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Land Governance in eSwatini

Absalom M. Manyatsi¹, Saico S. Singwane²

¹University of Eswatini, manyatsi@uniswa.sz; ²University of Eswatini, saicos@uniswa.sz

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Abstract

The Kingdom of Eswatini covers an area of 17,259 km² with a population of 1.2 million people. It borders the Republic of South Africa and Mozambique. It is divided into 4 administrative regions and 59 constituencies (*Tinkhundla*). The two land tenure forms are Title Deed Land (TDL) and Swazi Nation Land (SNL). SNL accounts for 75% of the total land and Title TDL accounts for 25% of the total land. Chiefs are traditional land administrators and there are 385 chiefdoms. The institutions that deal with land governance are chiefdoms, *Tinkhundla* administration, urban local administration central government and regulatory structures (*Liqoqo* and Land Management Board). The traditional structure is responsible for land allocation, overseeing developments, disputes resolution, overseeing resettlements, subdivisions and land uses on SNL. *Tinkhundla* administration is responsible for overseeing regional developments and regional land uses. The central government through its different departments are responsible for cadastral mapping, land disputes resolution, registration, subdivision and transfer of land in TDL. Urban local authorities are responsible for the control, management and administration of the town in which they have jurisdiction. The regulatory bodies are responsible for land dispute resolutions, resettlements and subdivisions on SNL. The Land Bill that was tabled in parliament to operationalize the Land Management Board has not been enacted into law, and this is hindering the effectiveness of the Land Management Board. The country lacks appropriate cadastral data and information on land boundaries on SNL. Land ownership and rights are lacking and thus there is prevalence of forced evictions in both SNL and TDL. There are disputes between chiefs and a weak land dispute resolution mechanism. It is recommended that the Land Bill should be approved in order to operationalize the Land Management Board. The Farm Dwellers Control Act should be reviewed in order to take into consideration the rights of farm dwellers. A land dispute resolution tribunal should be established for SNL, to speed the mechanism of dispute resolution on SNL.

Key Words: Chiefdoms, communal land, dispute, evictions, land administration