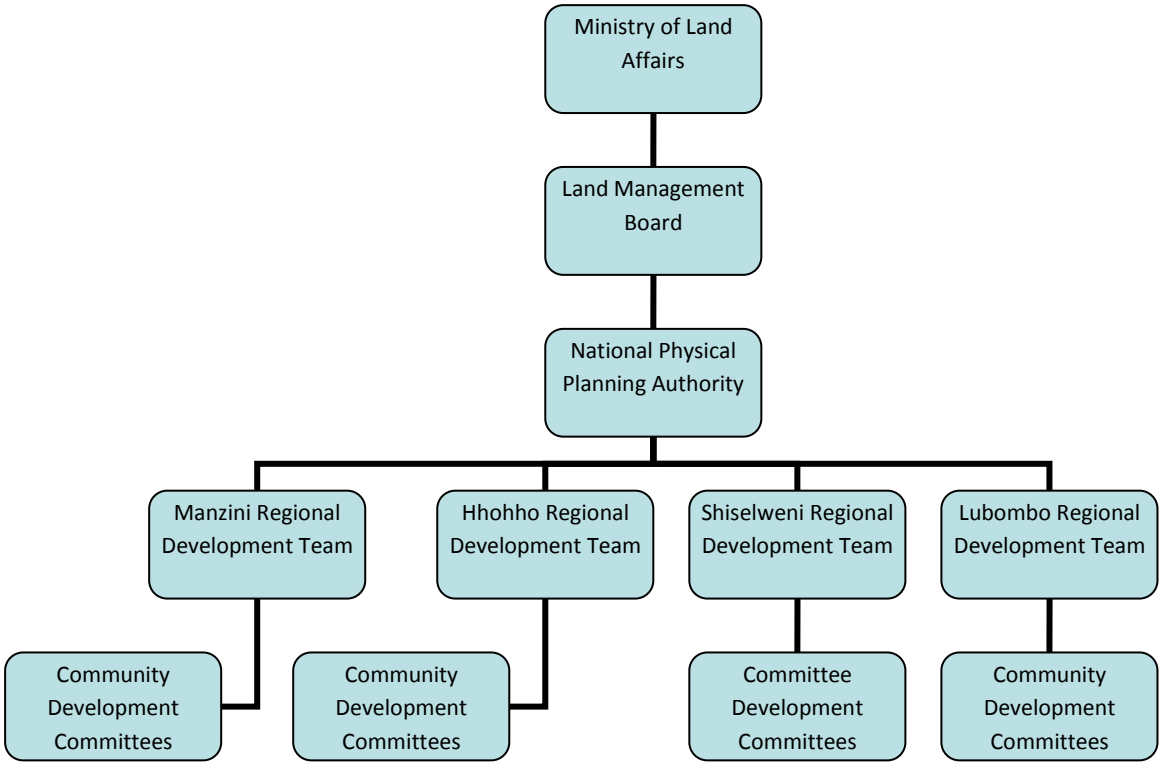
Figure 8.1: Option One of Proposed Land Management Structure



The second option would be the adoption of a postmodern approach whereby the Land Management Board (LMB) would operate only at the national level, advised by a technical board at the same level. This board can be the proposed National Physical Planning Authority (NPPA) consisting of the Principal Secretary (Chairman), Director of Housing and Human Settlements, Senior Land Use Planner, Chief Economic Planner, Senior Architect (MPWT), Surveyor General, Chief Engineer (SWSC), Director of Swaziland Environmental Authority, Senior Roads Engineer (MPWT), Registrar of Deeds, two planners nominated by local authorities, member of the Swaziland National Housing Board, member of the Building Inspectorate, and three professionals from the private sector (planner, engineer, surveyor or architect). In light of the various departments engaged on land matters identified above, the study recommends that they all should be represented in the NPPA. The same argument goes for technicians from SEC and SPTC, as SWSC is also represented.

At the regional level, it is recommended that Regional Development Teams be established, whose Chairman should be the four Regional Secretaries. Its composition should be made by the respective Heads of Departments at the regional level in all the government Ministries or Departments. In addition, the Regional Managers from SPTC, SEC and SWSC should also form part of the Regional Development Team. At the chiefdom level, Community Development Committees (CDCs) can be established, whose responsibility would be to identify necessary development initiatives that are in compliance with local physical development plans. The CDCs will work in close collaboration with the respective chiefs, who can be ex-officio members. Alternatively, they can be briefed on progress from time to time. Land allocation decisions can therefore be guided by the local physical development plans. In the event chiefs are not involved in the allocation of SNL, the need to remunerate them monthly would have to be considered to compensate for their loss. Figure 8.2 depicts the envisaged structure.

Figure 8.2: Option Two of Proposed Land Management Structure



It should be stressed however that until the proposed Ministry of Land Affairs is seriously considered, the present fragmentation of land-related practices will be maintained thus exacerbating the establishment of new informal settlements throughout the country. Since all key stakeholders such as housing, agriculture, survey, deeds, industry and tinkhundla will be part of the new Ministry, all affected departments would be forced to co-ordinate their activities for the betterment of the country. As a result, the establishment of new informal settlements would be prevented and the main mandate would be on managing the existing ones.

8.3.2 Legislative and Policy Framework

Following the study's demonstration that the country suffers from inadequate legislative and policy framework dealing with human settlements, it is recommended that this be addressed as a matter of urgency. Priority needs to be on the promulgation of a Rental Housing piece of legislation as the study has demonstrated that the Housing Policy of 2001 does not address rental housing matters in detail. Secondly, the Residential Tenancies Bill, although well and good, is only concerned with harmonising relations between landlords and tenants. Alternatively, the Bill can be a starting point towards the promulgation of a Rental Housing piece of legislation. In addition, it is recommended that all legislative and

policy framework that have not been approved be reviewed by respective Ministries in accordance with the country's new Constitution and then submitted to the respective structures such as AG's office, Cabinet and Parliament, for the necessary approval.

Government funds have been expended on such projects and the expectation is that these should yield the necessary benefits. Their initiation suggests that specific needs had to be met. Albeit late, the recommendation is that these be implemented, of course taking into account the changes that have since taken place over the years. Critical ones include the draft National Land Policy, draft Peri-urban Growth Policy, Study on the Extension of the 99-Year Leasehold concept to Areas on SNL and National Physical Planning Bill. The implementation of the legislative and policy framework should not operate in isolation. But, it should be a collaborated effort on the part of government to also review all her legislative framework. This is against the study's demonstration that a majority of the legislative framework such as the Town Planning Act of 1961, Building and Housing Act of 1968, Local Government Act of 1969 are more than forty years. Although they still serve their purpose, they are not well suited to the present conditions in the country as they were initially tailor-made from our colonial masters.

To date, a number of changes have taken place in the specific fields, but our legislative framework has maintained the status quo notwithstanding global changes. Hence, the call for their review to be compatible with global changes and the country's Constitution. In line with the recommendations above (see 8.3.1), only then will rental housing be appreciated in the country the very same way home-ownership is. In the same vein, informality would be managed, as the present study is by no means suggesting that it should be eradicated. Experiences from other countries have ably demonstrated that informality although deemed temporary, is in actual fact a permanent phenomenon as it adopts different processes and affects different fields. Housing is therefore, not the only field characterised by informality as other fields such as transportation, commercial and others are equally affected. Obviously, what differ are the levels and processes of establishment, as well as the solutions.

8.3.3 Political Factors

The Constitution stipulates the political governance structure adopted in the country, which is the Tinkhundla system. Like any system, it is prone to ills such as nepotism, corruption and others. Notwithstanding its successes since adoption in the 1970s, the system has dismally failed to balance development in the country. Instead, attention has over the years been given to urban areas over rural ones. Consequently, rural-urban migration has been promoted. Furthermore, given the spread of Tinkhundla centres in both urban and rural areas, the expectation would be that the Regional Development Fund would usher in the necessary development initiatives, particularly in rural areas, as they form a majority of the country's population. Regrettably, that has not been the case. Instead, benefits from the same fund are characterised by corrupt practices from some respective Members of Parliament, officials from the Ministry of Tinkhundla Administration and Development, in particular the Community Development Officers, and the tender beneficiaries.

Reports of payments without delivery of necessary merchandise have been widely reported in the print media, some involving companies directed by Cabinet Ministers. In order for the system to be effective and efficient, it is recommended that some modifications be made. Presently, it does not make sense that His Majesty the King/*iNgwenyama* is directly involved in the country's politics. In order for him to be impartial, it is recommended that he assumes a position of a Constitutional monarch. The present status quo of him being both the King and *iNgwenyama* needs to be engaged upon through a number of forums, involving all sectors of the country. The tried and tested *Vusela* (consultation) exercises need to be set aside and Swazis engaged in their capacities of conservative and progressive camps. The present negative attitude government has towards progressive formations needs to change if the country should develop politically and otherwise. Therefore, the Tinkhundla system of governance should consist of both camps in a bid to fast-track service delivery.

The democratic process in the neighbouring RSA should serve as a litmus test in this regard as it has demonstrated that government is always striving to do the best when there is opposition. The starting point for Swaziland, therefore, would be the repeal of the new Constitution to allow the operation of parties. Secondly, individuals should be allowed to campaign under political formations. Despite the country's small population, a multiparty

political system is recommended as it would foster answerability, accountability and will open up more debate. The weakness of the present Tinkhundla system of governance is that the Prime Minister and political appointees are made by the King. Consequently, they are answerable to the appointing authority rather than to the people. As such, the King is labelled an absolute Monarchy in some quarters. Undoubtedly, a lot can be achieved by the country politically if the Tinkhundla system of governance can be modified or abolished altogether. Such benefits can also trickle down to socio-economic sectors.

This is in view of the fact that for one to deal with informal rental issues, one needs to deal with land issues. In order for one to deal with land issues, there is a need to deal with the political system. To be effective and efficient, the political system needs to be democratic and conform to international best practice. Fundamentally, this is the crux of the present study given the interconnection of the above crucial factors.

8.4 Necessary Areas of Further Study

The study has brought to the fore a number of weaknesses to the present study which need to be further interrogated. Chief among these are the traditional perspectives relating to informal rental housing and the inclusion of rental statistics (formal and informal) in the country's household survey. The traditional perspective relating to informal rental remains crucial to prove whether there has been a paradigm shift relating to the use of SNL for subsistence purposes. Equally, it would be interesting for future studies to pursue whether SNL has since been commercialised in Swaziland. Another area of interest which was deliberately not pursued by the present study relates to the housing standards of informal rental units in terms of quality as presently only the quantitative side was considered. Finally, a gender perspective relating to land and housing in the country would go a long way in understanding land allocations taking place in Swaziland peri-urban areas.

REFERENCES

Aina, T. A., 1990. Petty landlords and poor tenants in a low-income settlement in Metropolitan Lagos, Nigeria. Chapter 4 (pages 87-101) in Amis, P. and Lloyd, P. (eds), *Housing Africa's urban poor*. Manchester University Press, Manchester.

Amis, P., 1990. Key themes in contemporary African urbanisation: Introduction (pages 1-31) in Amis, P. and Lloyd, P. (eds), *Housing Africa's urban poor*. Manchester University Press, Manchester.

Amis, P., 1987. Migration, urban poverty, and the housing market: the Nairobi case. Chapter 15 (pages 249-268) in Eades, J. (ed*), Migrants, workers, and the social order*. Tavistock Publications, London and New York.

Amis, P., 1984. Squatters or Tenants: The Commercialisation of Unauthorised Housing in Nairobi. *World Development*, 12(1), 87-96.

Appadurai, A., 2004. The capacity to aspire: culture and the terms of recognition. In Rao, V. and Walton, M. (eds), *Culture and Public Action*, pages 59-84. Stanford University Sciences, Stanford.

Armstrong, A. K., 1985. *Legal aspects of land tenure in Swaziland*. United States Aid, Mbabane.

Asiama, S. O., 1990. Land for housing the urban poor in Africa-some policy options. Chapter 13 (pages 239-251) in Amis, P. and Lloyd, P. (eds), *Housing Africa's urban poor*. Manchester University Press, Manchester.

Belsky, E. S. and Drew, R. B., 2007. *Taking Stock of the Nation's Rental Housing Challenges and a Half Century of Public Policy Responses*. Joint Center for Housing Studies of Harvard University, Harvard.

Bourne, L. S., 1981. *The geography of housing*. Edward Arnold, London.

Bowen, P. N., 1993. *A longing for land: tradition and change in a Swazi agricultural community*. Avebury, Aldershot.

Burgess, R., 1982. Self-help housing advocacy: a curious form of radicalism. A critique of the work of John F. C. Turner. In Ward, P., (ed.), *Self-Help Housing: A Critique.* Pages 55-97. Mansell, London.

Cadstedt, J., 2006. *Influence and Invisibility: Tenants in Housing Provision in Mwanza City, Tanzania*. Stockholm University, Stockholm.

Central Statistical Office. *Population figures from the 2007 census*. INTERNET: http://www.gov.sz/home.asp?pid=75, accessed on 22 June 2010.

Central Statistical Office, 2010. *Tables for key findings from the Census*. INTERNET: (http://www.gov.sz/home.asp?pid=56, accessed 17 May 2010).

Centre for Human Rights and Development, undated. *Forced evictions in Swaziland*. INTERNET: http://dignityfirst.org/forcedevictions.html, accessed on 10 February 2011.

Chambers, R., 1995. Poverty and livelihoods: whose reality counts? *Environment and Urbanisation*, 7(1), 173-204.

Cloete, C. E., 2001. *Principles of Property Maintenance*, Second Edition. South African Property Education Trust, Sandton.

Datta, K., 1996. The organisation and performance of a low income rental market: the case of Gaborone, Botswana. *Cities*, 13(4), 237-245.

Department of Housing, (undated). *Subsidy Basics*. INTERNET: http://www.housing.gov.za, accessed on 25 May 2010.

Dlamini, W., 2011. SD's Poverty Levels Drop to 63%. INTERNET: http://www.times.co.sz/News/26132.html, accessed 25 February 2011.

Donnison, D. V., 1967. The political economy of housing. Chapter 1 (pages 3-10) in Nevitt, A. A. (ed), *The economic problems of housing: Proceedings of a conference held by the International Economic Association.* Macmillan, London.

Economic Commission for Africa, 2003. *Land Tenure Systems and Sustainable Development in Southern Africa*. Economic Commission for Africa, Lusaka.

Edwards, M., 1990. Rental housing and the urban poor: Africa and Latin America compared. Chapter 14 (pages 252-272) in Amis, P. and Lloyd, P. (eds), *Housing Africa's urban poor*. Manchester University Press, Manchester.

Flory, B., 1987. *Constraints to commercial Agriculture on Swazi Nation Land: A Survey of Swaziland's Advanced Farms*. Ministry of Agriculture and Co-operatives, Mbabane.

Fox, R., 1977. Housing objective in Southern Africa. In Lazenby, M. (ed), *Housing people: Proceedings of the Housing 75 Conference held in Johannesburg in October 1975, and arranged by the Institute of South African Architects*. Pages 255-260. AD Donker, Johannesburg.

Funnell, D. C., 1991. *Under the shadow of apartheid: agrarian transformation in Swaziland*.

Avebury, Aldershot.

Gabele, P., 1987. *Swaziland: Land Inventory and Land Management Study for Mbabane, Manzini and Matsapha.* Ministry of Natural Resources, Land Utilisation and Energy, Mbabane.

Gardner, D. J., 1989. *Towards a rationale for informal settlement upgrading programs in South Africa.* University of the Witwatersrand, Johannesburg.

Gilbert, A., 1990. Rental housing in Third-World cities: What we need to know. In UNCHS (Habitat), *Rental housing: Proceedings of an Expert group meeting*. Pages 12-17. UNCHS, Nairobi.

Gilbert, A., 2003. *Rental Housing: An essential option for the urban poor in developing countries*. United Nations Human Settlements Programme (UN-HABITAT), Nairobi.

Harris, R., 2003. A Double Irony: The Originality and Influence of John F. C. Turner. *Habitat International*, 27, 245-269.

Holm, P., 1967. A disaggregated housing market model. Chapter 4 (pages 37-48) in Nevitt, A. A. (ed), *The economic problems of housing: Proceedings of a conference held by the International Economic Association.* Macmillan, London.

Huchzermeyer, M. and Karam, A. (eds), 2006. *Informal Settlements: A perpetual challenge?* (Chapter 1, pages 1-16). University of Cape Town Press, Cape Town.

Hughes, A. J. B., 1972. *Land tenure, land rights and land communities on Swazi Nation Land in Swaziland: A discussion of some inter-relationships between the traditional tenurial system and problems of agrarian development*. University of Natal, Durban.

Hughes, A. J. B., 1962. Some Swazi Views on Land Tenure. *Africa: Journal of the International African Institute*, 32 (3), 253-278.

ITS Tutorial School, 2005. Geography Dictionary. INTERNET: http://www.tuition.com.hk/geography/u.htm, accessed on 21 February 2011.

Jele, L., 2011. *Judge Maphalala Stops Demolitions, Evictions*. INTERNET: http://www.times.co.sz/News/26845.html, accessed on 18 March 2011

Khoza, B. M., (undated). Towards Sustainable Human Settlements Development: The Incremental Upgrading of Urban Informal Settlements. INTERNET: http://www.lth.se/fileadmin/hdm/alumni/papers/sdd2006/sdd2006-20.pdf, accessed on 10 February 2011.

Kuper, H., 1947. *An African Aristocracy: Rank among the Swazi*. Oxford University Press, London.

Kuper, H., 1963. *The Swazi: A South African Kingdom*. Holt, Rinehart and Winston, Inc., New York.

Larsson, A., 2001. Gender Perspectives in Housing and Planning. *Building Issues*, 11(1), 3-18.

Lea, J. P., 1973. Underlying determinants of housing location: a case study from Swaziland. *The Journal of Modern African Studies*, 11(2), 211-225.

Lee-Smith, D., 1990. Squatter landlords in Nairobi: A case study of Korogocho. Chapter 9 (pages 175-187) in Amis, P. and Lloyd, P. (eds), *Housing Africa's urban poor*. Manchester University Press, Manchester.

Ley, A., 2010. *Housing as Governance: Interfaces between Local Government and Civil Society Organisations in Cape Town, South Africa*. Habitat International, Berlin.

Mafico, C. J. C., 1991. *Urban low income housing in Zimbabwe*. Avebury, Aldershot.

Magagula, M., 2011. No More Land for Life. INTERNET: http://www.times.co.sz/print/26432.html, accessed on 6 February 2011.

Martin, R., 1982. The formulation of a self-help project in Lusaka. Chapter 10 (pages 270-280) in Ward, P. (ed), *Self-help housing: A critique*. Mansell Publishing Limited, London.

Marwick, B. A., 1966. *The Swazi: An Ethnographic Account of the Natives of the Swaziland Protectorate*. Frank Cass & Co. Ltd, London.

McFadden, D., 1977. *Modelling the Choice of Residential Location*. Cowles Foundation for Research in Economics, Connecticut.

Ministry of Economic Planning and Development, 2006. *A Poverty Reduction Strategy and Action Programme*. Ministry of Economic Planning and Development, Mbabane.

Ministry of Housing and Urban Development, 1997. *Draft Peri-urban Growth Policy*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2001. *Housing Policy*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2001. *Housing Sector Analysis*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2007. *Manzini Regional Physical Development Plan*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2003. *Residential Tenancies Bill*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2007. *Swaziland Local Government Project Resettlement Policy Framework*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1997. *Swaziland National Physical Development Plan 1996-2006*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1968. *The Building and Housing Act*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1988. *The Human Settlements Authority Act*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1988. *The National Housing Board Act*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2001. *The Study on the Extension of the 99-Year Leasehold Concept to Areas on Swazi Nation Land*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 2001. *The Swaziland National Physical Planning Bill*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1961. *The Town Planning Act*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Housing and Urban Development, 1969. *The Urban Government Act*. Ministry of Housing and Urban Development, Mbabane.

Ministry of Natural Resources and Energy, 1997. *Draft National Land Policy*. Ministry of Natural Resources and Energy, Mbabane.

Ministry of Tinkhundla Development and Administration, 2005. *Decentralisation Policy*. Ministry of Tinkhundla Development and Administration, Mbabane.

Ministry of Tourism and Environmental Affairs, 2002. *The Environment Management Act*. Ministry of Tourism and Environmental Affairs, Mbabane.

Moss, V., 2003. *Understanding the reasons to the causes of defaults in the Social Housing sector of South Africa*. National Housing Finance Corporation, Johannesburg.

Muth, R. F., 1967. Slums and poverty. Chapter 2 (pages 13-21) in Nevitt, A. A. (ed). *The economic problems of housing: Proceedings of a conference held by the International Economic Association.* Macmillan, London.

Ndlela, W.N., 2005. *The Paradox of Enabling Strategies and Housing Improvements, Msunduza, Mbabane, Swaziland*. Lund University, Lund.

Nevitt, A. A., 1967. *The Economic Problems of Housing: Proceedings of a Conference held by the International Economic Association*. Macmillan, London.

Ngubane, H., 1983. The Swazi Homestead. Chapter 3 (pages 95-121) in de Vletter, F. (ed). *The Swazi rural homestead*. University of Swaziland (Social Science Research Unit), Kwaluseni.

Nientied, P. and van der Linden, J., 1988. Approaches to low income housing in the Third World. Chapter 9 in Gugler, J. (ed). *The Urbanisation of the Third World*. Pages 138-156. Oxford University Press, New York.

Nkambule, M., 2011. You can't own land in different chiefdoms? INTERNET: http://www.times.co.sz/News/26649.html, accessed on 13 March 2011.

Olufemi, O., 2002. Barriers that disconnect homeless people and make homelessness difficult to interpret. *Development Southern Africa*, 19(4), 455-466.

Perry, G., 2000. *Managing Rental Properties for Maximum Profit,* Revised Third Edition. Prima, California.

Poulsen, K., 1983. Community Development in Swaziland. Chapter 8 (pages 277-304) in de Vletter, F. (ed). *The Swazi Rural Homestead*. University of Swaziland (Social Science Research Unit), Kwaluseni.

Pugh, C., 1994. Housing Policy Development in Developing Countries: The World Bank and Internationalisation 1972-93. *Cities*, 11(2), 159-180.

Rose, L. L., 1992. *The politics of harmony: land dispute strategies in Swaziland*. Cambridge University Press, Cambridge.

Russell, M., 1983. The Rural Swazi Homestead in its Context: A Review of the Literature and Thoughts for Future Directions. Chapter 10 9pages 317-337) in de Vletter, F. (ed). *The Swazi Rural Homestead*. University of Swaziland (Social Science Research Unit), Kwaluseni.

Shaw, C., 2011. Housing Board pumps in E5.7m into Ezulwini Valley Development. INTERNET: http://www.times.co.sz/news/26448.html, accessed 7 March 2011.

Shongwe, F., 2010. Textile players admit not offering competitive wages. INTERNET: http://www.times.co.sz/index.php?news=14383, accessed on 15 February.

Shongwe, M., 2011. Everybody is complaining – and with good reason. INTERNET: http://www.times.co.sz/Features/26702.html, accessed on 15 March 2011.

Sigodi, Marah, Martin/Matthew, Nell and Associates Joint Venture, 2001. *An assessment of rental housing in South Africa*. Department of Housing (USAID), Pretoria.

Sihlongonyane, M. F., 2003. Local Economic Development in Swaziland: The Case of Manzini City. *Urban Forum*, 14 (2-3), 244-263.

Sihlongonyane, M. F., 2003. Rural urban encounters in Swaziland: the peri-urban interface in Manzini City. *Town and Regional Planning*, 46, 33-44.

Simposya, A. M., 2010. *Towards a Sustainable Upgrading of Unplanned Urban Settlements in Zambia*. A Paper Presented at the Urban LandMark Conference from 1-2 November, Johannesburg.

Smit, W., 2006. Understanding the complexities of informal settlements: Insights from Cape Town. Chapter 6 in Huchzermeyer, M. and Karam, A. (eds), *Informal Settlements: A perpetual challenge?* Pages 103-125. University of Cape Town Press, Cape Town.

Snijder, F., 2001. *Shacks for shelter, houses for sale*. Built Environment Support Group, Durban.

Social Housing Foundation, 2009. *Your Tenant Handbook*. Social Housing Foundation, Houghton.

Stone, M. and Strauss, S., 1999. *The Unofficial Guide to Real Estate Investing*. Hungry Minds, New York.

Swazi News, 2010. Time for Talking is Over-King. INTERNET: http://www.times.co.sz/index.php?news=14341, accessed on 13 February 2010.

Swazi Review of Commerce and Industry, 2010. *Swaziland Review: an overview of the Kingdom of Swaziland's Economy*. Swazi Review of Commerce and Industry (Pty) Ltd, Manzini.

Swaziland Business Year Book, 2010. Geography and Climate. INTERNET: http://www.swazibusiness.com/sbyb2007/country.html, accessed on 9 February 2011.

Swaziland Business Year Book, 2010. Government and Administration. INTERNET: http://www.swazibusiness.com/sbyb2007/govt.html, accessed on 9 February 2011.

Swaziland Government, 2005. *The Constitution of the Kingdom of Swaziland*. Swaziland Government, Mbabane.

The World Bank, 2002. Upgrading Low Income Urban Settlements Country Assessment Report: Swaziland. INTERNET: http://web.mit.edu/urbanupgrading/upgrading/case-examples/overview-africa/country-assessments/download/SWAZILAND.pdf, accessed on 18 May 2011.

Turin, D. A., 1967. Housing in Africa: some problems and major policy issues. In Nevitt, A. A. (ed.), *The economic problems of housing*. Macmillan, London.

Turner, J., 1972. Housing as a verb. Chapter 7 in Turner, J. and Fitcher, R., (eds), *Freedom to Build: Dweller Control of the Housing Process*, pages 148-175. Macmillan, New York.

Ullman, E., 1941. A Theory of Location for Cities. *The American Journal of Sociology*, 46 (6), 853-864.

United Nations, 1962. *Report of the Ad hoc group of experts on housing and urban development*. United Nations, New York.

United Nations, 1969. *Rural housing: a review of world conditions*. United Nations, New York.

United Nations, 1977. *The aging in slums and uncontrolled settlements*. United Nations, New York.

De Vletter, F., 1984. *The Swazi Rural Homestead: A Case Study of Subsistence, Wage Dependency and Misguided Rural Development*. Carnegie Conference Paper No. 285, Cape Town (13-19 April).

Ward, P. and Macoloo, C., 1992. Articulation theory and self-help housing practice in the 1990s. *International Journal for Urban and Regional Research*, 16(1), 60-80.

Watson, V. and McCarthy, M., 1998. Rental Housing Policy and the Role of the Household Rental Sector: Evidence from South Africa. *Habitat International*, 22 (1), 49-56.

Weekend Observer, 2010. *Budget Speech 2010/11*. Weekend Observer, 27-28 February, Mbabane.

Zax, J. S., 2002. *Residential Location Theory and the Measurement of Segregation*. INTERNET: http://www.cepr.org/meets/wkcn/3/3510/papers/zax.pdf, accessed on 5 February 2011.

Zwane, A., 2011. *Defiant Still Sell Land at troubled KaShali*. INTERNET: http://www.observer.org.sz/index.php?news=21960, accessed on 5 February 2011.

ANNEXURES

Annexure 1: Rental Housing Questionnaire for Tenants

1. Personal Information

(a) Surname:..... Maiden Surname (if applicable):.....

(b) Gender (Male/Female):..... Marital Status:.....

(c) Home Area and Region at Birth:.....

(d) Chief of origin:..... *Indvuna* of origin:.....

(e) Do you have a link with your original chiefdom?.....

(f) How often do you visit home?.....

(g) Current Home Area:..... Chiefdom:.....

(h) Nationality at Birth:.....

(i) Citizenship: (How it was acquired?)

- ❑ Birth
- ❑ Naturalisation
- ❑ Registration

(g) Current Job/Profession:.....

2. What are your means of livelihood? (Tick)

	Temporary	**Seasonal**	**Permanent**
Employed			
Self-employed			
Unemployed			
Other (please specify)			

(a) If employed, where do you work?.....

3. What is your monthly income? (Tick)

<E499	E500-E999	E1000-E1499	E1500-E1999	>E2000

4. Are there any household members who bring income into the family?.....

If Yes: How many..... How much in total:.....

5. Which family are you supporting? (Current, previous or both).....

6. Monthly Household Expenditure on:

Electricity: E	Rent : E	Health services: E	Transport: E
Water: E	Food: E	Communication: E	Other: E

7. Household Size:…….. (Number of persons).

8. Household age: (Number of people in each category for Adults and Children)

Head of Household	**Number**	**Adult**	**Number**	**Children**	**Number**
25 – 34 years		18 – 24 years		0 – 5 years	
35 – 44 years		25 – 29 years		6 – 10 years	
45 – 54 years		30 – 34 years		11 – 17 years	
55 – 64 years		35 – 39 years			
>65 years		>40 years			

9. What influenced your move to the neighbourhood/township? (Tick)

Closer to work	Closer to relatives/friends	Closer to school	Closer to town
Job transfer	Married	Lower rent	Other

10. How long have you lived in this neighbourhood/township?

< 5 years	5 – 10 years	11 – 15 years	16 – 20 years	>20 years

11. What has kept you in this area for so long?.....

……..

12. Rental Issues:

(a) What percentage of your monthly salary goes to rent? E.....

(b) Is rent inclusive of electricity and water?.....

(c) What are the challenges of rental housing?.....

.....

.....

(d) Where did you stay before moving here?.....

(e) What influenced your migration from previous place of abode to the present? ……

……

(f) Can you trace your movements since you arrived in Matsapha?……

……

(g) Do you like your present house and why?……

(f) What social facilities and services are available?……

……

13. Housing Preferences:

(a) What kind of accommodation would you prefer and why?……

……

(b) From your preferred accommodation choice, how much can you spend on housing per month and why?……

……

(c) Where would you like your preferred accommodation to be located and why?……

……

14. Any questions or additional comments?……

……

……

Annexure 2: Rental Housing for Landlords

1. Personal Information:

(a) Surname:..... Maiden Surname (if applicable):.....

(b) Gender (Male/Female):..... Marital Status:.....

(c) Home Area and Region at Birth:.....

(d) Chief of origin:..... Indvuna of origin:.....

(e) Do you have a link with your original chiefdom?.....

(e) Current Home Area:..... Chiefdom:.....

(e) Nationality at Birth:.....

(f) Citizenship: (How it was acquired?)

- ❑ Birth
- ❑ Naturalisation
- ❑ Registration

(g) Current Job/Profession:.....

(h) Do you run any business and what are they?.....

2. What are your means of livelihood? (Tick)

	Temporary	**Seasonal**	**Permanent**
Employed			
Self-employed			
Unemployed			
Other (please specify)			

If employed, where do you work?.....

3. What is your monthly income? (Tick)

<E499	E500-E999	E1000-E1499	E1500-E1999	>E2000

4. Are there any household members who bring income into the family?.....

If Yes: How many..... How much in total:.....

5. Monthly Household Expenditure on:

Electricity: E	Maintenance : E	Health services: E	Transport: E
Water: E	Food: E	Communication: E	Other: E

6. Household Size:..... (Number of persons).

7. Household age: (Number of people in each category for Adults and Children)

Head of Household	**Number**	**Adult**	**Number**	**Children**	**Number**
25 – 34 years		18 – 24 years		0 – 5 years	
35 – 44 years		25 – 29 years		6 – 10 years	
45 – 54 years		30 – 34 years		11 – 17 years	
55 – 64 years		35 – 39 years			
>65 years		>40 years			

8. What motivated you to get into rental housing?.....

…….

9. How long have you been engaged in rental housing provision?

< 5 years	5 – 10 years	11 – 15 years	16 – 20 years	>20 years

10. Land acquisition:

When was it acquired?	
How was it acquired?	
At what cost?	

11. What factors influenced your choice of rental housing over home-ownership and why?

Profit	
Demand	
Livelihood	
Other	

12. Rental Housing:

(a) How many rental units do you own?.....

(b) How much rent do you charge per month?.....

Rent charged	Number of units and their Location	Number of units and their Location
E50-150		
E151-300		
E301-500		
>E500		

(c) How do you determine the rental cost?.....

(d) How do you collect rent and why?.....

(e) How many tenants do you cater for?.....

(f) How do you select your tenants?.....

(g) Do you know all your tenants?.....

(h) How do you relate to them?.....

(i) Who form a majority of your tenants?.....

(j) Do you involve yourself in tenants' disputes and why?.....

(k) What is the occupancy rate?.....

(l) Do you keep an application list?.....

(m) Do you have a waiting list and how many people are on it?.....

(n) How much did you invest in the construction of rental units? E.....

(o) How was the investment funded and why?.....

.....

(p) What are the challenges of managing rental stock?.....

(q) Is your rent inclusive of water and electricity?.....

(r) What social facilities and services are available in your rental units and why?.....

.....

.....

(s) Who maintains the rental units and at what frequency?.....

.....

(t) Do you report to anyone regarding the units?.....

(u) How can rental housing be improved and why?.....

.....

.....

13. Any questions or additional information on subject matter?.....

.....

Annexure 3: Personal Interview Questions

1. Can you describe your role/responsibility in relation to informal housing in Manzini/Matsapha peri-urban?

2. Which are the areas that are growing fast in the Manzini/Matsapha area and why?

3. What are the factors influencing the establishment of rental housing in Matsapha peri-urban?

4. What is the position of government regarding rental housing in these areas?

5. Please substantiate your answer (4) above.

6. What is government doing to deal with the issue of informal housing (any institutions, legislation, policy, etc)?

7. What is being done to deal with the issue of rental housing within informal settlements in particular?

8. Are there any representatives for rental housing?

9. If any, please identify and state their roles/functions.

Rental Housing Structure	**Roles and Functions**

10. Who are the providers of rental housing in peri-urban Matsapha?

11. Who are the beneficiaries of such housing?

12. How do you view informal settlements, rental housing in particular?

13. What is the future of rental housing in this area?

14. Any additional comments or personal opinion on the matter?

Annexure 4: Legislative and Policy Framework Relating to National Modern Approach

1. Town Planning Act, 1961

Its rationale is 'to make provision for the preparation and carrying out of town planning schemes' (MHUD, 1961: 2). However, its main weakness is that it applies to the municipalities of Mbabane and Manzini although Section 3 (2) stipulates that 'the Minister may, by notice published in the gazette, amend the schedule' (*ibid*.: 2) to enable the Act to apply to all urban local authorities. Historically, and until recently, only Mbabane and Manzini municipalities had town planning schemes guiding spatial developments. Presently, however, all twelve urban local authorities have in place approved town planning schemes. Its other weakness stems from the fact that, given the dualism of land tenure in Swaziland, the Act only applies to urban areas to the exclusion of those on SNL. This is cause for concern taking into account the establishment of rapid, unplanned human settlements throughout the country.

Its relevance to the study area relates to the establishment of town planning schemes. The difference being that instead of the establishment of a town-planning scheme, a local planning scheme can be prepared to guide spatial development. Its other weakness is that it is old owing to its promulgation in 1961 before the country's independence. Therefore, it has not benefitted from the planning sector's dynamic changes over the years hence out of date. Unfortunately, MHUD's attempts to promulgate a comprehensive Physical Planning Act, discussed in detail below have so far been unsuccessful.

2. Building and Housing Act, 1968

Generally, the Act intends 'to provide for the control of building and safety of buildings and for incidental or connected matters' (MHUD, 1968: 1). This is a crucial and necessary function since buildings are usually occupied by people whose safety needs to be guaranteed. The Act was promulgated to protect human life in relation to buildings from disasters such as fire, collapse and others. Accordingly, it defines a building as 'a structure or erection of whatever kind or nature whether temporary or permanent, and every part thereof, including a fixture affixed thereto' (*ibid*.: 3). Similarly, a dwelling is defined as 'a building or part of a building used or intended to be used by a single family or part of a

family for residential purposes' (*ibid*.: 4). Its relevance to the present study relates to the above definitions of building and dwelling, particularly the residential aspect. The rationale being that informal settlements are usually deemed as temporary buildings or dwellings and other factors such as poor sanitation, unhygienic, sub-standard housing.

Despite the various descriptions accorded informal settlements, the present study perceives them as providing necessary shelter to their occupants. This is line with the argument that 'home is what you believe it to be' (Olufemi, 2002: 458). Consequently, the study is in agreement with Olufemi (2002: 455) who asserts that 'homes are anchors of human life – whether they are permanent or temporary, are located in one place or are transported from place to place, are owned or rented, or are in planned communities or squatter settlements'. Section 4 (1) stipulates that the Building and Housing Act:

> applies to a building situated in a controlled area; or outside a controlled area and used or intended for use in commercial or industrial activities including a factory, hotel or shop or a building used for public purposes or public entertainment or a building to which the public have access (*ibid*.: 7).

Two conflicting arguments arise from the above provision. The first relates to the fact that from the modern theories discussed in Chapter 3, informal rental housing in other parts of the world such as Nairobi is deemed commercial or profit-driven although in other parts such as backyard rentals in Soweto (RSA) it offers livelihoods to landlords (Gilbert, 2003). The present study's difficulty, therefore, relates to the fact that Matsapha peri-urban landlords exhibit a combination of both livelihood and commercial attributes. Based on the findings that some are profit-driven, then it means they are subject to the provisions of Section 4 (1) of the Building and Housing Act, 1968 whereas the non profit-driven are exempt. The second challenge relates to the existence of dualism in the country's land tenure. Whilst the provisions of the Act also extend to rural areas in the case of public and commercial buildings such as shops, schools and churches, residential buildings are exempt. Therefore, SNL informal rental housing is exempt from the provisions of the Act unless the affected area is Gazetted controlled.

The weakness of this piece of legislation is its lack of enforcement on uncontrolled residential SNL whereas it is fully enforced in controlled areas particularly in urban areas. Whereas every housing construction project in urban areas is controlled through the

legislation, SNL house construction is unregulated. Firstly, they do not apply to any local authority to construct a permanent or temporary structure. Secondly, they are responsible for monitoring their construction projects. Finally, the upkeep of such structures is not subject to any legislative framework, but they undertake maintenance as they deem fit. Hence, the traditional land tenure system is deemed the best when compared to TDL due to the red-tape involved. However, this is not to suggest that homesteads do as they please, but are subjected to unwritten rules and regulations on their operations.

3. Urban Government Act, 1969

The Act 'make provision for the establishment and regulation of urban authorities and to provide for matters incidental thereto and connected therewith' (MHUD, 1969: 7). Its relevance to the present study stems from its dealing with local government matters, although urban based. It defines a local authority as 'a municipal council, town council, town board or other organ of local government duly established under any law' (*ibid*.: 7). Section 4 (1) (a) empowers the Minister to 'declare any area to be a municipality' (*ibid*.: 8) by notice in a Gazette. Subsection (1) (c) also empowers the Minister to 'define the boundaries of any municipality and alter such boundaries' (*ibid*.: 8). The above provisions are important to the present study owing to the definition of peri-urban in Chapter 2 as the area on the periphery of urban boundaries. A direct interpretation of the above provisions suggests that the Minister may alter municipality boundaries by incorporating peri-urban areas into existing local authorities.

Technically, this is impossible given that peri-urban areas fall under the traditional system of government and MHUD on the modern government system. Whilst MHUD has over the years incorporated neighbouring TDL into municipalities, to date, no SNL has been incorporated into existing urban local authorities. Instead, SNL areas are declared controlled through the Building and Housing Act of 1968 as independent entities. By virtue of being SNL, their change of status needs to be approved first by *iNgwenyama* in the form of a Headlease in favour of MHUD. Therefore, declaring SNL as controlled entails a long process of negotiating with the affected traditional leadership and community, and *iNgwenyama's* approval given his capacity of holding SNL in trust for the Swazi nation.

4. Urban Development Project (UDP)

The project was conceived in 1987 as part of a United Nations Development Program (UNDP)-funded initiative to prepare among others the country's 1993 Housing Policy. Furthermore, the project led to the establishment of the Ministry of Housing and Urban Development (MHUD, 2001). According to the World Bank (2002: 12):

> The objective of the upgrading component in SUDP is to increase the delivery and effectiveness of urban services and improve living conditions through pilot land reform and participatory development, all to provide housing solutions for low-income urban households. The approach is to upgrade on-site infrastructure consisting of roads, footpaths, drainage, water supply, sanitation (including sewers), street lighting and landscaping to standards that are affordable, that minimise relocation and achieve cost recovery by enabling existing occupiers to purchase title to their plots for the cost of the infrastructure provided.

The selection process was based on 'those settlements that have the most acute infrastructure, environmental and health problems. Other considerations include the willingness and commitment of the specific settlement dwellers to participate (and contribute) to upgrading proposals and the presence of some form of community structure(s)' (*ibid*.: 12). The project was financed through a loan from the World Bank (about 50%), Government of Swaziland and implementing agencies, namely Manzini City Council, Mbabane Municipal Council, Swaziland National Housing Board, Swaziland Water Services Corporation (MHUD, 2001). Overall, the project consisted of five components: 'policy and institutional reform; rehabilitation and expansion of city roads and services (e.g. solid waste); rehabilitation and expansion of water and sewerage services; residential housing sites including on-site infrastructure; and project implementation assistance' (*ibid*.: 14).

Although the above components are all-embracive in nature, their long term goal was towards formalising informal settlements in Mbabane (Msunduza and Nkwalini) and Manzini (Moneni), which are areas within urban jurisdiction. Previously, these areas operated as SNL within urban boundaries. As a result, their operations were bound by Swazi customary law thus exempt from relevant legislative framework such as the Town Planning Act of 1961, Building and Housing Act of 1968, Local Government Act of 1969, Human Settlements Act of 1988 and the Rating Act of 1995. Therefore, they lacked planning characteristics, exhibited traditional construction methods such as stick and mud houses deemed as substandard housing by modern government, and some houses being constructed in mountainous areas, particularly in Mbabane. However, notable deliverables

from the UDP included the issuance of Allocations Criteria and Procedures in 1994, finalisation of a Resettlement Policy and Guidelines in 1996 and formulation of a 99-year leasehold agreement (World Bank, 2002).

Other relevant positive achievements to the study include the revision of the Rating Act; revision of the Physical Planning Act; and the carrying out of an Urban and Peri-Urban Land Management Study (MHUD, 2007). In contrast, its weakness was that it was strongly urban-biased as only Mhobodleni was identified for implementation under the project. Initially, project implementation was earmarked for the Mhobodleni Greenfield site to the total neglect of the existing informal settlements at kaKhoza, greater Mhobodleni and New Village. However, the project later incorporated the above areas. Another problem relates to the implementation of the project notwithstanding the report from the Land and Housing Market Study demonstrating that a majority of the beneficiaries did not have the ability to afford proposed serviced plots (MHUD, 2001).

5. National Housing Board Act, 1988

The National Housing Board Act of 1988 'apply to such human settlements, housing schemes and private housing schemes in such areas as the Minister may, by notice in the Gazette, declare to be subject to the provisions of this Act but shall not, without the written approval of the King either generally or in any particular case, apply to any land vested in the *Ngwenyama* in trust for the Swazi Nation or to a Swazi Area as defined in the Safeguarding of Swazi Areas Act, 1910 and the definition of Swazi Areas Act, 1917' (MHUD, 1988: S6). The piece of legislation establishes the National Housing Board, whose responsibility is 'to provide affordable housing generally in Swaziland and take over such housing schemes as the Government may determine' (*ibid*.: S7). The Board, classified as a Category A parastatal is expected to break even in its operations. However, its operations to date have been confined within urban areas. In addition, its provision of affordable housing has precluded the low-income sector of the population as its preoccupation now revolves around the middle to high income groups, both for rental and owner-occupied housing.

Hence, the low-income sector is left with no alternative, but to look elsewhere such as informal rental housing, which is deemed affordable. Furthermore, the Board is charged with the responsibility of providing housing finance loans to Swazis wishing to develop

properties. To date, however, this responsibility has not been me. Consequently, the low-income sector finds it difficult to access housing finance, as the micro-lending sector is not fully developed as is the case in RSA. The relevance of the Act to the present study relates to the mandate of the Board and the realisation that peri-urban Matsapha is characterised by low-income sector where affordable housing is in demand.

6. Human Settlements Authority Act, 1988 as Amended in 1992

The piece of legislation governs the process dealing with the establishment of human settlements throughout the country. Hence, defines a human settlement as 'the grouping of people, shelter, services and working places both in urban and rural areas comprising of land, infrastructure, shelter, social and economic facilities and it also means housing or private housing schemes and private townships' (MHUD, 1988: 1). Subsequent to the above definition and the realisation that the study area exhibit characteristics of a township, the Act is indeed relevant to the present study. Furthermore, its interpretation of a township as consisting either five or more subdivisions, or five or more residential units means that a typical traditional homestead having five or more dwelling units is subject to the provisions of the Act. However, given the dualistic nature of the land tenure system in the country, the Act does not apply on SNL.

Section 3 of the HSA Act, like the National Housing Act stipulates that it:

> shall apply to such human settlements, housing schemes and private housing schemes in such areas as the Minister may, by notice in the Gazette, declare to be subject to the provisions of this Act but shall not, without the written approval of the King either generally or in any particular case, apply to any land vested in the *Ngwenyama* in trust for the Swazi Nation or to a Swazi Area as defined in the Safeguarding of Swazi Areas Act, 1910 and the Definition of Swazi Areas Act, 1917 (*ibid*.: 2).

Technically, the above application of the Act means that the study area can only be subject to its provisions upon approval by *iNgwenyama*. In practice, this is possible as the case of Mhobodleni in the Manzini region has demonstrated where *iNgwenyama* issued a Head lease to MHUD empowering her to sublet to third parties. Actually, the HSA Act automatically applies to all pieces of land on TDL. Regrettably, the HSA is unable to enforce this piece of legislation in the study area despite the existence of rental housing units perceived as townships. The HSA is mandated among others, 'to ensure the orderly

development of existing and future urban and rural settlements; prepare appropriate standards for the provision of land, shelter and infrastructure by both private and public developers' (*ibid*.: 2). The same Act however, forbids the Authority from enforcing its provisions in the study area by virtue of being SNL as approval needs to be sought from *iNgwenyama* thus exacerbating disorderly development as more informal rental housing is being constructed.

This is despite the provisions of Section 10 (1) and (2) where the former stipulates that 'no person shall, after coming into operation of this Act, establish a human settlement, housing scheme or private housing scheme without the written permission of the Authority' (*ibid*.: 3). The latter stipulates that 'a person desiring to establish a human settlement, housing scheme or private housing scheme shall submit an application in writing to the Authority which shall publish the application twice in a newspaper circulating in Swaziland' (*ibid*.: 3). To date, the above provisions are not met by the providers of informal rental housing nor is the HSA in a position to enforce them. Technically, they are within their traditional land tenure rights notwithstanding the legislative framework in place. In this instance, informal rental housing landlords are not being defiant but acting within their traditional mandate and rights in compliance with Swazi customary law.

7. Residential Tenancies Bill of 1997

The Bill seeks to harmonise relations between landlords and tenants. However, this is against the backdrop of non-availability of a rental housing policy or legislation as per expectations of this study. Whilst Section 5 clearly stipulates that the Bill is binding to the Government of Swaziland and also apply to Government housing, it fails to clearly stipulate whether rental informal housing is also bound by the same provisions. Equally, Section 3's stipulation that the Bill applies to a landlord and tenant under a tenancy agreement presupposes that it was crafted to cater for only formal rental housing within urban areas, as land parcels on farms, hotels, educational institutions, health institutions and others are exempt by Section 3 (5). In the spirit of decentralisation, it proposes for the establishment of a Regional Tenancy Registry in each Region, consisting of a Registrar and an Inspector and other relevant officers. The Regional Tenancy Registry's responsibility is to receive, hear, mediate and advise on any dispute submitted by either a landlord or tenant relating to the

provisions of the Bill. At the national level, the Bill proposes the establishment of a Residential Tenancies Tribunal responsible to receive and determine disputes of either landlords or tenants that are not satisfied with advice or resolution meted by the Regional Registrar.

In essence, the Tribunal acts as an appeals body. Section 24 gives the Tribunal leeway to refer a question of law arising from its determination of disputes to the High Court for opinion before a decision can be made. The Bill also stipulates the rights and obligations of landlords and tenants in respect of a tenancy agreement. Furthermore, it articulates what constitutes the termination of lease agreements between the two parties. Its relevance to the study relates to the fact that landlords and tenants have a contract (lease agreement), which can be written or oral. Naturally, individual relations are conflict-ridden hence the Bill seeks to resolve them in an amicable manner. The Bill's weakness is that presently it remains unimplemented due to fear on the part of landlords that it gives too much power/rights to tenants. However, from the present study's point of view, the Bill protects both the rights of landlords and tenants. But, its successful implementation is dependent on the promulgation of a rental Housing Act.

8. Draft National Land Policy, 1997

It owes its existence as a direct response to an instruction from His Majesty the King to government to formulate a land tenure policy (MNRE, 1997). More importantly, it was a response to pressures on the land such as the AIDS pandemic threat whose consequences demanded the protection of property rights for bereaved families; the high rate of population which was not in line with economic growth; the dwindling supplies of arable land; the fast growth rate of Mbabane, Manzini and the peri-urban areas around Manzini which far outstripped the total country's population (*ibid*.). Specifically, the land policy's objectives are:

> To improve access to land and secure tenure; to encourage the rational and sustainable use of land; to improve productivity, income and living conditions and alleviate poverty; to reduce land-related conflicts; to develop an efficient and effective system of land administration; and to encourage land ownership by Swazi citizens (*ibid*.: 3).

Of paramount importance to this study is the last objective relating to the encouragement of land ownership by Swazis. Its relevance to the study stems from the intricate connection between land and housing, translating into housing ownership. Whilst nothing is wrong with either land or housing ownership, the study has demonstrated that rental housing should not be overlooked as it plays a pivotal role especially in the low-income sector of society. Furthermore, it has demonstrated that not all people are in a position to own property hence the importance of rental housing to bridge the gap. The draft policy also advocates for gender equity, as it argues in 1.4.6 that: 'obstructions to the human development of any individual should not be imposed on the basis of gender or marital status. Land-related legal impediments to gender equity are to be removed. The growth towards gender equity in customary tenure is to be encouraged' (*ibid*.: 4, 5). A closer look at the draft policy suggests that a majority of the provisions in the country's Constitution were imported from it though with some modifications.

A case in point is that of access where only gender was included in the Constitution to the total neglect of the marital status (refer to 4.4.3). In addition, the policy forbids the selling of SNL 'by those with no authority to deal in land for monetary reward, often flouting the authority of the competent authority and the *Ngwenyama* in Trust' (*ibid*.: 9). Rental housing is dishonoured by the draft national land policy. Similarly, the policy outlaws the practice of people entering SNL through heads of households instead of dealing directly with the competent authority. Hence, states that:

> Although catering for a demand for rental accommodation is often not available through any other means, the competent authority's land-related rights as the representative of the *Ngwenyama* are to be respected at all times and under all circumstances. Consequently, all tenancies permitted by a householder are to be reported to the competent authority (*ibid*.: 9).

The policy's call for 'a properly functioning property market to service the poorest sections of the population' and its argument that 'many of those who cannot be serviced by ownership of property rights can still gain access to same by rental' (*ibid*.: 16) is critical to the present study. As its institutional framework, the draft policy recommends for the Establishment of a Land Management Authority (LMA), composed of representatives of all land key stakeholders from the private sector, chiefs, parastatals, communities and government. The LMA's establishment should be through an Act of Parliament, answerable

to His Majesty through Cabinet. Its overall responsibility is to 'coordinate land administration in the country' (*ibid*.: 28). Complementing the LMA would be other competent national bodies such as the Human Settlements Authority (HSA), Central Rural Development Board (CRDB) and Community Development Councils (CDCs) at the local level.

The competent bodies, it was envisaged would continue performing their responsibilities under the ambit of the LMA. For instance, the expectation was that the HSA would retain its powers of dealing with human settlement matters and the CRDB would retain its resettlement responsibilities. The rationale was for these specialised bodies to proffer technical expertise to the LMA. Similarly, all existing authorities such as chief's councils, farm owners *vis* a *vis* farm dwellers, and urban councils were to be retained. CDCs were envisaged as the vehicles within which policy would be applied (MNRE, 1997). Given the sensitive nature of land, in particular SNL in the country, the draft national land policy has since 1997 to date suffered from lack of Cabinet approval. Presently, MNRE, through a technical committee consisting of Principal Secretaries and Heads of Departments (HODs), is working on harmonising the draft policy with the new Constitution.

Consequently, the technical committee has produced a draft National Land Policy of 2009, whose proposed introduction of the 99-year leasehold on SNL has resulted in an uproar in the country. As expected, most vocal on the matter are chiefs who argue that such an initiative is foreign to the nation. They also argue that it is impossible for them to be stripped off their land allocation powers in the country entrusted by *iNgwenyama.* In accordance with the country's Constitution, the 2009 draft policy proposes that the Land Management Board (LMB) will play a pivotal role on land allocations throughout the country. Instead of chiefs, the LMB will work with Regional and sub-Regional Councils in discharging its responsibilities. Interestingly, Section 233 (9) of the country's Constitution is silent on chiefs' land allocation responsibilities. Instead, it stipulates their just and non-discriminatory custom, tradition and practice enforcement (Magagula, 2011). Certainly, the proposed 99 year leasehold in the 2009 draft NLP has stimulated an interesting, though one-side debate in the country. Shongwe (2011), for instance, states that:

> On the issue of SNL, this is the only thing a Swazi would claim to own from his ancestors, even though there is no documentation to that effect. The proposed 99-

year lease is a way of taking the land and later redistributing it to Crown and Title Deed land, which the rich can buy at will.

Furthermore, the draft policy proposes that Swazi adults should own one residential piece of land on SNL, which is a departure from the present practice where they benefit from a number of chiefdoms (Nkambule, 2011). The publication of controversial provisions from the draft policy resulted in the Minister of Natural Resources and Energy disassociating her Ministry from the print media reports. Although admitting that the draft NLP, she emphasised that it was 'being developed pending finalisation of the consultative process with all stakeholders' (*ibid*.). Of note from the 2009 draft NLP is its introduction of postmodern approaches, discussed in detail in 4.4 below. Perhaps, demonstrating overlaps between modernism and postmodernism.

9. Housing Policy of 2001

The country's Housing Policy is one document that gives direction on how government should go about in her human settlements endeavours. Its vision is that 'all Swazi households should have access to affordable shelter and services' (MHUD, 2001: 2). The policy objectives relevant to this study are to 'improve access to land with secure tenure for those households seeking to build housing; identify and safeguard the rights of both landlords and tenants in the rental market' (*ibid*.: 3). Hence, it is government policy that 'Government should assist low-income households to gain access to one plot with secure tenure in only one urban, peri-urban or rural areas' (*ibid*.: 5). Thus, it is clear that emphasis is placed on security of tenure throughout the country's land tenure. Admittedly, the policy calls for the transformation of the country's land tenure though characterised by a number of stakeholders. Hence, the need to be harmonised with the country's draft NLP in order for it to be effective. The housing policy notes that peri-urban development is a result of constraints on the availability of urban informal land.

In the same vein, peri-urban growth adopts a haphazard manner that compromises service delivery and leads to environmental hazards. The policy deems the Manzini and Mbabane corridor as exhibiting rapid growth features in terms of new household formations. Consequently, it asserts that it is along this corridor that government should be focussing on regards the provision of new housing and services. The observation translates to proactive

planning, a virtue that is unfortunately lacking on the part of the Swaziland government. The policy's key issues and focus area in relation to the present study are 'incorporating peri-urban areas within Mbabane and Manzini; ensure that all households acquire access to the services required to ensure health and safety – water, sanitation and waste removal – and that a basic level of water consumption be provided for free to low-income households' (*ibid*.: 2). However, it fails to address the rental housing aspect, which should be a cornerstone of the country's policy framework.

10. Swaziland National Physical Planning Bill, 2001

A brief historical background of the Bill relates to the number of planning pieces of legislation at the disposal of MHUD, namely the Town Planning Act and the Human Settlements Authority Act. Its rationale therefore, is to streamline them into a single planning framework as opposed to the present overlaps. Furthermore, it was promulgated to harmonise the operations of key stakeholders involved on land and planning matters, in particular respective Ministries/Departments. These included the Ministries of Housing and Urban Development; Agriculture and Co-operatives; Commerce, Industry and Trade; Natural Resources and Energy and Tinkhundla Development and Administration. The Bill was a response to the overlaps and uncoordinated operations arising from the existence of a number of players on land-related matters. The Bill's overall intention was to bring all the players involved in planning and land matters into a single structure, known as the National Physical Planning Authority (NPPA), mandated 'to advise the Minister on all aspects of development control' (MHUD, 2001: 12).

The Bill advocates for the preparation of three tiers of physical development plans: a National Physical Development Plan; Regional Physical Development Plans; and Local Physical Development Plans. Its relevance to the present study is on the preparation of local physical development plans thereby fostering 'a coordinated, harmonious and sustainable development of the area' (*ibid*.: 14). Unfortunately, the Bill suffers from lack of implementation to finality owing to its withdrawal from the Attorney General's office due to staff shortfall on legislative drafting. As a result, uncoordinated planning by the various stakeholders is still taking place.

11. Environment Management Act, 2002

The piece of legislation seeks 'to provide and promote the enhancement, protection and conservation of the environment, sustainable management of natural resources and matters incidental thereto' (Ministry of Tourism and Environmental Affairs, 2002: 1). It defines environment as 'nature, including air, land, water, soils, minerals, energy other than noise, and living organisms other than humans; the interactions between the components of nature and between those components and humans; and physical, aesthetic and cultural qualities or conditions that affect the health and well-being of people' (*ibid*.: 4). Its relevance to the present study relates to the haphazard litter found in parts of the study area as demonstrated through Figure 2.4. Litter is defined as 'any waste that is discarded in any public place or vacant land, other than in a designated waste receptacle' (*ibid*.: 4). However, given the haphazard construction of informal rental housing, the environmental factors relating to sustainability are overlooked.

As result, future generations are denied the enjoyment of the benefits derived from the environment as the ecosystem will end up not being able to support their well-being. Its weakness, however, is that although the Act applies throughout the country, its enforcement on SNL remains a challenge as housing construction, waste disposal and others are not enforceable owing to the traditional dualism practiced in the country. Hence, the provisions of the Act are enforceable only on TDL particularly urban areas thus leaving out SNL areas to do as they please. Therefore, the Swaziland Environment Authority (SEA) can only rebuke activities that expose the environment on SNL communities without challenging such action through a court of law. Equally, public awareness activities conducted by SEA have not borne desirable outcomes, as some communities on SNL areas such the study area fail to protect the environment. Be that as it may, SEA's attempts to protect the environment on SNL are to a large extent insignificant compared to their significance on TDL throughout the country. The above modern approaches do not operate in isolation, but have given rise to postmodern approaches, analysed in detail below.

Annexure 5: Legislative and Policy Framework Relating to National Postmodern Approach

1. Draft Peri-urban Growth Policy of 1997

The draft Peri-Urban Growth Policy (PUGP) was government's reaction aimed at managing the country's urbanisation process. Hence, it sought 'institutionalising a participatory, evolutionary approach towards urban status and individuation of tenure' (MHUD, 1997: 1). It recommended for the establishment of a two tier: a Peri-Urban Authority (PUA) at the government (modern) level and Community Development Associations (CDAs) at the community level (traditional government). The PUA is a national body with an oversight over all SNL, Crown Land, Concessions and Freehold land on peri-urban areas throughout the country. Its staffing is to include physical planners, legal experts, management consultants and community facilitators/developers, whose main role is to provide an oversight on matters relating to integrated management and to proffer technical expertise to the formation and maintenance of CDAs. The CDAs are entrusted with the responsibility of managing growth of settlements within their respective areas and also to participate in the development process from communal to individual tenure.

The policy proposes that Crown Land under Temporary Occupation Certificates and SNL within peri-urban areas that is held in trust by *iNgwenyama* should be transferred to the CDAs. In addition, the respective residents should be trustees of the CDAs. Finally, it proposes that the election wards in chiefdoms should be transformed into CDAs. The institutional framework is premised on the realisation that urbanisation challenges should be managed at the local level by the CDAs in liaison with the PUA at the national level. In this way, the CDAs will be an extension of the local administration in accordance with the Urban Government Act (1969) whereas the PUA would prepare master plans and proffer technical expertise to CDAs. Through the draft PUGP, Swaziland Government's intention was to manage the growth of peri-urban areas. From government's viewpoint, peri-urban areas posed serious challenges: 'the issue of peri-urban growth has spatial, engineering (service infrastructure), environmental, economic and social dimensions' (MHUD, 1997: 2).

However, government failed to address the fundamental question of 'what caused peri-urban growth in the first place?' Instead, her preoccupation was on the problems associated with peri-urban growth. Consequently, government's viewpoint on the matter was biased as

it was aimed at solving a problem without understanding its fundamental causes. The population's housing needs, rural-urban migration and other factors, for instance, were not taken into consideration. This despite the study demonstrating above that core economic areas seduced people to migrate from rural areas. Specifically, government's action smacked of double standards in the sense that on the one hand, she injected massive capital into industrial and commercial developments particularly in urban areas thus providing employment opportunities to the population whereas on the other, she failed to proactively plan on where the labour in-migrants would reside. Furthermore, government identifies the following problems:

> Peri-urban areas are experiencing a breakdown in traditional forms of administration as land in some cases is no longer granted by traditional authorities, as in rural SNL, but is either settled or informally commercialised as payments are made for rights to land. Further commercialisation is taking place with the development of a rental market. If fiscal and planning regulations are applied in one place and not another, societal disruptions and market inequalities are inevitable (MHUD, 1997: 2).

Once more, government failed to comprehend the main causes of the above situation. Had government acted rationally through first conducting a study, she would be in a better position to understand the reasons behind the growth of peri-urban areas and the commercialisation of land through sale and/or provision of informal rental housing. Eventually, government through the Housing Policy of 2001 embraced informality and rental as a necessary phenomenon, through emphasising that 'informal housing and rental are viewed as part of a solution rather than part of the problem' (MHUD, 2001:3). The two viewpoints, however, need to be situated in time. Whilst the PUGP resembles the 20th century perspective, the Housing Policy represents the 21st century approach of informality and rental housing. Consequently, the study aligns itself with the 21st century notion that informality is a necessary phenomenon that needs to be integrated into the housing tenure discourse in relation to other factors such as planning, sanitation, health, environmental, engineering, etc.

Sihlongonyane (2003), writing from a planning viewpoint, critique the PUGP's top-down approach and notes that a number of land tenure key stakeholders were not involved in the drafting process. He also argues that the public has not been adequately educated on urban planning matters which 'defeats the democratic principle of the planning process and

popular participation in urban planning and its implementation' (*ibid*.: 39). He also points out that the PUGP is likely to meet resistance from the traditional authorities as their status is hereditary in nature. Indeed, his arguments prove credible as to date, the PUGP remains a draft. Rose (1992) emphasises that traditional authorities' resistance on land tenure matters is historical in the country. She argues that Swazi rulers rejected customary land tenure reforms 'out of fear that such reforms represented the first step towards abolition of customary land tenure and thus loss of their power-base' (*ibid*.: 4).

Similarly, with the PUGP, the traditional authorities' main preoccupation was to protect their power-base, from which they earn a living and esteem from their subjects. Sihlongonyane (2003) highlights another weakness of the PUGP as its lack of a complementary piece of legislation particularly the Urban Government Act of 1969, owing to its oversight on local governance matters in the country. As such, he argues, that the policy is subject to abuse of power by the traditional leadership. Finally, he states that the policy is inward looking as it fails to take into consideration developments beyond peri-urban areas. His argument is based on the constitution of CDAs by individuals from the affected areas instead of blending it with people from the country's four regions. However, his argument is at odds with the principles of community (popular) participation, a vehicle mainly used to facilitate community development throughout the country. Overall, the policy fails to stipulate the role to be played by traditional authorities in managing peri-urban areas, by virtue of being an extension of *iNgwenyama's* administration. This poses serious challenges given the powers accorded the traditional form of government over the modern government in Swaziland. Perhaps, this explains its non-acceptance as it deals with the sensitive matter of eroding powers of traditional authorities.

2. The Study on the Extension of the 99-Year Leasehold Concept to Areas on Swazi Nation Land of 2001

The concept of extending the 99-year leasehold to areas on SNL was conceived as part of the successful implementation of the Urban Development Project (UDP), where the 99-year leasehold was introduced to informal settlements within Mbabane and Manzini cities. These informal settlements comprised of Msunduza, Mahwalala, Nkwalini and Moneni. In addition, Mhobodleni an area on SNL falling directly under *iNgwenyama* also forms part of

the UDP areas. Its rationale 'is to enable beneficiaries residing on SNL to have leasehold title to their plots' (MHUD, 2001: 1). Its main purpose is 'to retain ownership of the land as SNL, whilst at the same time giving Swazi citizens secure land tenure and as such promote home-ownership and generation of income towards residential developments' (*ibid*.: 1). Hence, two-faced in nature. Its long-term vision is to:

> Convert existing customary tenure to leasehold tenure, ensuring a secure tenure for those residing and doing business in rural Swaziland, which would lead to a more diverse economic base and subsequently encourage personal and business investment and asset growth and ultimately stimulate wealth accumulation among Swazi rural people (*ibid*.: 1).

More specifically, the objectives of extending the concept to rural areas of Swaziland is

> 'to introduce a form of tenure, which is bankable and promote investment in economic activities such as agriculture, housing and commercial/industrial development; to facilitate the mobilisation of financial resources for human settlements development in the rural areas; and to promote sustainable land use planning and management' (*ibid*.: 1).

The study identified a number of pilot areas in the country's four regions where the concept could be implemented. This was in consultation with the affected communities and the traditional leadership. Although well-received in some chiefdoms or communities, a number of concerns arose. Chief among these related to the observation that the concept would foster landlessness as it was not flexible to the re-allocation of family members within a homestead without written consent of the leaseholder. Another reason related to the loss of land parcels by the community in the event an individual defaulted on payments where the land was used as collateral. Regarding the powers of the chiefs, it was observed that their powers would be compromised owing to the proposal that they should assume ex-officio membership on allocation processes. Like the draft PUGP, the extension of the 99-year leasehold concept to areas on SNL proposed for the integration of modern and traditional systems of government.

Contrary to the draft PUGP, the proposed administrative structures were to consist of Community Development Committees (CDCs) instead of Community Development Associations (CDAs). Furthermore, the study offered a number of institutional structures adapted from countries such as Botswana, Zambia, South Africa, Kenya and Mozambique. Its relevance to the present study relates to the fact that Kwaluseni peri-urban was identified as one of the possible pilot areas from the Manzini region. Its identification was

attributed to the need for it to 'be formalised in a way as it depicts the characteristics of a township' (*ibid*.: 34). However, like the draft PUGP, the 99-year leasehold concept to rural SNL remains a draft as it has not received Cabinet approval. The only difference though being that it was tabled before Cabinet and was deferred pending Cabinet workshop by MHUD on the study, as a new phenomenon. Regrettably, the deferment took place towards the end of term of the government of the time. As a result, its term of office expired whilst MHUD was working on the workshop logistics.

Overall, its approach of piloting the concept to a few areas in all four regions of the country, was a noble idea, although as SNL vests in *iNgwenyama*, it meant that traditional leadership first had to seek the necessary permission.

3. The Constitution of Swaziland of 2005

Its relevance relates to it being the country's supreme law upon which all other pieces of legislation should be tailor-made from. The constitution is the second for the country following the first one adopted in 1968 after the country's independence from British colonial rule. Technically, the country has been without a constitution for prolonged periods following the repeal of the 1968 Constitution and the dissolution of Parliament by King Sobhuza II in 1973 thereby assuming absolute powers (Armstrong, 1985). By so doing, 'the King was asserting his right to control the country' whilst simultaneously 'asserting his power to control the land' (*ibid*.: 5). The Bill of rights and other sections relating to land, citizenship and local government are of paramount importance to the study. Accordingly, Section 14 of the constitution relating to fundamental rights and freedoms of the individual is deemed relevant. Subsection (1) (c) stipulates the 'protection of the privacy of a home and other property rights of the individual' and subsection (1) (d) stipulates the 'protection from deprivation of property without compensation' (S19).

For a better appreciation, the above subsections need to be read together with Section 19 relating to protection from deprivation of property. Subsection (1) stipulates that 'a person has a right to own property either alone or in association with others' (*ibid*.: S23). In addition, subsection (2) stipulates that 'a person shall not be compulsorily deprived of property or any interest in land of any description except where the following conditions are satisfied-

(a) The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health;

(b) The compulsory taking of possession or acquisition of the property is made under a law which makes provision for-

    (i) Prompt payment of fair and adequate compensation; and

    (ii) A right of access to a court of law by any person who has an interest in or right over the property;

(c) The taking of possession or the acquisition is made under a court of law' (*ibid*.: S23).

Similarly, Section 19 should also be read with Section 211 (3) stipulating that 'a person shall not be deprived of land without due process of law and where a person is deprived, that person shall be entitled to prompt and adequate compensation for any improvement on that land or loss consequent upon that deprivation unless otherwise provided by law' (*ibid*.: S107). Notwithstanding their well and good intentions, to date, the above Sections suffer from the lack of a legislative and policy framework upon which they can be implemented. MEPD (2006: 54) states that the effectiveness of the above constitutional provisions are subject to the promulgation of the relevant laws 'and the dissemination of the information particularly the poor who are usually unaware of their rights or do not have the means to invoke the law in their favour'. Until then, it means members of the public remain under the threat of eviction without the necessary compensation. Furthermore, it remains to be seen how the term 'adequate' will be defined by the relevant legislation, as experience from RSA particularly relating to the provision of 'adequate housing' by the State, remains a serious impasse.

Whilst the above provisions are clear-cut and deemed postmodern in nature, Section 211 (1) re-invents history as it stipulates that:

> From the date of commencement of this Constitution, all land (including any existing concessions) in Swaziland, save privately held title-deed land, shall continue to vest in *iNgwenyama* in trust for the Swazi Nation as it vested on the 12th April, 1973 (*ibid*.: S107).

Although the above section is in line with the traditional theory discussed in 4.2 regarding all land (both SNL and Government) as vesting in *iNgwenyama* and King respectively, the main challenge relates to the notion that the country's land tenure system seems to be backtracking instead of being progressive or changing with the times. Presently, it is not

clear whether the Minister responsible for the allocation of government land is still exercising such a mandate within or outside the new Constitutional dispensation. As Armstrong (1985: 5) notes that in 'practice…there is a clear distinction between Crown (or Government) land and Swazi Nation Land' the above section should have been crafted in the same spirit of classifying them into two distinct land tenure systems. Such a classification confirms the challenges relating to the existence of dualism in land tenure administration in the country. Until proper interpretation is carried out by Attorney General or the High Court, the section remains ambiguous.

Conversely, whilst Section 211 (2) attempts to empower all Swazi citizens to have access to domestic land irrespective of gender, it is selective in nature in the sense that it does not include the most contentious issue. Its stipulation that 'save as may be required by the exigencies of any particular situation, a citizen of Swaziland, without regard to gender, shall have equal access to land for normal domestic purposes' (*ibid*.: S107) suggests that the status quo is upheld. Consequently, traditional authorities are given a leeway to determine whether land allocation meets the above description indiscriminately. The same subsection may also be used against unmarried women and men who are interested in acquiring SNL. Section 212, establishing the Land Management Board (LMB) is another land related provision that needs special attention in particular subsection (4) which stipulates that 'the Board is responsible for the overall management, and for the regulation of any right or interest in land whether urban or rural or vesting in *iNgwenyama* in trust for the Swazi nation' (*ibid*.: S107).

From the above provision, it is clear that the different stakeholders involved on land related matters such as traditional authorities, different Ministries allocating land and organisations such as Tibiyo and Tisuka do not enjoy the same rights they have always enjoyed before the constitution was assented to. Unfortunately, the responsibility accorded the LMB of overall management of land throughout the country is not an easy task to accomplish. The notion that all land parcels need to be allocated via the LMB means the Board will be outstretched in its operations and the allocation process centralised hence a direct contrast of government's decentralisation policy of bringing services closer to the people. Accordingly, the LMB will be subjected to a lot of red-tape which will result into a public outcry.

Another relevant Section is that dealing with the environment. Section 215 (1) stipulates that 'every person shall promote the protection of the environment for the present and future generations' (*ibid*.: S108). Section 215 (2) stipulates that 'urbanisation or industrialisation shall be undertaken with due respect for the environment' (*ibid*.: S108). Whilst subsection (1) is general and also includes the study area, subsection (2), however, is directed to formal developments. Fortunately, a piece of legislation the Environment Management Act was promulgated in 2002. Its main challenge though is its enforcement particularly on SNL areas such as the study area. Otherwise, the implementing organisation is better positioned to implement the piece of legislation within urban areas and TDL. A final relevant section from the country's constitution relates to local government. Section 218 (1) stipulates that:

> Parliament shall within five years of the commencement of this Constitution provide for the establishment of a single country-wide system of government which is based on the *tinkhundla* system of government, hierarchically organised according to the volume or complexity of service rendered and integrated so as to avoid the urban/rural dichotomy (*ibid*.: S109).

Subsection (2) stipulates that 'the primary objective of the *tinkhundla* – based system of government is to bring government closer to the people at sub-national or local community level progressively take control of their own affairs and govern themselves' (*ibid*.: S109). Finally, subsection (3) stipulates that 'local government shall be organised and administered, as far as practicable, through democratically established regional and sub-regional councils or committees' (*ibid*.: S109). The provisions of this section are in order in the sense that the existence of the rural/urban divide throughout the country is accorded the seriousness it deserves. Its relevance to the present study relates to the fact that if the same level of development can be attained throughout the country in terms of economic opportunities, infrastructural services provision and others, peri-urban areas would be a thing of the past. However, that is not to suggest that peri-urban areas are a problem as they serve a crucial role in society, not only in Swaziland but in other countries as well.

A major weakness of the constitutional provisions, however, is the lack of their implementation by the respective Ministries. More importantly, there is no section dealing directly with housing tenure as is the case with those dealing with land tenure. Therefore, demonstrating that the government does not understand the importance of housing

notwithstanding experiences in other developing countries, particularly neighbouring RSA where housing provision remains one of the country's priorities. Actually, the constitution can be used as a springboard to redress the housing tenure shortcomings as part of the protection of property rights section.