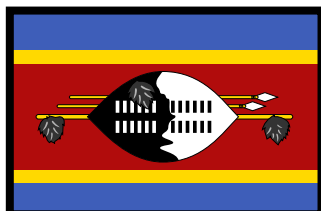




# KINGDOM OF ESWATINI

**COMMONWEALTH PARLIAMENTARY ASSOCIATION  
BENCHMARKS FOR DEMOCRATIC LEGISLATURES**

**FINAL REPORT**



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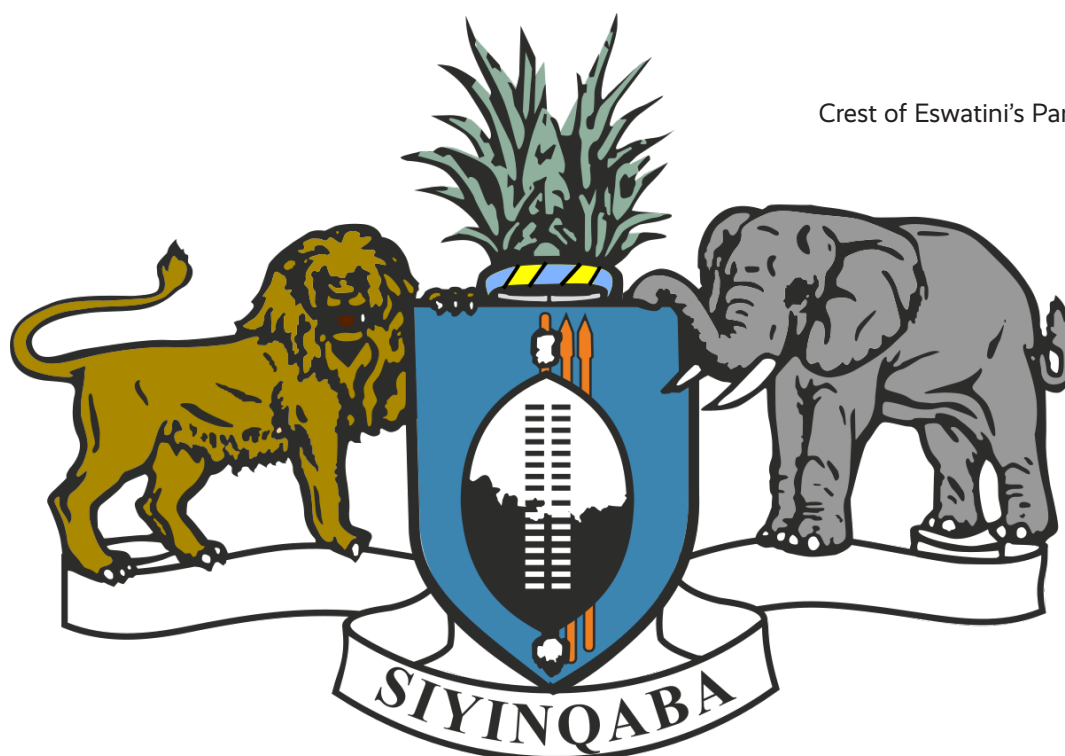
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## SUMMARY

*“The Parliament of the Kingdom of Eswatini, as provided for in the Preamble of the National Constitution, desires to be a model Legislature for executing its Constitutional mandate and meeting all of its representative, oversight and legislative mandates. Good governance is the central ingredient to spearheading our drive towards these future goals and providing a better livelihood for all citizens of Eswatini.”*



Crest of Eswatini's Parliament

As highlighted by the Presiding Officers of Parliament (Senate President and Speaker of the House of Assembly) the Kingdom of Eswatini's Legislature is committed to 'executing its Constitutional mandate and meeting all of its representative, oversight and legislative responsibilities'. The Presiding Officers of both Houses believe that good governance is the 'central ingredient' to achieving this future goal and ultimately 'providing a better livelihood for all citizens of Eswatini'. These are noble objectives and closely align with a fundamental belief of the Commonwealth that strong, independent, and effective Legislatures are one of the key political institutions of any functioning, flourishing, and successful democracy. To this end, Eswatini's Parliament should be praised for how it conducts several of its affairs and Swazi citizens can be optimistic that their Legislature's clear commitment to these underlying values of good governance will continue to guide its work in the months and years to come as both Houses take important steps towards becoming an increasingly effective modern-day Parliament.

The CPA's **Recommended Benchmarks for Democratic Legislatures** are underpinned by the 2012 Commonwealth Charter's ambition to create free, fair, and democratic societies in every nation of the Commonwealth. The Parliament of Eswatini is undoubtedly committed to these important principles and, positively, meets a number of CPA standards across many different workstreams. Political leadership in both Houses should be commended for achieving these standards and warm praise given to the wide-ranging efforts of staff, who ably support many of the Legislature's core parliamentary services with a blend of skill, diligence, and pride.

In recent years, Eswatini's Parliament has shown democratic progress which should rightly be praised. The Legislature's efforts to continually improve its ways of working for the benefit of all Swazi citizens are admirable and demonstrably effective in a number of areas. To this end, many examples of current positive parliamentary practice highlighted throughout this Report should be both a notable source of achievement and cause for celebration.

For example, recent national elections in Eswatini have been internationally recognized as both free and fair, there is a direct link between Eswatini's elected representatives and the local communities they serve, and many stakeholders throughout Eswatini's political ecosystem appear committed to improving what are already sound democratic structures in various different areas. The Parliament itself currently shows positive performance in a range of areas including: how the country's Constitution is adhered to; its Standing Orders are applied, Plenary business is facilitated, some core parliamentary services are provided to Members; and proactive steps towards further learning and development are taken. Furthermore, both Presiding Officers as well as the committed Parliamentary Service staff who support the work of Parliament, all share a strong conviction to ensuring that Eswatini's Legislature continues to evolve with several of these positive achievements highlighted throughout this Report.

That said, there are a number of areas in which Eswatini's Parliament does not currently meet the CPA's **Recommended Benchmarks**. In order to continue making positive democratic progress, a strong commitment at both the political and official level will be required to ensure that Parliament reaches these important targets in the future.

These cover a range of the Legislature's core legislative, oversight, and representative functions, such as:

- increasing the regularity of parliamentary sittings and ensuring Parliament's official calendar of meetings is published online;
- strengthening the Elections and Boundaries Commission with oversight powers of robust campaign finance law;
- further capacitating Members and staff of the Legislature by providing them with additional staff and resources in several key areas;
- extending parliamentary privilege provisions to ensure witnesses, whistleblowers, and citizens enjoy due protections;
- creating an independent Remuneration Authority alongside clear means for Members to disclose pecuniary interests and how parliamentary funds are spent;
- drafting a Code of Conduct for all Members of Parliament;
- better balancing its legislative agenda to ensure that issues raised by non- Government Members and Private Members' Bills are given due consideration in the House;
- modifying the set-up of parliamentary Committees so that these important vehicles of legislative scrutiny are more fit for purpose;
- introducing important means of pre-legislative and post-legislative scrutiny;
- uplifting, where possible, infrastructure and Information Communication Technology (ICT) provisions on the parliamentary precinct;
- expanding current professional development opportunities for Members and staff;
- broadening avenues for public engagement with relevant Civil Society stakeholders and Media personnel;
- initiating more effective provisions for the procedure for the submitting of public petitions;
- developing a range of internal Human Resources (HR) policies for Parliamentary Service staff; and,
- crucially, amending the existing Parliamentary Service Act to give the Legislature's current Parliamentary Service Board more operational autonomy and financial independence from the Executive Branch of Eswatini's Government with the ambition of achieving longer-term progress against several of these important targets.

Consequently, the burden of responsibility for improvement in a number of these areas does not rest entirely with Parliament. The Executive Branch of Eswatini's Government should also take this opportunity to, among others: not classify the Legislature as a Department of Government and support any future efforts to strengthen its Parliamentary Service Board; in the meantime, provide the Parliament with greater fiscal independence and operational autonomy to run its own affairs; begin the process of updating various pieces of national legislation that pre-date Eswatini's independence (1968) and aligning them with the country's Constitution (2005); allow increased opportunity for non-Government business or Private Members' Bills to be considered on the Floor of the House; initiate provisions for the Leader of Government business in Parliament to periodically appear before the House by way of Prime Minister's Questions; consider reforms around potentially transferring oversight responsibilities from Eswatini's Ministry of Public Service and Civil Service Commission to a more autonomous Elections and Boundaries Commission and independent Remuneration Authority; and balance the need for legislative expediency against the democratic mandate of Parliament to pass laws by reducing its usage of the Certificate of Urgency procedure.

Overall, Eswatini's Parliament should be praised for building a Legislature that meets many of the CPA's Recommended Benchmarks and, positively, appears to be improving its performance on a continuous basis. While a number of areas for reform are identified in this Report, we hope that its Recommendations will act as a valuable resource to the Legislature moving forward. Utilizing its content as an impartial guide will hopefully help build a stronger Parliament, develop better Government, and ultimately deliver more for the people of Eswatini in the months and years ahead.

## Background

**The Commonwealth Parliamentary Association (CPA)**<sup>1</sup> is an international community of 180 Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. Founded in 1911, the CPA brings together Members of Parliament and parliamentary staff to identify benchmarks of good governance and implement the enduring values of the Commonwealth. It offers vast opportunity for both Parliamentarians and officials to collaborate on issues of mutual interest and to share best practice across many fields.

1 [www.cpahq.org](https://www.cpahq.org). The Commonwealth Parliamentary Association. [online]. Available at: <https://www.cpahq.org/>.

In 2018, the CPA undertook a consultation and review process that resulted in the adoption of updated **Recommended Benchmarks for Democratic Legislatures**.<sup>2</sup> The Benchmarks provide a minimum standard and guide on how a Parliament should be constituted and how it should function. They play an important role in developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA and contribute to effective implementation of the UN's Sustainable Development Goals.<sup>3</sup>

In September 2024, the **Parliament of the Kingdom of Eswatini** became the 34th Commonwealth Legislature to use this framework to conduct a Self-Assessment against the Benchmarks. The Self-Assessment exercise was approved by the President of the Senate, **Sen. Lindiwe Dlamini**, Speaker of the House of Assembly, **Hon. Jabulani Mabuza**, and organized by Parliamentary Service staff. CPA International Secretariat Headquarters appointed **Fraser McIntosh** (Good Governance Project Manager, CPA HQ), **Achmat Patience** (International Relations and Protocol Officer, Western Cape Provincial Parliament), and **Margo Goldstone** (Director of Strategy and Institutional Oversight, Western Cape Provincial Parliament) to undertake this Self-Assessment from 23-27 September, 2024. The Self-Assessment took place as part of the CPA's Good Governance Project – an initiative part-funded by the UK's **Foreign, Commonwealth and Development Office**.

During their time in Eswatini, Fraser, Achmat, and Margo met the President Sen. Dlamini and Speaker Hon. Mabuza, as well as Eswatini's Deputy Prime Minister, **Hon. Thusile Dladla**, and other Members from both Houses of Parliament. They also held discussions with **Mr. Benedict Xaba** (Clerk to Parliament) and various parliamentary staff alongside additional meetings with a wide range of external stakeholders including Eswatini's Minister for Finance, Elections and Boundaries Commission, the Learned Attorney General, Civil Service Commission, and Ministry of Public Service, as well as representatives of Eswatini Civil Society and local Media Houses.

These meetings took place in conjunction with a review of certain key documents including: the Constitution of Eswatini<sup>4</sup> and the Parliament of Eswatini's Standing Orders<sup>5</sup>, as well as other related parliamentary materials. The Report below is a summary of the main findings of the Self-Assessment.

## Acknowledgements

The Parliament of Eswatini proactively chose to assess itself against the CPA Benchmarks. As such, Senate President Dlamini, Honourable Speaker Mabuza, Mr. Benedict Xaba, and other parliamentary staff should be praised for both their willingness and enthusiasm to undertake this important piece of work. Their doing so demonstrated a positive approach to the CPA Self-Assessment, which was consistent throughout Fraser's, Achmat's, and Margo's time in Eswatini. This commitment to continued learning and improvement is admirable.

The CPA would also like to place on record its warmest thanks to all stakeholders who participated in this Self-Assessment and draw particular attention to the invaluable efforts of the Clerk-to-Parliament and **Ms. Nontoko Shabangu** (Assistant Clerk-at-the Table, Parliament of Eswatini) for helping coordinate an excellent programme of meetings, facilitating key logistical arrangements, and providing such warm hospitality for the duration of Fraser's, Achmat's, and Margo's visit to Eswatini. Other officials with whom the CPA delegation met are all a credit to the Parliament and its continued efforts to improve parliamentary democracy for the people of Eswatini.

## Support and Follow-Up

Following the publication and consideration of the findings of this Report, and within the boundaries of financial constraints, the CPA is committed to supporting Niue's Assembly in further strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations – where requested and appropriate – through its **Technical Assistance Programme**<sup>6</sup> scheme and wider efforts linked to institutional parliamentary strengthening.

2 [www.cpahq.org](https://www.cpahq.org/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf). Recommended Benchmarks for Democratic Legislatures. [online]. Available at: <https://www.cpahq.org/media/IQjk2nh/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf>.

3 In particular Goal 16.6 (Develop effective, accountable and transparent institutions at all levels) and Goal 16.7 (Ensure responsive, inclusive, participatory and representative decision-making at all levels).

4 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT, 2005. [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

5 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI, 2023. [online]. Available at: <https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/>.

6 [www.cpahq.org](https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/). How is the CPA supporting Commonwealth Parliaments? [online]. Available at: <https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/>.



## Political, Economic and Social Context

Eswatini, officially the Kingdom of Eswatini, and also known by its former official name (the Kingdom of) Swaziland, is a landlocked country in Southern Africa. It is bordered by Mozambique to its north-east and South Africa to its north, west, south, and south-east. At no more than 200 kilometres north to south and 130 kilometres east to west, Eswatini is one of the smallest countries in Africa.<sup>7</sup>

At its last census (conducted in 2017), Eswatini had a population of approximately 1.1 million. Current estimates suggest that this has since grown to 1.2 million<sup>8</sup>, which continues to see Eswatini ranked as one of Africa's least populous nations. Eswatini is also one of a handful of countries worldwide to officially have more than one capital city. Mbabane, the former headquarters of the British colonial administration, is Eswatini's capital city, and its modern day administrative, Executive and Judicial capital. Lobamba, traditional, is the country's traditional and Legislative capital, and where the present-day Parliament of Eswatini sits.

The majority of Eswatini's population (approximately 82%) are native EmaSwazi with the remaining 20% comprised of minority Zulu (10%), Tsonga (2%), and Afrikaner (1%) descendants, as well as a range of smaller groups (totalling 5%) from various strands of European ancestry and more recent immigrant communities from neighbouring South Africa and Mozambique.<sup>9</sup> Eswatini also has two official languages. SiSwati is the country's historical native tongue and spoken by the majority of Swazi citizens alongside English. Both are widely taught in schools, with English predominantly used for conducting business and in the Press. Religion is also central to the lives of many Swazi citizens with over 90% of Eswatini's population recorded as actively following Christian faith.

Eswatini's currency is the Lilangeni. Pegged to the South African Rand, this effectively subsumes Eswatini's monetary policy into South Africa and, as such, there are strong economic ties between the two countries. Eswatini is part of the Southern African Customs Union (from which customs duties and worker remittances significantly supplement domestically earned income) and enjoys important economic relations with both the United States (under the African Growth and Opportunity Act) and the European Union (as part of the European Development Fund). Eswatini's domestic economy is diverse with prominent Services (50%), Manufacturing (38%) and Agriculture/Forestry/Mining (12%) sectors accounting for the three key pillars of national GDP.<sup>10</sup>

At the beginning of the 20th Century, after Great Britain's victory in the Second Boer War, Swaziland (as Eswatini then was) became one of the British High Commission Protectorate in Africa alongside Basutoland (now Lesotho) and Bechuanaland (now Botswana). Much of the new territory's administration was carried out from South Africa until 1906 (when the Transvaal Colony was granted self-government) with the resident British High Commissioner administering many functions traditionally held by a Governor. Over much of the subsequent 50 years, Swaziland's long-serving **King Sobhuza II** assumed greater control of the country's affairs in many areas and was successful in both resisting the declining power of the British administration and the potential incorporation of Swaziland into the Union of South Africa.

Swaziland's first Constitution was promulgated by Great Britain in November 1963, under the terms of which both an Executive Council and Legislative Council were established. Despite opposition to it from King Sobhuza II's Swazi National Council, inaugural national elections took place and the country's first Legislative Council was constituted in September 1964. Over the next couple of years, the newly-established Legislative Council proposed a series of Constitutional amendments (most significantly providing for a bicameral Parliament comprising a House of Assembly and Senate) which were accepted by the British administration. Fresh elections under this Constitution were held in 1967 and shortly afterwards Swaziland ceased to be a British protected state, regained its independence, and once more became a fully sovereign nation in 1968.

Following subsequent national elections of 1972, the majority party in Parliament moved motions to suspend the Independence Constitution, for reasons that the said Constitution failed to provide machinery for good governance and for maintenance of peace and order within the context of EmaSwati way of living. A referendum was conducted where the Swazi nation unanimously agreed to discard the Independence Constitution. A new Constitutional Order was established through the 1973 Proclamation. King Sobhuza II reigned for almost 83 years, making him the longest-reigning Monarch in history. A regency followed his death, with **Queen Regent Dzeliwe Shongwe** acting as Head of State until 1984, when she was succeeded by **Queen Mother Ntfombi Tfwala**. King Mswati III, son of Queen Mother Ntfombi and late King Sobhuza II, was crowned as the new King of Swaziland in 1986 and remains on the throne today. In April 2018, to mark the 50th anniversary of Swazi independence from Great Britain, the country's official name changed from the Kingdom of Swaziland to the Kingdom of Eswatini.

The contemporary politics of Eswatini takes place in the framework a blend of Constitutional provisions and traditional Swazi law and customs. Executive authority is vested in the King and is exercised through a dual system of Government. Eswatini's Head of State is the King (iNgwenyama/lion) who, according to the country's Constitution, is a symbol of unity and eternity of the Swazi nation. By tradition, the King reigns alongside his mother (iNdlovukati/she-elephant).

7 Encyclopædia Britannica. Eswatini. [online]. Available at: <https://www.britannica.com/place/Eswatini>.

8 [www.worldometers.info](https://www.worldometers.info). Eswatini Population (2024) – Worldometer. [online]. Available at: [www.worldometers.info/world-population/swaziland-population/](https://www.worldometers.info/world-population/swaziland-population/).

9 Encyclopædia Britannica. Eswatini. [online]. Available at: <https://www.britannica.com/place/Eswatini>.

10 Encyclopædia Britannica. Eswatini. [online]. Available at: <https://www.britannica.com/place/Eswatini>.

According to the Eswatini's Constitution the King appoints the Prime Minister and a Cabinet of Ministers to, inter alia, advise him on Government matters. Additionally, there is the Ligoqo (Advisory Council), which supports the iNgwenyama on all issues regulated by Swazi law and custom.

Eswatini's Legislature is bicameral with the House of Assembly comprising not more than 75 Members (59 of whom are elected by popular vote and not more than 10 appointed by the King), four women Members where the women quota of 30% is not met, one Speaker of the House of Assembly, where the Speaker is elected from outside the Membership, and the Attorney-General who is an ex-officio member, and the Senate comprising not more than 31 Members (10 of whom are elected by the House of Assembly, 20 appointed by the King, and the President where elected from outside the Membership<sup>11</sup>). The general electorate consists of all Swazi citizens aged 18 and above grouped into 55 constituencies (Tinkhundla). Each constituency elects one Member to the House of Assembly with national elections held at intervals of no more than five years (upon the dissolution of Parliament by the King) and overseen by the Elections and Boundaries Commission.<sup>12</sup> The country's last General Election was held in September 2023.

Eswatini's Judicial system is dualistic with both Constitutional and traditional courts in existence. The Constitutional courts comprise the Court of Appeal, the High Court, Magistrate's courts, and an Industrial Court of Appeal and the Industrial Court. There are also traditional Swazi National Courts, including two regular courts and a Higher Court of Appeal.

11 Section 94 and 95 of the Constitution

12 Section 90 of the Constitution; Section 7 and 15 of the Elections and Boundaries Act, 2013.

# I. GENERAL

## Elections

Since gaining independence from Great Britain in 1968, Eswatini has managed to blend its traditional and open democratic political system of governance (Monarchical Democracy) with wider Westminster-styled institutional structures commonplace throughout the Commonwealth. Over the last 57 years, Eswatini has, for the most part, enjoyed peaceful and smooth transitions of power from one Government to another following General Elections held every five years, with provisions for the holding of national polls clearly outlined in Eswatini's Constitution (Chapter VII<sup>13</sup>) and the separate Elections Act, 2013.<sup>14</sup> In a positive demonstration of sound parliamentary practice, recent elections in Eswatini have been supported and recognized as both free and fair by international electoral observation missions from both the African Union<sup>15</sup> and Southern African Development Community Parliamentary Forum (SADC-PF<sup>16</sup>).

General Elections in Eswatini are overseen by the country's Elections and Boundaries Commission<sup>17</sup>). The Elections and Boundaries Commission (provided for by section 90-92 of Eswatini's Constitution<sup>18</sup>) is a semi-independent authority consisting of a Chairperson, Deputy Chairperson, and three other officials whose responsibilities include oversight for voter registration (in line with the Voter Registration Act, 2013<sup>19</sup>), ensuring correct procedures around the conduct of parliamentary elections, conducting civic education around the holding of national polls, and periodically reviewing the determination of constituency (tinkhundla) boundaries. Members are appointed by the King (on the advice of the Judicial Service Commission) for a period not exceeding 12 years.

Eswatini's most recent General Election took place in September 2023 where both voter registration (approximately 90%) and turnout (approximately 70%) were impressive. Candidates for election participated in a two-round system, initially in each of Eswatini's 336 Chiefdoms/ polling divisions, before successful candidates competed against one another in 59 constituencies comprising the number of Chiefdoms falling within their particular tinkhundla boundary. Both rounds operated on a first-past-the-post basis with all candidates running as independent representatives of their communities and not along party lines.

In further demonstrations of sound parliamentary practice, Eswatini's Constitution has open eligibility criteria in place for those candidates seeking election which do not discriminate along religion, gender, ethnicity, race, or disability (Chapter VII, Part I<sup>20</sup>) and proactive mechanisms in place to ensure a healthy representation of female Members in both the House of Assembly and Senate (Chapter VII, Part II<sup>21</sup>). Whilst the conducting of Eswatini's General Elections is positive in several ways, stakeholder discussions held by the Self-Assessment team raise an important area where improvements could be made against the CPA's Recommended Benchmarks:<sup>22</sup>

1. At present, Eswatini's electoral framework does not contain any provisions that allow for the 'power of recall' whereby those constituents who are dissatisfied with the performance of their elected representative can seek to have them removed from office between General Elections. Several stakeholders who met with the Self-Assessment team suggested that this absence creates a culture among some Members of not paying due attention to their constituency responsibilities between parliamentary elections and that introducing such provisions (along with the holding of linked by-elections) would strengthen accountability between elected representatives and the citizens they serve. It was further gathered that the provision for 'power of recall' was deliberately severed from the draft constitution by the Legislature. From this backdrop, it is necessary for an accountability framework for Parliamentarians to be developed to guide the Reporting of Members. This framework will include constituencies in relation

13 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT, 2005. [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

14 ELECTIONS ACT No. 6 of 2013 | [online]. Available at: <https://www.elections.org.sz/2023/wp-content/uploads/2023/08/ELECTIONS-ACT.pdf>.

15 [www.au.int](https://www.au.int). Launch of the African Union Election Observation Mission to the 29 September 2023 General Elections in the Kingdom of Eswatini | African Union. [online]. Available at: <https://au.int/en/pressreleases/20230925/launch-african-union-election-observation-mission-29-september-2023-general>.

16 [www.sadc.int](https://www.sadc.int). SADC Electoral Observation Mission to the 2023 General Elections in the Kingdom of Eswatini | [online]. Available at: <https://www.sadc.int/latest-news/sadc-electoral-observation-mission-2023-general-elections-kingdom-Eswatini>.

17 Elections and Boundaries Commission of Eswatini. [online]. Available at: <https://www.elections.org.sz>.

18 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT, 2005. [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

19 VOTER REGISTRATION ACT No. 4 of 2013 | [online]. Available at: [www.elections.org.sz/2023/wp-content/uploads/2023/08/VOTERS-REGISTRATION-ACT, 2013.pdf](https://www.elections.org.sz/2023/wp-content/uploads/2023/08/VOTERS-REGISTRATION-ACT, 2013.pdf).

20 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

21 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

22 COMMONWEALTH PARLIAMENTARY ASSOCIATION. [online]. Available at: [https://www.cpahq.org/media/vilpux02/election-planning-handbook\\_final.pdf](https://www.cpahq.org/media/vilpux02/election-planning-handbook_final.pdf).



2. While Eswatini does have an Elections Expenses Act<sup>23</sup> on the statute book for the supervision and administration of election expenses by the Registrar of the Elections and the Election and Boundaries Commission for ensuring accountability of funds used for election campaigns and to prohibit certain electoral practices, it is currently under-utilized. More effective implementation of the Elections Expenses Act would discourage potential financial misconduct and create a more level playing field during electoral campaigns, as well as demonstrating greater transparency for the benefit of Eswatini's electorate.

## RECOMMENDATION 1

**Eswatini's Parliament (with the relevant stakeholder Ministry) should develop an accountability framework for Parliamentarians to guide the Reporting of Members with their constituencies, in lieu of the 'power of recall'. Furthermore, Eswatini's Parliament should update its National law to ensure that the Elections and Boundaries Commission has adequate capacity and powers to properly comply with its Constitutional mandate and international elections standards. Additionally, the Commission should ensure robust and accurate implementation of campaign finance laws to monitor the election expenses of parliamentary candidates.**

*(Benchmark 1.1.4 – There shall be legislation to ensure campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and corporations / Benchmark 1.1.5 – An independent Electoral Commission or similar authority shall be established for the management of the conduct of elections and its tasks shall include monitoring the election expenses of parliamentary candidates and political parties).*



Parliament's Presiding Officers meeting the CPA delegation.

## Separation of Powers, Immunity and Natural Justice

Eswatini's current Constitution entered into force in 2005<sup>24</sup>. As a result of the 2005 Constitution, any future amendment to Eswatini's Constitutional framework will require qualified majority support in both Houses of Parliament (two-thirds for 'entrenched' provisions and three-quarters for 'specially entrenched' provisions), simple majority support by way of a national referendum, and final assent by the King. The Constitution is the supreme law in Eswatini and, as a result, if any other law is inconsistent with the Constitution that other law shall, to the extent of the inconsistency, be void.

The Kingdom of Eswatini essentially has three arms of Government, namely: the Executive (Chapter VI), the Legislature (Chapter VII), and the Judiciary (Chapter VIII). The Constitution provides for the composition and functions of these arms of government.

The Senate and the House of Assembly are already working together towards making Eswatini's Parliament a more effective modern-day Legislature. In 2022, the Parliament published its multi-annual Strategic Plan<sup>25</sup> and, during their time in Eswatini, the Self-Assessment team held many positive discussions with a wide range of stakeholders about future practical and political steps that could be taken to help enable Eswatini's Parliament to reach this commendable objective. With that in mind, several of these areas are discussed further in subsequent chapters of this Report.

23 ELECTIONS EXPENSES ACT No. 5 of 2013 | [online]. Available at: [www.elections.org.sz/2023/wp-content/uploads/2023/08/ELECTIONS-EXPENSES-ACT.pdf](http://www.elections.org.sz/2023/wp-content/uploads/2023/08/ELECTIONS-EXPENSES-ACT.pdf).

24 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: <https://www.gov.sz/images/justice/swaziland-constitution.pdf>.

25 Parliament of the Kingdom of Eswatini: Strategic Plan 2022-2026. [online]. Available at: [www.parliament.gov.sz/about/strategy/Eswatini-Parliament-Strategic-Plan-2022-2026.pdf](http://www.parliament.gov.sz/about/strategy/Eswatini-Parliament-Strategic-Plan-2022-2026.pdf).

## Privileges and Immunity

When in office, Eswatini's Constitution (section 130<sup>26</sup>) and the Parliamentary Privileges Act of 1967<sup>27</sup> protect Members of Parliament from liability for anything they say or do in the Legislature. Members are also immune from any inquiry, arrest, detention, or prosecution relating to their legislative duties, be that in the Chamber or as part of Committee work.

Furthermore, while the Constitution positively extends these immunity privileges to 'any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament', the Self-Assessment team learned from representatives of Civil Society groups and Media organisations that they would benefit from additional legal provisions being passed to further protect them in their interaction with the Legislature. For example, there is no specific Act of Parliament that provides for the formal protection of whistleblowers giving evidence to the Legislature and nor do any citizens that feel their reputation has been damaged or brought into disrepute during the course of parliamentary proceedings have formal means to a right of reply. Introducing such provisions would add invaluable extra protections for those external stakeholders supporting the work of Parliament and bring Eswatini's Legislature more in line with other democratic Legislatures around the Commonwealth.

### RECOMMENDATION 2

**Eswatini's Parliament should update its parliamentary privilege/immunity provisions to enshrine in law due protections for whistleblowers and witnesses, while also introducing a Citizens' Right of Reply scheme in relation to adverse references made to private individuals during legislative proceedings.**

*(Benchmark 1.4.4 – The Legislature shall have mechanisms for persons to respond to adverse references made to them in the course of the Legislature's proceedings / Benchmark 1.4.5 – The freedom of speech immunity shall continue to apply to former legislators after they have left office in respect of works spoken or acts done while holding office and participating in or directly facilitating the Legislature's proceedings).*

One linked area in which Eswatini's Parliament does fully meet the relevant CPA Benchmark is the application of sub judice provisions. Again, Eswatini's Constitution (section 138-144<sup>28</sup>) protects the integrity and independence of Eswatini's court system by prohibiting Members of Parliament from discussing issues that are subject to live judicial review. Members throughout both Houses of Parliament appear to respect these rules and the Self-Assessment team was not made aware of any issues relating to their application during various stakeholder discussions.

## Remuneration and Benefits

Current remuneration, benefits, and other statutory entitlements for Members of Eswatini's Parliament were recommended by the 2023 Royal Commission on the Terms and Conditions of Service for Members of Parliament<sup>29</sup> and are formally disseminated by the Executive's Ministry of Finance. Members are paid a basic annual salary and receive additional allowances designed to support the facilitation of their parliamentary duties. Levels of remuneration are relatively low when compared to other African jurisdictions and are allocated on a tiered basis depending on whether the Member in question holds a Presiding Officer or Ministerial position in addition to their backbench responsibilities.

Remuneration and Benefits	Amount (Swazi Lilangeni)
Basic Salary	SZL 51,104
Vehicle Allowance	SZL 10,833
Constituency Allowance	SZL 6,388
Housing Allowance	SZL 5,110
Utilities Allowance	SZL 1,533
Communications Allowance	SZL 1,000
<b>Total Remuneration</b>	<b>SZL 75,968</b>

While it is positive that the function of setting salary and allowance levels for parliamentarians is not exclusively held by Members of the Legislature, the composition of 2023's Royal Commission was decided by the King and the Ministry of Finance is a central

26 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

27 [www.eswatinilii.org](http://www.eswatinilii.org). Parliamentary Privileges Act 1967. [online]. Available at: <https://eswatinilii.org/akn/sz/act/1967/126/eng@1998-12-01>.

28 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

29 [www.times.co.sz](http://www.times.co.sz). Times Of Swaziland. [online]. Available at: <http://www.times.co.sz/news/142168-new-politicians-to-get-double-salary-month-end.html>.

Department of Eswatini's Executive Branch, neither of which are a fully autonomous body. Ideal practice in other Commonwealth Legislatures is for payments made to Members of Parliament to be regulated by an independent Remuneration Authority with clear procedures for monitoring and publishing relevant financial disclosures. At present, no such body exists in Eswatini and its establishment would both be a strong demonstration of positive transparency/accountability and bring Eswatini's Parliament in line with other Commonwealth Legislatures that embody model parliamentary practice in this regard.

### RECOMMENDATION 3

**Eswatini's Parliament should pass legislation that establishes an independent Remuneration Authority with adequate mechanisms for monitoring and publishing relevant financial disclosures relating to Members of Parliament.**

*(Benchmark 1.5.2 – An independent body or mechanism should determine the remuneration, benefits, and other statutory entitlements of legislators).*

Linked to this, the Self-Assessment team also learned that Eswatini's Government holds broader financial influence over the Parliament in a number of other areas. This is because, for all intent and purposes, the Legislature is considered a Department within the Executive Branch, as opposed to a completely separate entity. Moving forward, the Parliament should, where possible, seek ways to achieve more financial independence and operational autonomy from the Executive Branch. Some possible means of doing so are helpfully discussed later in this Report.

### Infrastructure

Eswatini's Parliament building was constructed in 1967 ahead of the first sitting of Parliament following the country gaining independence in 1968. In several aspects, the current premises ably manage to blend tradition Swazi heritage with some modern facilities fitting of a contemporary Legislature. For example, both plenary Chambers (House of Assembly and Senate) are bright, spacious, and equipped with welcome technology in parts. Every Member has their own designated seating space, there are distinct viewing sections for visiting dignitaries/invited guests, and (in a positive demonstration of transparent parliamentary practice) members of the public to watch live proceedings in person. The same buildings also host offices for both Presiding Officers and the Prime Minister, as well as providing working space for Parliament's Secretariat staff. Furthermore, there are separate areas which provide for a basic parliamentary library, a well-used communal canteen facility for Members/staff, and a designated conference room for the hosting of high-level parliamentary meetings with internal and external stakeholders. This was the Self-Assessment team's base for the duration of their time in Eswatini.

While some of these facilities are broadly positive, the current parliamentary building lacks adequate space and resource in several key areas that would best enable the Parliament to fully meet all of its legislative functions. For example:

- Aside from the Presiding Officers and the Prime Minister, Members do not have their own office space.
- The vast majority of parliamentary staff have limited shared working space, no communal ICT equipment or corporate email accounts, and appear to conduct much of their parliamentary work on personal mobile phone handsets with intermittent Wi-Fi connectivity repeatedly flagged as a regular challenge.
- Current library space is poorly stocked with hard copy materials, lacks basic digital resource facilities, and, as a result, is under-utilized by both Members and staff.
- Arrangements for persons with disabilities across the parliamentary building are also sparse – while access to both Chambers is possible for Members with mobility issues, members of the public in wheelchairs currently struggle to access live plenary activities in the House of Assembly, and wider legislative premises would benefit from additional disabled-friendly access ramps, lifts, and public restrooms.

During their time in Eswatini, the Self-Assessment team learned that plans to develop a new parliamentary building are currently underway in conjunction with the Export-Import Exim Bank of India<sup>30</sup>. It is anticipated that these new premises will be completed ahead of Eswatini's next General Election in 2028 and the Parliament should ensure that several of the issues raised above are addressed in full when infrastructural development plans for the new legislative precinct are finalized. Between now and then, senior stakeholders on the Parliamentary Service Board should prioritize more immediate means of improving levels of infrastructure on current premises which better enable Members and staff to excel at meeting their various legislative responsibilities.

30 [www.times.co.sz](http://www.times.co.sz/news/139198-new-parly-building-site-revealed-e1-6m-spent.html). Times Of Swaziland. [online]. Available at: <http://www.times.co.sz/news/139198-new-parly-building-site-revealed-e1-6m-spent.html>.

## RECOMMENDATION 4

**Eswatini's Parliament should seek to improve its current physical infrastructure, where possible, with a focus on providing individual office space for Members, expanding ICT provisions, and enhancing accessibility provisions for persons with disabilities across the parliamentary precinct.**

*(Benchmark 1.9.1 – The Legislature shall have adequate physical infrastructure to enable Members and staff to fulfil their responsibilities).*

### Professional Development

The Secretariat of Eswatini's Legislature conducts an induction programme for all Members (returning and first time) at the beginning of each new session of Parliament following a General Election whereby key information concerning the Constitution, Standing Orders, and parliamentary duties, services and entitlements are shared with Members to help facilitate their understanding of how the Legislature functions. In general, these appear valuable and well received, however most Members who met with the Self-Assessment team voiced a desire for this training to be made more comprehensive and conducted on a rolling basis throughout the life cycle of a Parliament. From speaking to senior officials within the parliamentary administration, there is an ambition to enhance the levels of training currently provided to Members. Doing so would bring the key benefits of continually developing Members' knowledge and ensuring that Eswatini's Parliament remains in line with evolving best parliamentary practices across the Commonwealth.

To this end, increased professional development opportunities should also be afforded to parliamentary service staff. Speaking to many different officials within the Secretariat of Eswatini's Parliament, it was repeatedly flagged to the Self-Assessment that there is a real appetite among them to gain deeper knowledge, build further capacity, and develop new skills in a range of areas relating to modern parliamentary practice. In order to increase sustainability and prepare for future succession planning within the parliamentary administration, it is advised that the Parliament focusses resources on adequately training all staff (regardless of seniority) throughout the parliamentary term.

Another way in which Eswatini's Parliament could improve its professional development opportunities would be to provide relevant external stakeholders with more formal platforms to meet with Members and staff throughout the life cycle of a Parliament. During conversations with representatives of Civil Society and local Media groups, a desire was voiced to be afforded greater opportunities for presenting to Members and officials' information about their respective organizations and how they interact with Parliament. It was felt that this would improve understanding between parliamentary stakeholders and these groups. Doing so would not only ensure that Eswatini's Parliament meets relevant CPA Benchmarks in this regard but also be a positive demonstration of the Legislature's commitment to improving how it interacts with external stakeholders, and hopefully passing better long-term legislation as a result.

More broadly, several stakeholders also voiced a desire for the Self-Assessment exercise to be used as an opportunity for Eswatini's Parliament to engage further with the CPA moving forward. With this in mind, the suggestion of future enrolment in CPA Technical Assistance Programmes (referenced earlier in this Report), the hosting of a CPA Post-Election Seminar following Eswatini's next General Election in 2028<sup>31</sup> and involvement in tailored study visits/exchange programmes were all welcomed. Given the challenges of cost and travel faced by all Legislatures, Eswatini's Parliament should also make use of free online courses available to Members and staff through the CPA's Parliamentary Academy.<sup>32</sup>

## RECOMMENDATION 5

**Eswatini's Parliament should expand its Professional Development Programmes to include the participation of key external stakeholders and hold these periodically between General Elections to ensure that such opportunities are open to all Members of Parliament and Secretariat staff.**

*(Benchmark 1.6.1 – The Legislature shall take measures to ensure that newly elected Members are assisted in understanding how the Legislature works and its rules of procedure/ Benchmark 1.6.2 – The Legislature shall take measures to assist legislators increase their knowledge and skills in the performance of their parliamentary duties).*

31 [www.cpahq.org/what-we-do/professional-development/](https://www.cpahq.org/what-we-do/professional-development/).

32 [www.cpahq.org/parliamentary-academy/](https://www.cpahq.org/parliamentary-academy/).

## II. ORGANISATION OF THE LEGISLATURE

### 1. PROCEDURES AND SESSIONS

#### Rules of Procedure

Eswatini's Parliament operates pursuant to provisions outlined in the Constitution<sup>33</sup> and the respective internal Standing Orders<sup>34</sup> of both Houses. This framework for the Legislature's operations reflects and supports its actual practice and culture. The current Standing Orders were adopted in 2023 (in line with Eswatini's most recent General Election) and, in a positive demonstration of sound parliamentary practice, are scheduled to be reviewed at the beginning of each new session of Parliament moving forward. It is worth noting that any amendments to Parliament's Standing Orders require a two-thirds majority of present Members in each House.

The Standing Orders are applied to manage the business of Parliament and of its various Committees. They form the key operational documents for parliamentary functions. Stakeholder discussions revealed varying levels of understanding of the Standing Orders among Members, often with a correlation between understanding and length of service. As such, Eswatini's Parliament could benefit from producing a companion guide to the Standing Orders, which would be useful as an explanatory tool setting out the rationale for the Standing Orders and any references made to the Constitution. It would also serve a valuable educational purpose for Members (particularly those newly-elected to Parliament).

The Standing Orders themselves are distributed to all Members at the first sitting of a new Parliament after a General Election and further hard copies are held centrally by the Legislature's Secretariat. While the Standing Orders themselves are comprehensive, they are not currently published on Parliament's website for wider stakeholders and members of the public to view. Eswatini's Parliament should rectify this at its earliest opportunity and continually monitor the suitability and effectiveness of its Standing Orders to ensure that they remain fit for purpose. Ideally, this should be coordinated by the Presiding Officers in conjunction with Parliament's Secretariat whilst seeking Members' input from both Houses.

#### Presiding Officers

Eswatini's Constitution (Articles sections 100 and 102<sup>35</sup>) and the Standing Orders<sup>36</sup> of both Houses provide for the election of President of the Senate and Speaker of the House of Assembly. Candidates for the position of Presiding Officer are nominated by sitting Members (typically but not exclusively from within their ranks) and elected to chair legislative proceedings by a simple majority of Members present at the first sitting of Parliament following a General Election. Eswatini's Constitution and the Standing Orders of both Houses also provide for the election of a Deputy President and Deputy Speaker to support their respective Presiding Officers and perform their functions in the event that the Presiding Officer is unable to oversee legislative activities in their House on a particular day. While the Presiding Officers of both Houses do vote in proceedings of Parliament, they do not enjoy casting vote privilege should Members be equally split during any such deliberations. In the event of a tied vote, the motion in question falls.

The role of the Presiding Officers is to, inter alia, maintain order in Parliament and properly guide the Members according to the Standing Orders so that all Members have full opportunity to participate in the debates and votes of Eswatini's Legislature. To this end, the Presiding Officers are well supported in advice on practice, precedent and procedure by the parliamentary staff. The Legislature's Standing Orders (Part XIX<sup>37</sup>) also provide detailed provisions for parliamentary conduct, decorum, and etiquette that Members are bound by while participating in the business of either House. There is less clarity, however, on the nature of sanctions that can potentially be applied by the Presiding Officers to Members who have contravened these provisions. Eswatini's Parliament would benefit from strengthening these mechanisms next time it reviews its Standing Orders.

During various stakeholder discussions, Members from both Houses spoke positively about the incumbent Presiding Officers and the way in which they conduct the important role of facilitating legislative business. Both Presiding Officers and the Legislature's Secretariat should be praised for ensuring that these important elements of parliamentary practice are well maintained.

33 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

34 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: <https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/>.

35 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

36 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: <https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/>.

37 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: <https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/>.



## RECOMMENDATION 6

**Eswatini's Parliament should regularly review its Standing Orders to ensure that any recommended amendments are integrated ahead of Eswatini's next General Election. These should be published online so that members of the public can access them alongside the Presiding Officers undergoing training on their role, with a particular focus on the Parliament's Standing Orders.**

*(Benchmark 2.1.3 – The Legislature's rules, procedures and practice shall be reviewed regularly to enhance parliamentary effectiveness and relevance / Benchmark 2.1.6 – The Legislature's rules, procedures and practice shall be accessible to Members and to the public).*

### Convening Sessions and Setting the Agenda

As per the Constitution, section 133<sup>38</sup>, Eswatini's Parliament is required to meet at least once every year so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting of Parliament in the next. In line with both sets of Standing Orders<sup>39</sup>, however, the Legislature meets far more regularly. The scheduling of these meetings is formalised by the Presiding Officers and is adhered to without any major issues. Separately to this, and in a positive demonstration of good parliamentary practice, the Legislature also has means to call itself into extraordinary session should they feel that an additional sitting is required or in the wider public interest.

While Eswatini's Parliament comfortably meets Constitutional requirements regarding the regularity of sittings, and few concerns were raised among Members on this, the Self-Assessment team concluded that there is capacity for the Legislature to meet more often than it currently does. At present, both Houses may convene on every day of a scheduled sitting from Monday to Thursday at 2:30PM and on Fridays at 10:00AM. In terms of the 12-month period preceding the Self-Assessment exercise in September 2024, the Senate appears to have sat 15 times and the House of Assembly on 20 occasions.<sup>40</sup>

Sitting more regularly would provide greater scrutiny of Government activities and improve opportunities for public engagement. Linked to this, while Parliament's sitting calendar is distributed to Members in a timely fashion, it is not currently published online. The Parliament should rectify this as soon as possible to ensure that citizens across Eswatini can more easily follow parliamentary business. A detailed public agenda like this would encourage transparency in the Legislature's work, ensure that Members carry out their duties in a more effective manner, increase public confidence, and improve the electorate's outlook of their national Parliament.

Further stakeholder discussions also flagged the need for greater collaboration with Cabinet on proposed Government business to be considered by legislators so that proper planning and scheduling for consideration by Parliament can be considered. It is equally important that Members submit their motions and questions in a timely fashion. This will enable the Presiding Officers to be able to convene more sittings, because these are ultimately determined by business brought before the House.

## RECOMMENDATION 7

**Eswatini's Parliament should seek to increase the regularity of parliamentary sittings and ensure that an annual calendar of meetings is published online for the benefit of Swazi citizens and other interested stakeholders.**

*(Benchmark 2.3.1 – The Legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities / Benchmark 2.4.4 – There shall be an annual parliamentary calendar to promote transparency).*

Ahead of each sitting, Parliament's proposed agenda is formalised by the Presiding Officers and disseminated among Members by way of an Order Paper prepared by the parliament staff. In another positive demonstration of sound parliamentary practice, Members have the opportunity to submit business for the proposed agenda although, ultimately, any final decision to incorporate these or not rests with the Presiding Officers. During stakeholder discussions, Members from across the House appeared generally satisfied with how Parliament's sitting agenda is constructed, conveyed, and adhered to.

38 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

39 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: <https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/>.

40 [www.parliament.gov.sz](http://www.parliament.gov.sz). Order Papers: Parliament of the Kingdom of Eswatini. [online]. Available at: [https://www.parliament.gov.sz/publications/order\\_paper/](https://www.parliament.gov.sz/publications/order_paper/).

## Debate and Voting

Eswatini's Parliament does have clear procedures in place for the facilitation of debates and votes, as well as determining their order of precedence. The Standing Orders<sup>41</sup> outline provisions relating to the tabling of Papers, moving of Motions and Amendments, exchange of Questions and Answers, and consideration of public petitions. Standing Order arrangements relating to all of these appear broadly understood and adhered to by Members albeit some new legislators told the Self-Assessment team that they often feel unable to fully contribute toward parliamentary debates given that Eswatini has no formal political parties and they invariably lack much-needed legal or financial expertise from the Legislature's Secretariat. Capacity building across Parliament's administration would better enable all Members of both Houses to fully participate in legislative proceedings and ensure that their constituents are fairly represented.

While the parameters for facilitating debates and votes in Eswatini's Parliament are broadly positive, the Self-Assessment team did identify two areas in which current arrangements could be improved:

- 1. Non-Government business** – much like many other Commonwealth Legislatures, the majority of business considered by Eswatini's Parliament emanates from the Government. While this is not uncommon (and Eswatini does not have official political parties), formal provisions in the Standing Orders for dedicated 'Opposition Days' allowing non-Government Members to propose debate topics could be strengthened. Having specific days set aside to consider business proposed by non-Government Members would not only demonstrate sound application of the 'minority right' democratic principle but, equally, provide a conducive environment for the Legislature to debate all pertinent issues raised by any Member throughout either House.
- 2. Private Members' Bills** – similarly, while provisions for the introduction of Private Members' Bills do exist in the Standing Orders, in practice, these do not happen. This is, in part, because the vast majority of Parliament's agenda is dedicated to considering Government business, but also because (as referenced above), Eswatini's Parliament lacks sufficient legal and financial capacity to help 'backbench' Members with the crafting and drafting of own-initiative legislation. Uplifting these resources would hopefully encourage non-Government Members of Parliament to begin utilising this important means of legislating.

### RECOMMENDATION 8

**Eswatini's Parliament should adopt provisions that allow specific days in the parliamentary calendar for the consideration of Non-Government business and establish structures within its staff Secretariat to facilitate the meaningful introduction of Private Members' Bills.**

*(Benchmark 2.4.2 – Legislators in the lower or only House shall have the right to initiated legislation and to offer amendments to proposed legislation / Benchmark 2.4.3 – A substantial proportion of the Legislature's time is set aside for it to consider business proposed by non-Government Members).*

## Petitions

There is a public petitions system in Eswatini which is outlined in the Legislature's Standing Orders (Part 13<sup>42</sup>) and by law all Swazi citizens enjoy the right to petition their elected representatives. In reality, however, this function is rarely used. It was suggested by some stakeholders that this is partially (and positively) because of the strong link between Members and the individual constituencies they represent, but by others that this can be attributed to the Parliament not currently having a well-established petitions system for members of the public to engage with.

Currently, any petition submitted to Parliament must be sponsored by a Member and approved by the Clerk before being read to the relevant House, and while there are Standing Order provisions allowing for petitions to then be considered by a parliamentary Committee, the Self-Assessment team was not made aware of any instances where this has taken place. With little information online providing guidance to citizens on how they can initiate a petition (should they wish to do so), improving its provisions around the petitions process would represent another positive step for Eswatini's Legislature in strengthening its democratic interlinkage with the Swazi electorate.

41 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

42 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

## Records

As per the Legislature's Standing Orders (Part 11<sup>43</sup>), Parliament's Clerk is responsible for preparing and circulating parliamentary papers to Members ahead of each sitting day. These include a daily Order Paper, any Bills being considered, and further supplementary briefing material produced by the staff Secretariat. During the session itself, Members' attendance, interventions, and voting activities are also recorded by parliamentary officials which, in turn, form the official record (votes and proceedings) covering that day's business.

Generally speaking, staff of Eswatini's Parliament make positive efforts to maintain parliamentary records and comprise a substantial proportion of overall Secretariat staff (organogram provided below). That said, these are not currently held in optimal electronic or readily accessible form. While up-to-date Hansard records are held centrally by the Secretariat and made available to Members upon request, ongoing constraints on staffing resource and the Legislature currently having a sub-optimal website hamstringing efforts to digitise this publicly for the electorate at large. During various discussions with internal and external stakeholders, the Self-Assessment team stressed the importance of transparency and accountability for public access, emphasised the need for Eswatini's Parliament to continue developing its website, and underscored the multiple benefits (including Hansard maintenance/dissemination) that doing so would bring. These positive advantages are continually discussed throughout this Report.



## 2. COMMITTEES

### Organisation

As per its Standing Orders (Part 21<sup>44</sup>), Eswatini's Legislature establishes at the commencement of each new Parliament following a General Election a number of Committees to consider and report on matters referred to them by the Legislature, matters which fall under their designated subject area, and matters which (in the opinion of the Committee) require further consideration by the Legislature at large. There are currently a total of 21 Portfolio Committees in each House (mirroring Government Ministries), a range of Sessional Committees which consider cross-cutting issues in each and (in some instances) between the two Houses, and a small number of additional Committees in operation to facilitate the Parliament's external relations with wider regional/international organisations (such as the CPA, Pan-African Parliament, Southern African Development Community, and Inter-Parliamentary Union<sup>45</sup>).

43 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

44 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

45 [www.parliament.gov.sz](https://www.parliament.gov.sz). Committee System: Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/committees/system/>.

Committees within Eswatini's Parliament reflect the different shades of opinion or interest of the Legislature, elect their own Chair and Deputy from among its membership, and (where relevant) provide Presiding Officers with an annual work plan which outlines their anticipated activities over the forthcoming 12 months. Whilst the Standing Orders provide for the establishment of separate Committees within the Senate and House of Assembly, the Self-Assessment team learned that, positively, membership of some Committees comprises Members from both Houses with joint work often undertaken. All Committees are currently served by one Assistant Clerk-At-The-Table serving as the Clerk for that Committee.

## Power and Resources

Committees in Eswatini's Parliament play an important role in the passage of legislative Bills brought before Parliament (an overview of which is provided later in this Report). After their Second Reading, Bills may be referred to the relevant Committee for detailed scrutiny which, in turn, can solicit additional input from other Committees within the Parliament's legislative framework. Committees will consider the merits of draft pieces of legislation, potentially recommend the inclusion of amendments to them, and report back to the Legislature as a whole, which will then vote on whether to accept the proposed legislation as amended or in its original form. Committees in Eswatini's Parliament meet regularly, save where there is a scheduled Plenary sitting of the Legislature, often more frequently when particular issues of legislative importance arise and have no apparent quorum issues. In this sense, the basic Committee structure in Parliament appears fit for purpose and no specific qualms or concerns were raised by Members during stakeholder discussions.

That said, whilst in Lobamba, the Self-Assessment team identified a number of areas in which the current Committee set-up of Eswatini's Parliament could (and in some cases should) be improved:

1. Whilst Committees in Eswatini's Parliament are active in their scrutinising of draft legislation, they appear to conduct little own-initiative work through running parliamentary inquiries into and holding evidence sessions on particular issues of interest. This can largely be attributed to a lack of resource at staff level with Committees not currently having their own internal Secretariat to coordinate business or the means to engage external experts. Ensuring that Committees in Parliament have the capacity and expertise to fully meet their legislative responsibilities would improve the alignment of Eswatini's Parliament with respect to various CPA Benchmarks.
2. Regarding external activities, the Self-Assessment team noted a lack of financial resource being made available to Committees for them to conduct certain activities away from Lobamba in support of their legislative work. Should a Committee wish to visit other parts of Eswatini to undertake a public consultation or participate in citizen engagement activities, a specific funding request must be made to the Ministry of Finance, which stakeholder discussions suggested is often declined. Best practice dictates that parliamentary Committees should have their own budget, independent of the Executive, that can be apportioned to supporting important outreach activities and engagement programmes. This is another area in which the Parliament should seek to increase the level of resource available to its Committees so that they can fulfil their legislative responsibilities to maximum effect.

## RECOMMENDATION 9

**Eswatini's Parliament should seek to improve the functioning of its parliamentary Committees by: increasing their staff capacity via internal parliamentary officials or external experts to support own-initiative work; and ensuring that they have an independent budget (free from Executive oversight) that enables them to conduct important outreach activities away from the parliamentary precinct.**

*(Benchmark 3.2.4 – Committees shall have the right and sufficient resources to consult and/or employ experts / Benchmark / 3.2.5 – Committees shall seek and receive submissions from the public about the business before them and provide reasonable time for written submissions to be prepared).*

## 3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION

### Caucuses and Interest Groups

Formal political parties do not exist in Eswatini but, while in Lobamba, the Self-Assessment team explored the rights of legislators to form broader caucuses and interest groups based on common issues or concerns. While there is nothing in the Legislature's Standing Orders that limits the ability of Members to form such groups, there has traditionally been a limited culture of these bodies existing as part of Parliament's organisational framework. At present, the Parliament has established a Women's Caucus but lacks other interest groups that are common in other Commonwealth Legislatures. That said, the Women's Caucus itself is extremely active and has a demonstrably strong track record of strengthening Parliament-wide cooperation on women's issues and amplifying female voices across wider Swazi society. For example, in recent months, the Women's Caucus has hosted a



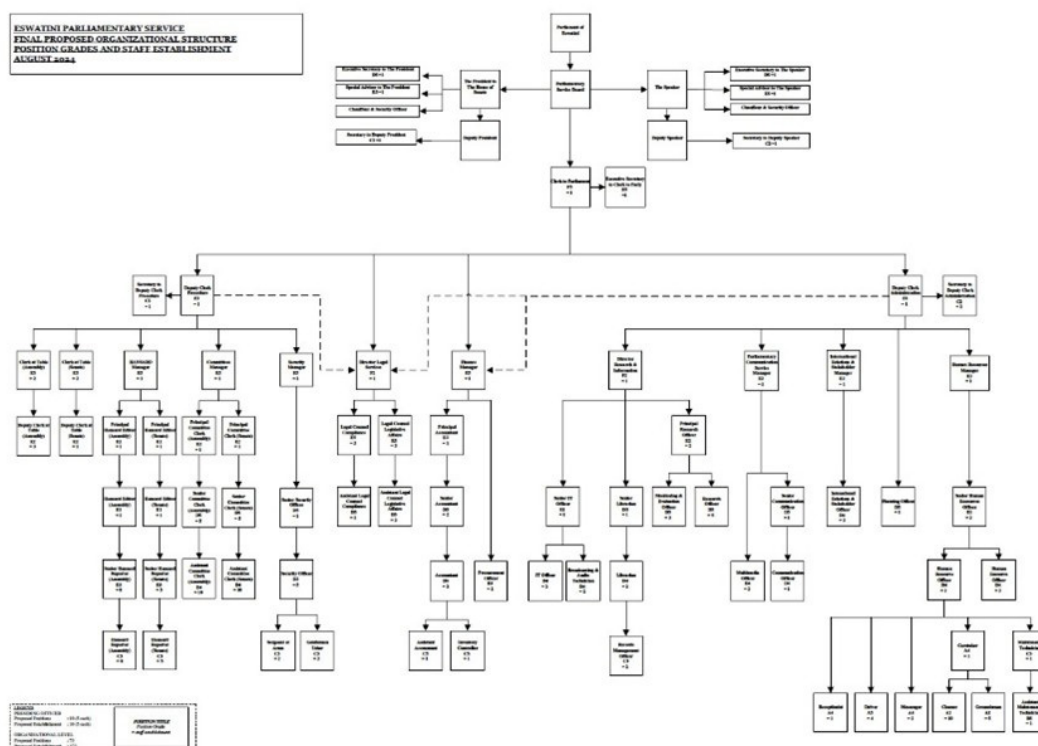
Strategic Planning and Capacity Building workshop<sup>46</sup> in collaboration with the UN Development Programme and a Women Empowerment event<sup>47</sup> alongside high-profile female business leaders.

During stakeholder discussions, both Members of Parliament and representatives of wider Swazi society positively acknowledged the idea of Eswatini's Parliament modernising its approach to such bodies with the idea of establishing more interest groups like its Women's Caucus. Generally speaking, doing so was viewed as having two main benefits: firstly, preventing unnecessary duplication in the mandates of parliamentary Committees (where a caucus or interest group would be a more efficient vehicle for considering cross-subject issues); and, secondly, providing Parliament with more scope to effectively address often apolitical topics of common interest. Establishing mechanisms and encouraging a culture that supports the increased creation of these bodies is something that Eswatini's Parliament could look to consider moving forward.

## 4. PARLIAMENTARY STAFF

### Recruitment and Management

The President of the Senate and Speaker of the House of Assembly jointly act as the Heads of Parliament's Administration and are, in effect, responsible for all political activities undertaken in the Legislature. Alongside the Presiding Officers, the Clerk to Parliament serves as the Legislature's most senior official with wide-ranging responsibilities relating to administrative operations in support of parliamentary business and the delegation of work to the Parliamentary Service staff. At the time of writing this Report, Eswatini's Parliament has a Secretariat comprising of approximately 70 staff, all of whom are talented, dedicated, and non-partisan, providing strong support for many aspects of Legislature operations.



Whilst the current team of parliamentary staff are a credit to Eswatini's Legislature and its citizens, there were a number of important areas of concern repeatedly raised throughout stakeholder discussions about how the Parliament currently recruits and manages its staff, as well as how they are able to fulfil key responsibilities relating to the Parliament's functionality. Whilst the country's Constitution and accompanying Parliamentary Service Act provide for the formation of a Parliamentary Service Board (PSB<sup>48</sup>) to oversee administration of the Legislature, for all intent and purposes, Eswatini's Parliament is considered part of the country's wider Public Service and, as such, effectively a Department of Government as opposed to its own distinct entity. This significantly limits the Legislature's ability to take a range of important decisions, among others, relating to:

1. Recruitment – recruitment has for some time been a contentious issue within the Parliament and specifically the role of

46 [www.parliament.gov.sz](https://www.parliament.gov.sz/news/readmore.php?indzaba=Women%27s%20Parliamentary%20Caucus%20Strategic%20Planning%20and%20Capacity%20Building%20Workshop&nini=2024-07-30&yiphi=84). News: Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/news/readmore.php?indzaba=Women%27s%20Parliamentary%20Caucus%20Strategic%20Planning%20and%20Capacity%20Building%20Workshop&nini=2024-07-30&yiphi=84>.

47 [www.parliament.gov.sz](https://www.parliament.gov.sz/news/readmore.php?indzaba=Women%20Parliamentary%20Caucus%20Presents%20Women%20Empowerment&nini=2024-08-16&yiphi=88). News: Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/news/readmore.php?indzaba=Women%20Parliamentary%20Caucus%20Presents%20Women%20Empowerment&nini=2024-08-16&yiphi=88>.

48 [www.parliament.gov.sz](https://www.parliament.gov.sz/about/psb/). Parliamentary Service Board (PSB): Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/about/psb/>.



the Clerk in conducting oversight of the staff that report into him. At face value, once the PSB has been formed, it is the Board's responsibility to ensure that Parliament is administered appropriately with sufficient staff recruited and appropriately designated to ensure that the Legislature fulfills its key functions. Historically, however, this has not been the case with the recruitment of parliamentary staff and the filling of related vacancies being administered by the Executive's Ministry for Public Service.<sup>49</sup> What is evident from current arrangements is that, while the PSB fulfils its Constitutional/legal role in terms of staff recruitment, it has limited power in executing this mandate.

2. Appointment – another linked observation made by the Self-Assessment team in stakeholder discussions was that professional legal and financial practitioners are also appointed along similar lines with the intention that these individuals are shared among a number of Public Service sectors. In practice, this means that the Ministry of Public Service can, at any time, remove these personnel from the services of Parliament and allocate their resources to another area of Eswatini's wider Public Service. During the Self-Assessment exercise, the Clerk to Parliament indicated that terms of reference to re-structure the administration of the Legislature's Secretariat had been drafted and shared with an external service provider as part of Parliament's 2022-2026 Strategic Plan. The main objective of this exercise was to evaluate the existing structure and governance framework of Parliament to create legal framework which enables the PSB to fully exercise its mandate and provide the Legislature with greater autonomy/independence moving forward.
3. Regulations/Policies – as part of establishing new frameworks that provide the Parliament with greater autonomy and independence, the current Clerk would like to amend the existing Parliamentary Service Act to provide the PSB with much-needed authority to develop corporate regulations for the administration of the Legislature alongside a suite of HR policies (conduct, safeguarding, bullying and harassment, equality and diversity) tailored to the needs of parliamentary Secretariat staff.

Lacking sufficient independence and autonomy from Eswatini's Government and, by extension, wider Public Service, was one of the biggest shortcomings identified by the Self-Assessment team in terms of how the Parliament currently runs its affairs. At the time of writing this Report, there is a lack of much-needed legislation providing for Eswatini's Legislature to establish its own fully autonomous corporate body responsible for providing ring-fenced funding entitlements towards key parliamentary services, delineating Parliament from the Executive, and further enhancing the separation of powers between two of Eswatini's three arms/branches of Government.<sup>50</sup>

In this regard, best practice is to legislate for the establishment of a Parliamentary Service Commission that would enable Eswatini's Legislature to have independent authority of its corporate operations, build capacity across the parliamentary precinct without Executive restriction, and better allow both Houses to put in place future multi-annual strategic plans. Further benefits that could flow from the establishment of a Parliamentary Service Commission would include Eswatini's Legislature having full control over recruitment and the terms of employment for staff, enjoying unimpeded autonomy for allocating funds to particular activities on the parliamentary precinct, and entrenching non-interference from the Executive across a wide range of other legislative functions. The Self-Assessment team repeatedly discussed the merits of establishing a Parliamentary Service Commission (or equivalent corporate body) with key Legislature personnel during their visit to Lobamba, and this proposal received enthusiastic support from both Members and staff.

## RECOMMENDATION 10

**Eswatini's Parliament should, as a priority, establish an autonomous and independent Parliamentary Service Commission (or equivalent corporate body) with responsibility for the Legislature's internal governance and key related parliamentary services. The current Board has extensive powers at the same level of a Service Commission and should spearhead the amendment of the Parliamentary Service Act (2015) to provide more autonomy and competitive remuneration.**

*(Benchmark 5.1.2 – The Legislature, rather than the Executive branch, shall control the parliamentary service and determine the terms of employment. There shall be adequate safeguards to ensure non-interference from the Executive / Benchmark 5.2.1 – The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service / Benchmark 5.4.3 – The Legislature should, either by legislation or resolution, establish a corporate body responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service / Benchmark 5.4.4 – All staff shall be subject to a code of conduct).*

49 [www.gov.sz](https://www.gov.sz/index.php/ministries-departments/ministry-of-public-service). Ministry of Public Service. [online]. Available at: <https://www.gov.sz/index.php/ministries-departments/ministry-of-public-service>.

50 MODEL LAW FOR INDEPENDENT PARLIAMENTS ESTABLISHING PARLIAMENTARY SERVICE COMMISSIONS FOR COMMONWEALTH LEGISLATURES – Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures. [online]. Available at: [https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments\\_final.pdf](https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments_final.pdf).

### III. FUNCTIONS OF THE LEGISLATURE

#### 5. LEGISLATIVE FUNCTION

##### Legislative Process

The Constitution of Eswatini (Sections 106-107<sup>51</sup>) bestows legislative authority of Eswatini in the King-in-Parliament. Bills brought before Parliament are scrutinised by both the House of Assembly and the Senate, they all must be granted royal assent. Furthermore, Eswatini's Constitution stipulates that the country's Attorney General is charged with drafting and signing all Bills presented before Parliament and ensuring that any Bill which becomes an Act is published in the Government Gazette. All Bills initiated by Cabinet, drafted by the Attorney General and passed by Parliament in this way are given effect through the words 'enacted by the King and Parliament of Eswatini'.

Like many Parliaments in the Commonwealth, most legislation in Eswatini is piloted by a Cabinet Minister from the relevant Government Ministry. It is then reviewed, approved, and passed by the Parliament. Similar to other Commonwealth Legislatures, Bills in Eswatini's Parliament must be read three times with the aim of providing Members of Parliament enough time to consult their constituents and scrutinise the draft legislation, in most cases through the Committees and then the Plenary. Eswatini's Constitution also empowers the Parliament to make subordinate legislation (Section 253<sup>52</sup>), which includes additional rules and regulations to be provided for by an Act of Parliament.

The Constitution also allows Parliament to enact own-initiative resolutions of opinion in terms of Section 129<sup>53</sup>, which meets the relevant CPA benchmark for non-binding expressions and provides the Legislature with an important mechanism for voicing its stance on various issues without enacting formal legislation.

The Legislature's Standing Orders<sup>54</sup> outline these various legislative processes, but the Parliament would benefit from adding relevant information on these to its website.<sup>55</sup> Doing so would make it easier for the public and representatives of the Media to track the status of draft Bills as they progress through the Legislature.

Generally speaking, Members interviewed by the Self-Assessment team understand their legislative responsibilities. They can help to frame legislation, debate the merits of a Bill introduced in Parliament, propose amendments, conduct detailed scrutiny through Committees and, ultimately, approve draft laws tabled before the Legislature. Stakeholders indicated that most legislation passes through these processes smoothly. This is testament to the dedicated work of the Legislature's Secretariat staff who ensure that Parliament operates effectively in line with its Standing Orders.

While the legislative process in Eswatini functions reasonably well overall, the Self-Assessment team identified a number of areas in which improvements could be made that are not discussed in other areas of this Report:

- 1. Subordinate Legislation** – While the National Constitution (Section 253) provides that there shall be enactment of National Legislation for procedures governing subordinate legislation, Parliament should strengthen its processes of enacting legislation to cater for particular procedures relating to the adoption of subordinate legislation.
- 2. Equality Impact Assessments** – One important area that is not currently emphasised in Eswatini's legislative process relates to equality impact assessments. Encouraging the inclusion of these assessments would ensure that new laws and policies more rigorously consider their impact on different parts of the population (particularly marginalised groups) to promote essential fairness and equality. It would also be a useful vehicle for more public input into the legislative process (something that was raised by Civil Society representatives during stakeholder discussions) as well as ensuring Eswatini's compliance with international treaties and agreements, such as UN Sustainable Development Goals.
- 3. Pre-Legislative/Post-Legislative Scrutiny** – Another important means of legislative scrutiny that is currently lacking in Parliament's Standing Orders relates to the conducting of pre-legislative and post-legislative scrutiny. Both are core functions of many other Commonwealth Legislatures. Pre-legislative scrutiny can take various forms but has a number of benefits including creating opportunities for Parliament to influence legislation at an early stage, drawing upon particular policy expertise that individual Members might have, and providing a key tool for Civil Society Organisations and wider members of the public to engage with crafting the laws that ultimately shape their lives. All of these measures together act as a form of quality control to ensure that legislation is in its best possible form before entering into force. Post-legislative scrutiny has the aim of ensuring that Acts of Parliament have done, or are doing, what they were originally intended to achieve. It heightens accountability that those tasked with implementing particular laws are doing so effectively and offers an opportunity to

51 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

52 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

53 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

54 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

55 [www.parliament.gov.sz](https://www.parliament.gov.sz). Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/>.

evaluate whether alternative means of reaching intended goals could be pursued. As with pre-legislative scrutiny, post-legislative scrutiny can take various forms but ultimately should lead to better Government, better legislation, and better outcomes for the citizens of Eswatini.

## RECOMMENDATION 11

**Eswatini's Parliament should update its Standing Orders to strengthen various provisions relating to the drafting, scrutinising, passing, and implementation of legislation. This should include:**

- **Strengthening provisions around secondary legislation to ensure that these undergo increased means of scrutiny in line with primary legislation.**
- **Conducting equality impact assessments to provide Civil Society Organisations with greater opportunity to influence the legislative process and ensure that the potential impact of new legislation on marginalised population groups is given full consideration.**
- **Introducing means of pre-legislative and post-legislative scrutiny to ensure that any legislation passed by Parliament has been optimally designed, is fit for purpose, and achieves its intended objective.**

*(Benchmark 6.1.3 – The Legislature shall scrutinise secondary, delegated, or subordinate legislation including its authority and scope / Benchmark 6.1.5 – The Legislature shall encourage the process of equality impact assessment with respect to the development of legislation, policies, and budgets / Benchmark 6.2.4 – The Legislature shall establish procedures for systematic monitoring of the effective implementation and consequences of legislation).*

## 6. OVERSIGHT FUNCTION

### Oversight of the Executive

Oversight functions of Eswatini's Parliament are guided by the country's Constitution and the Legislature's Standing Orders, which, in theory, together establish a framework for oversight of the Executive branch and other Governmental functions. The size of Cabinet is proportionate to the Legislature, which maintains a balanced Executive body and sees Eswatini's Parliament meet relevant CPA benchmarks in this regard.

More broadly, Eswatini's Constitution vests significant political power in the King who, as Head of State, may directly exercise his functions or delegate these to Cabinet Ministers, who, in turn, act as the Monarch's representatives in respect of how these powers are exercised. To this end, all Cabinet Ministers (including their Deputies) and Eswatini's Prime Minister are appointed by the King.

The Prime Minister himself is also the Minister for Parliamentary Affairs<sup>56</sup> which is another demonstration of Eswatini's Legislature being considered a Department of the Executive as opposed to an independent institution in its own right. While the Prime Minister technically has this heightened responsibility to be accountable to Parliament, the Legislature currently could make greater use of Standing Order mechanisms for him to regularly appear before Members for scrutiny, either by way of Prime Minister's Questions or in his Ministerial capacity. Rectifying this current gap was raised with both Members and staff and proved popular in various stakeholder discussions.

## RECOMMENDATION 12

**Eswatini's Parliament should establish clear mechanisms for holding the Prime Minister to account in both his capacity as the Chairperson of Cabinet and Minister for Parliamentary Affairs.**

*(Benchmark 7.1.2 – The Legislature shall have mechanisms to obtain information from the Executive branch sufficient to exercise its oversight function in a meaningful and timely manner. There shall be clear and effective procedures requiring the Executive to provide timely responses to oral and written questions and Parliamentary Committee reports and recommendations).*

<sup>56</sup> [www.parliament.gov.sz](http://www.parliament.gov.sz). Prime Minister & Minister for Parliamentary Affairs: Parliament of the Kingdom of Eswatini. [online]. Available at: <https://www.parliament.gov.sz/about/pm/>.

## Oversight of Independent Constitutional Bodies

Eswatini currently has a number of national agencies and independent Constitutional bodies in existence. These include Offices of the Attorney General<sup>57</sup> and Auditor General<sup>58</sup>, as well as the Elections and Boundaries Commission<sup>59</sup>, Civil Service Commission<sup>60</sup>, and Commission on Human Rights and Public Administration.<sup>61</sup> The Self-Assessment team met various representatives of these organisations during their visit to Eswatini and, while the Legislature does have some oversight authority over several of them, stakeholder discussions raised issues regarding the independence that several of these organisations enjoy in terms of how key appointments are made and core functions carried out.

For example, the Constitution requires that the Auditor General 'be appointed by the King acting on the advice of the Minister responsible for Finance after recommendation by the Civil Service Commission'. Furthermore, in the execution of functions, the relationship between the Executive and what should be an independent organ appears to be more umbilical. The Constitution states that 'the Auditor-General shall submit reports to the Minister responsible for Finance, who shall cause those reports to be laid before both chambers of Parliament'. This state of affairs is replicated across other Constitutional bodies which, when taken alongside other current resource constraints in Parliament (discussed elsewhere in this Report), can sometimes limit the Legislature's ability to have effective oversight of what should be independent and autonomous organisations.

Positively, Eswatini's Parliament does have Constitutional authority and provisions in its Standing Orders to scrutinise various matters relating to the country's Military and also appears to enjoy effective oversight of ensuring Eswatini's compliance with international treaties and UN Sustainable Development Goals (SDGs).<sup>62</sup>

## Financial and Budget Oversight

Eswatini's Parliament has positive procedures in place in accordance with the Constitution and its Standing Orders to have oversight of the national financial and budgetary process. These procedures appear well understood by Members and are followed annually.

In line with the Constitution and Standing Orders, the Executive's annual Appropriation Bill is circulated to Members of Parliament following its first reading in the Legislature. All Members of Parliament then have various opportunities to debate the Executive's proposals (in Committees and at Plenary) before the Legislature as a whole votes on the package. Linked to this, Eswatini's Auditor General is charged with auditing the public accounts of Eswatini's Government and other Executive bodies. These reports are also tabled in Parliament for legislators to scrutinise. Both of these processes appear to function well for the most part, however during stakeholder discussions, some Members noted that they would benefit from having longer to scrutinise Executive budgetary proposals and being able to access impartial expert financial expertise within the parliamentary administration.<sup>63</sup>

To this end, the Self-Assessment team felt that the Legislature would benefit from having a Parliamentary Budget Office to support its oversight of the annual State budget process and other financial activities. Currently, Members of Eswatini's Parliament lack this important resource and often solicit advice from Government officials in the Ministry of Finance.

### RECOMMENDATION 13

**Eswatini's Parliament should seek to establish an independent Parliamentary Budget Office so that it has increased resources and sufficient financial expertise to conduct financial oversight responsibilities more effectively.**

*(Benchmark 7.2.6 – The Legislature shall have access to sufficient financial scrutiny resources and/or independent budget and financial expertise to ensure that financial oversight is conducted effectively).*

## No Confidence and Impeachment

Eswatini's Constitution provides clear guidance on the impeachment of the Executive branch and related procedures for a no-confidence vote in the Government.

57 [www.gov.sz](https://www.gov.sz/index.php/departments-sp-1312751175/attorney-general). The Office Of Attorney General. [online]. Available at: <https://www.gov.sz/index.php/departments-sp-1312751175/attorney-general>.

58 [www.gov.sz](https://www.gov.sz/index.php/about-us-auditor/auditor-general-profile). Auditor General - Profile. [online]. Available at: <https://www.gov.sz/index.php/about-us-auditor/auditor-general-profile>.

59 [www.elections.org.sz](https://www.elections.org.sz/). Elections and Boundaries Commission. [online]. Available at: <https://www.elections.org.sz/>.

60 [www.gov.sz](https://www.gov.sz/index.php/departments-sp-1107500159/civil-service-commission-csc). CIVIL SERVICE COMMISSION (CSC). [online]. Available at: <https://www.gov.sz/index.php/departments-sp-1107500159/civil-service-commission-csc>.

61 [www.gov.sz](https://www.gov.sz/index.php/departments-sp-1312751175/human-rights-commission). Human Rights Commission. [online]. Available at: <https://www.gov.sz/index.php/departments-sp-1312751175/human-rights-commission>.

62 United Nations. The Sustainable Development Goals. [online]. Available at: <https://sdgs.un.org/goals>.

63 HANDBOOK ON PARLIAMENTARY FINANCIAL OVERSIGHT ADAPTING PAC BEST PRACTICES TO LEGISLATURES IN SMALL JURISDICTIONS. [online]. Available at: <https://www.cpahq.org/media/wchb4uv5/handbook-on-parliamentary-financial-oversight.pdf>.

In line with the Constitution (section 68<sup>64</sup>), should two thirds of Members in the House of Assembly pass a motion of no confidence in any individual Cabinet Minister (including the Prime Minister), then the King is obliged to remove them from office. Similarly, should three fifths of Members in the House of Assembly pass a motion of no confidence in the Cabinet as a whole, then the entire Cabinet is dissolved and the King begins the process of appointing new Ministers with immediate effect. Any such motions of no confidence in an individual Minister, the Prime Minister, or Cabinet as a whole cannot be moved more than once during the course of a parliamentary session.

## 7. REPRESENTATION FUNCTION

### Representation of Constituents

The Constitution of Eswatini (Section 79<sup>65</sup>) provides that 'the system of Government for Eswatini 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'. Tinkhundla are meeting places for purposes of political organization and popular representation of people in Parliament and engines of development. Individuals elected to Parliament are directly elected on a five-year term and come from constituencies in the four regions across Eswatini. The electoral process does not make provision for political parties to contest the elections. To this end, collaboration between Members and the citizens they represent is an important component of governance in Eswatini and Members in the Legislature who met with the Self-Assessment team all understand the importance of this link in addressing local issues and implementing related policies. This is a positive demonstration of sound parliamentary practice which should be praised.

That said, representatives of Civil Society organisations that met with the Self-Assessment team expressed less confidence in this system of direct representation and generally favoured a hybrid system which could also make provision for political parties to contest future elections in Eswatini. A central concern raised was that the current system actually falls short in providing the direct link between parliamentarians and their constituencies that it is supposed to. They spoke of a lack of accountability, consultation and feedback among elected representatives and their constituencies over a five-year term in office with some Members re-locating to Lobamba and spending little time in the tinkhundla they are elected to represent. For example, motions put forward by a Member in Parliament often appear to be tabled without necessary input from individual constituents and wider societal groups that are geared towards representing particularly marginalised groups.

Furthermore, there were mixed views among stakeholders as to what constitutes adequate resource for Members to fulfil their representative role. There was little consensus among Members regarding the appropriate level and means of support required by them and, for the most part, parliamentary officials are happy to assist Members with a range of tasks that in other Commonwealth Legislatures are delegated to staff working in individual Members' offices. While some of these, support a Member's legislative work in Parliament, some often relate to personal constituency responsibilities, which can sometimes lead to officials in Parliament's Secretariat being taken away from their core professional duties. Such occurrences not only reduce the effectiveness of how some essential parliamentary functions are conducted but can also create difficulties for the Legislature's non-partisan staff when they are tasked with supporting individual political objectives.

### RECOMMENDATION 14

**Eswatini's Parliament should ensure that a clear distinction is drawn between partisan and non-partisan staff by providing Members with at least one official whose responsibilities are to provide the Member with administrative support and help carry out their constituency responsibilities.**

*(Benchmark 8.1.2 – The Legislature shall provide all legislators with adequate and appropriate resources to enable them to fulfil their constituency responsibilities).*

### Representation of Women

There are no legal barriers in Eswatini's Constitution to particular demographic groups (women, people with disabilities, youth of voting age) contesting parliamentary elections, however, in practical terms, a concern was raised by some stakeholders regarding the basis on which individuals who make it to Parliament are elected. In many instances, such individuals need to be well-resourced in order to gain support from constituents, which, by implication, excludes many suitable and well-qualified individuals from being nominated in their tinkhundla and contesting General Elections. This point was emphasised with regard to opportunities available to women seeking electoral office by various female Members who indicated that their success at the constituency level largely depended on their ability to garner support through independent means. In this regard, male candidates were seen to have an outright advantage with patriarchal values and attitudes commonplace in Eswatini.

64 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

65 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).



That said, Eswatini's Constitution (Section 86<sup>66</sup>) specifically addresses the representation of women in elected office. It provides that 'where at the first meeting of the House after any General Election it appears that female members of Parliament will not constitute at least thirty percent of the total membership of Parliament, the House shall form itself into an electoral college and elect not more than four women on a regional basis to the House'. Generally speaking, Eswatini's Parliament performs relatively well when it comes to the representation of women in national political activities (current IPU data shows 25% in the House of Assembly<sup>67</sup> and 45% in the Senate<sup>68</sup>) and sits above the 26% global average for female representation in Parliaments worldwide.<sup>69</sup> As such, Eswatini's Legislature should be praised for this and ensuring that sufficient additional mechanisms are in place to boost representation levels of female Members in Parliament should they not be elected organically through the ballot box.



Senate President - Sen. Pastor Lindiwe Dlamini

## 8. PARLIAMENTARY ASSISTANCE, AND NETWORKING

Eswatini joined the Commonwealth on 6 September 1968 upon gaining independence albeit the country's Parliament had already been a member of the CPA since 1 January 1965. The Legislature is one of 63 national or sub-national Legislatures in the CPA's Africa region. In recent years, Members of Eswatini's Parliament have attended various CPA events, including by sending delegates to the annual Commonwealth Parliamentary Conference and bi-annual Commonwealth Youth Parliament.<sup>70</sup>

More broadly, Eswatini's Parliament enjoys strong working relationships with several other Parliaments in the Africa region, where particular emphasis is placed upon regular interaction (at political and official level) with the national and sub-national Legislatures of neighbouring South Africa. The Parliament has established sessional Committees which reflect its membership of regional inter-parliamentary bodies such as the Southern African Development Community Parliamentary Forum (SADC-PF) and the Pan-African Parliament (PAP), which acts as the legislative body of the African Union (AU). The stated aim of these bodies is to promote regional cooperation and integration in the Southern African Development Community, and broader Africa regions, through strong parliamentary participation. Furthermore, Eswatini's Parliament is a member of the Society of Clerks-at-the-Table (an organ of the CPA Africa region), which convenes parliamentary clerks and staff from African Legislatures to provide a network for the sharing of best parliamentary practice.

It was clear to the Self-Assessment team that all relevant stakeholders understand the importance of strong international relations and are committed to deepening them further. To this end, during conversations with Members and parliamentary staff, the

66 THE CONSTITUTION OF THE KINGDOM OF SWAZILAND ACT (2005). [online]. Available at: [https://www.gov.sz/images/justice/swaziland\\_constitution.pdf](https://www.gov.sz/images/justice/swaziland_constitution.pdf).

67 IPU Parline: Global data on National Parliaments. Eswatini | House of Assembly | Data on Women | [online]. Available at: <https://data.ipu.org/parliament/SZ/SZ-LC01/data-on-women/>.

68 IPU Parline: Global data on National Parliaments. Eswatini | Senate | Data on Women | [online]. Available at: <https://data.ipu.org/parliament/SZ/SZ-UC01/data-on-women/>.

69 IPU Parline: global data on national parliaments. Global and regional averages of women in national parliaments | IPU Parline: global data on national parliaments. [online]. Available at: [https://data.ipu.org/women-averages/?date\\_year=2024&date\\_month=10](https://data.ipu.org/women-averages/?date_year=2024&date_month=10).

70 [www.cpahq.org](http://www.cpahq.org). Youth Parliament Toolkit. [online]. Available at: [www.cpahq.org/media/r1vj1p/cpa\\_youth\\_parliament\\_toolkit\\_final\\_2024.pdf](http://www.cpahq.org/media/r1vj1p/cpa_youth_parliament_toolkit_final_2024.pdf).

Self- Assessment team shared plenty of information about the resources for assistance, networking, learning, and development available to Eswatini's Parliament as a member of the CPA. Some of the capacity building and technical assistance opportunities available have already been mentioned earlier in this Report.

Whilst both Members and staff in Eswatini's Parliament seek to positively engage in a range of interparliamentary activities, their means of doing so are limited due to resource constraints discussed throughout this Report. For example, there are severe restrictions in terms of the travel budget made available (via the Ministry of Finance) to Members for travel outside of Eswatini to attend sessions hosted by these organisations and policy support provided to parliamentarians who do attend these meetings also falls short of what they require given a shortage of research staff in the Legislature's Secretariat. In recent years, the Parliament has sought to address these issues through soliciting technical assistance from international organisations, such as the UN Development Programme, but more needs to be done so that Members and staff of Eswatini's Parliament can maximise the wide-ranging benefits enjoyed from strong interparliamentary cooperation with fellow Legislatures in Africa and across the Commonwealth.

## **RECOMMENDATION 15**

**Eswatini's Parliament should continue to increase opportunities for its Members and staff to receive technical/ advisory assistance from international partners, as well as to network/exchange best legislative practice with representatives of other Legislatures in Africa and across the Commonwealth.**

*(Benchmark 9.1.1 – The Legislature shall have the right to seek and receive development assistance to strengthen the institution of Parliament / Benchmark 9.1.2 The type of assistance, budget, and use of development assistance received by the Legislature shall be determined by the Legislature in a transparent and accountable manner / Benchmark 9.1.3 – Members and the staff of Parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other Legislatures).*

## IV. VALUES OF THE LEGISLATURE

### 9. ACCESSIBILITY, OPENNESS AND ENGAGEMENT

#### Citizens and Public Engagement

For the most part, Eswatini's Parliament performs relatively well against various CPA benchmarks related to openness and engagement with both Presiding Officers, the Clerk, and wider parliamentary staff all committed to further improvement moving forward. As per the Standing Orders of both Houses<sup>71</sup>, the Clerk is required to prepare an Order Paper ahead of any meeting of the Senate or House of Assembly and official Hansard reports of proceedings in both Houses are produced by dedicated Secretariat staff following legislative sittings. Order Papers appear to be disseminated among Members in good time ahead of plenary meetings and Hansard reports finalised as quickly as staff capacity allows before being held centrally in Parliament for any Member to access upon request. No major issues with respect to either were raised during stakeholder discussions and Members seem generally satisfied with the service being provided by parliamentary staff.

Albeit these provisions work well internally for Members of Parliament, the Legislature could be doing more when it comes to being fully accessible, open, and engaged with wider Swazi society.<sup>72</sup> Many of these current shortcomings, centre on the Legislature only having recently established its own website. While having an independent online platform set-up is positive (some other Commonwealth Legislatures do not), and the hardworking efforts of secretary staff should be praised for building a website that is impressive in some ways, the Self-Assessment team identified a number of clear gaps in information that currently features online. Continuing to improve Parliament's website was one of the priority issues discussed with stakeholders during the Self-Assessment team's time in Lobamba alongside several key benefits being identified. These include but were not limited to:

- Publishing an official calendar of meetings (ahead of time) for the Legislature and related Hansard transcripts from Senate/ House of Assembly sittings (post-event) to better allow the public to follow the work of Parliament;
- Producing more detailed information pages that inform external stakeholders of wider parliamentary activities, including how legislation is passed and what work the Legislature's Sessional, Portfolio, and Select Committees undertake;
- Ensuring that current webpages dedicated to Ministerial Statements, Responses to Motions, Votes and Proceedings, and Parliament Reports are all populated as soon as possible to highlight the important work that Members and staff are conducting;
- Establishing individual webpages for all Members of both Houses including contact details, their CV, declaration of pecuniary interests, and disclosure of relevant financial activities undertaken in line with allowances provided by the Legislature to support their parliamentary work.

#### RECOMMENDATION 16

**Eswatini's Parliament should improve its current website to bring about multiple benefits relating to various openness, and engagement criteria.**

*(Benchmark 10.1.7 – The Legislature shall have a regularly updated and accessible website to enhance and promote information sharing with citizens and the outside world).*

Another linked area in which Eswatini's Parliament does not fully meet the relevant CPA Benchmark relates to accessibility requirements for persons with disabilities. As discussed earlier in this Report, current physical infrastructure catering for persons with disabilities should be uplifted, however there are also additional non-physical steps that the Legislature could take to improve its performance in this regard. Alongside further development of its website as mentioned above, the Legislature should also seek to develop integrated sign language coverage of parliamentary proceedings broadcast across various TV/online platforms and ensure that wider facilities and provisions relating to persons with disabilities are more prominently included in its next Strategic Plan.

71 STANDING ORDERS OF THE PARLIAMENT OF ESWATINI (2023). [online]. Available at: [Shapehttps://eswatinilii.org/akn/sz/act/order-in-council/1992/1/](https://eswatinilii.org/akn/sz/act/order-in-council/1992/1/).

72 [www.cpahq.org](http://www.cpahq.org). ENGAGEMENT, EDUCATION & OUTREACH HANDBOOK FOR COMMONWEALTH PARLIAMENTS. [online]. Available at: [www.cpahq.org/media/sbif14kt/engagement\\_education\\_outreach-handbook\\_final.pdf](http://www.cpahq.org/media/sbif14kt/engagement_education_outreach-handbook_final.pdf).

## The Media

There is an active Media ecosystem in Eswatini, much of which is coordinated by the Eswatini Broadcasting and Information Service (EBIS). EBIS is the country's state-owned broadcast and print information provider and is heavily influential in the dissemination of all media output across Eswatini. EBIS is a member of the Commonwealth Broadcasting Association<sup>73</sup>, falls under the Executive's Ministry of Broadcasting, Information, and Tourism, and is responsible for:

- Radio and television broadcasting services;
- Newspapers, magazines, and other printed publications;
- Government information services, including various online outlets; and
- Accreditation of foreign news reporters and correspondents operating in Eswatini.

Many citizens in Eswatini take an active interest in the work of their Legislature and follow its activities via both domestic television/radio/online platforms and wider international news channels, such as the African Broadcasting Network (ABN). Parliamentary developments also receive regular coverage on the Government of Eswatini's official Facebook<sup>74</sup> page and through Eswatini TV's daily YouTube<sup>75</sup> updates.

While the relationship between Eswatini's Parliament and representatives of the Media is relatively positive (and continually improving according to journalists who met with the Self-Assessment team), the Legislature does not currently have a fully functional Media and Communications Department. This is principally due to limited staffing resource within the parliamentary administration, albeit there is (positively) a future appetite to develop one moving forward. Currently, the Legislature's relationship with representatives of the Media is encouraging in some areas but lacking in others. To this end, the Self-Assessment team shared a number of recommendations for improving current working structures with Members, senior parliamentary staff, and representatives of the Media whilst in Lobamba:

- **Access and Accreditation:** while journalists reporting on Parliament are allowed to attend plenary sittings of the House, they are not issued with formal press accreditation, and do not have a designated space within the Plenary chambers to report on proceedings. Currently, most journalists produce their accounts of legislative business remotely, which is sub-optimal.
- **Facilities:** the Parliament does not currently have a dedicated Media facility on the Legislative precinct where journalists can base themselves while reporting on parliamentary business. Best practice dictates that one should be established to ensure that members of the Press have regular access to the Legislature and are able to freely report on its affairs.
- **Understanding:** members of the Press who met with the Self-Assessment team noted that most Members of Parliament have a limited understanding of the important role that Media outlets can play in promoting Parliament's work to the citizens of Eswatini. During these conversations, it was highlighted that providing journalists with opportunities to explain their work (perhaps by being included as part of rolling learning and development schemes) would bring considerable value to improving the relationship between parliamentarians and the Press in a mutually beneficial way that helps Members promote the important legislative work they are carrying out and uplifts the quality of reporting being conducted by journalists following the Legislature's proceedings. To this end, the Self-Assessment team also recommended that Parliament's senior management staff take steps towards producing a companion guide/handbook for representatives of the Press. This initiative has been undertaken in other Commonwealth jurisdictions (such as Samoa<sup>76</sup> and Tonga<sup>77</sup>) to great effect.

### RECOMMENDATION 17

**Eswatini's Parliament should improve its provision of information and services to representatives of the Press by providing journalists with official accreditation, establishing a dedicated Media facility on the parliamentary precinct, involving them in post-election induction activities organised for Members of Parliament, and producing a dedicated companion guide/handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.**

*(Benchmark 10.1.3 – The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure / Benchmark 10.1.4 – The Legislature shall have a non-partisan media relations facility).*

73 Commonwealth Broadcasting Association. [online]. Available at: <https://oldsite.cba.org.uk/>.

74 [www.facebook.com](https://www.facebook.com). Government of Eswatini. [online]. Available at: [https://www.facebook.com/EswatiniGov/?locale=en\\_GB](https://www.facebook.com/EswatiniGov/?locale=en_GB).

75 [www.youtube.com](https://www.youtube.com). Eswatini TV. [online]. Available at: <https://www.youtube.com/channel/UCIDOmBceOYJ10g-D0K-aADA>.

76 Parliament of Samoa – Journalist Handbook. [online]. Available at: <https://www.palemene.ws/pdfs/Samoa%20Parliamentary%20reporting%20guide.pdf>.

77 TONGA PARLIAMENTARY REPORTERS' HANDBOOK. [online]. Available at: [https://falealea.to/images/parliament\\_handbook/TonganParliamentaryHandbookEnglish.pdf](https://falealea.to/images/parliament_handbook/TonganParliamentaryHandbookEnglish.pdf).



## 10. ETHICAL GOVERNANCE

### Transparency and Integrity

As already discussed, Eswatini's Parliament has various procedures in place to conduct elements of its business transparently, allowing external stakeholders to follow legislative proceedings in real time and after deliberations. These should be positively acknowledged.

Where the Parliament appears to fall short in some respects, however, is in relation to how it meets various CPA Benchmarks linked to integrity. For example, at the time of writing:

- While Eswatini does have an Anti-Corruption Commission<sup>78</sup> in existence, Members of Parliament do not currently participate in a formal Declaration of Pecuniary Interests scheme whereby any relevant financial interests held by Members are collated and made publicly available (usually on the Legislature's website).

While the Presiding Officers of both Houses (alongside the Clerk to Parliament) encourage all legislators to maintain high standards of accountability, transparency, responsibility, and propriety in all of their parliamentary activities, Eswatini's Parliament does not currently have a formal Code of Conduct in place for its Members. The value of having one and strictly enforcing it was repeatedly raised throughout the Self-Assessment team's time in Lobamba, with the overwhelming majority of parliamentarians supportive of its introduction. Establishing a Code of Conduct (alongside a Declaration of Pecuniary Interests scheme) would be invaluable in ensuring that Members of Eswatini's Parliament maintain the highest standards of accountability, transparency, responsibility, and propriety while holding elected office, whilst also bringing the Legislature in line with best practice demonstrated in other Commonwealth jurisdictions.

### RECOMMENDATION 18

**Eswatini's Parliament should establish a formal Code of Conduct for Members and a Declaration of Interests scheme, ensuring that the highest standards of behaviour are adhered to in Parliament and bring Eswatini in line with international best practice.**

*(Benchmark 11.1.1 – Legislators should maintain high standards of accountability, transparency, responsibility, and propriety in the conduct of all public and parliamentary matters including strict adherence to codes of conduct, and interest disclosure rules / Benchmark 11.1.2 – The Legislature shall approve and enforce codes of conduct, including rules on conflicts of interest and the acceptance of gifts / Benchmark 11.1.3 – Legislatures shall require legislators to periodically, fully, and publicly disclose their financial and other relevant interests)*



Eswatini does not currently have Access to Information legislation and, as above, the Self-Assessment team frequently explained the multiple benefits that introducing one would bring. These include, but are not limited to, enhancing political transparency, increasing public scrutiny, and strengthening the trust of citizens in the representatives they elect.

<sup>78</sup> Eswatini Anti-Corruption Commission. [online]. Available at: [www.acc.gov.sz](http://www.acc.gov.sz).



During various stakeholder discussion in Lobamba, it was clear to the Self-Assessment team that there is broad support from various parliamentary stakeholders, including political leaders, to introduce new schemes and strengthen existing ones with the ambition of seeing Eswatini's Legislature meet all of the CPA's relevant transparency and integrity- related Benchmarks. This was hugely encouraging and doing so would not only be a strong demonstration of the Parliament taking proactive steps towards establishing heightened standards for conduct across its precinct, but also align both Houses with best international practice from other Commonwealth Legislatures.<sup>79</sup>

## **RECOMMENDATION 19**

**Eswatini's Parliament should pass Access to Information legislation to ensure that citizens have access to information held by public authorities, fostering improved transparency and strengthening public trust in parliamentary activities.**

*(Benchmark 11.2.1 – There shall be an effective FOI regime to give the public access to information held by public authorities).*

79 [www.cpahq.org](http://www.cpahq.org). Standards for Codes of Conduct. [online]. Available at: [www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024-final.pdf](http://www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024-final.pdf).

## RECOMMENDATIONS

**Recommendation 1:** Eswatini's Parliament (with the relevant stakeholder Ministry) should develop an accountability framework for Parliamentarians to guide the Reporting of Members with their constituencies, in lieu of the 'power of recall'. Furthermore, Eswatini's Parliament should update its National law to ensure that the Elections and Boundaries Commission has adequate capacity and powers to properly comply with its Constitutional mandate and international elections standards. Additionally, the Commission should ensure robust and accurate implementation of campaign finance laws to monitor the election expenses of parliamentary candidates.

**Recommendation 2:** Eswatini's Parliament should update its parliamentary privilege/immunity provisions to enshrine in law due protections for whistleblowers and witnesses, while also introducing a Citizens' Right of Reply scheme in relation to adverse references made to private individuals during legislative proceedings.

**Recommendation 3:** Eswatini's Parliament should pass legislation that establishes an independent Remuneration Authority with adequate mechanisms for monitoring and publishing relevant financial disclosures relating to Members of Parliament.

**Recommendation 4:** Eswatini's Parliament should seek to improve its current physical infrastructure, where possible, with a focus on providing individual office space for Members, expanding ICT provisions, and enhancing accessibility provisions for persons with disabilities across the parliamentary precinct.

**Recommendation 5:** Eswatini's Parliament should expand its Professional Development Programmes to include the participation of key external stakeholders and hold these periodically between General Elections to ensure that such opportunities are open to all Members of Parliament and Secretariat staff.

**Recommendation 6:** Eswatini's Parliament should regularly review its Standing Orders to ensure that any recommended amendments are integrated ahead of Eswatini's next General Election. These should be published online so that members of the public can access them alongside the Presiding Officers undergoing training on their role, with a particular focus on the Parliament's Standing Orders.

**Recommendation 7:** Eswatini's Parliament should seek to increase the regularity of parliamentary sittings and ensure that an annual calendar of meetings is published online for the benefit of Swazi citizens and other interested stakeholders.

**Recommendation 8:** Eswatini's Parliament should adopt provisions that allow specific days in the parliamentary calendar for the consideration of Non-Government business and establish structures within its staff Secretariat to facilitate the meaningful introduction of Private Members' Bills.

**Recommendation 9:** Eswatini's Parliament should seek to improve the functioning of its parliamentary Committees by: increasing their staff capacity via internal parliamentary officials or external experts to support own-initiative work; and ensuring that they have an independent budget (free from Executive oversight) that enables them to conduct important outreach activities away from the parliamentary precinct.

**Recommendation 10:** Eswatini's Parliament should, as a priority, establish an autonomous and independent Parliamentary Service Commission (or equivalent corporate body) with responsibility for the Legislature's internal governance and key related parliamentary services. The current Board has extensive powers at the same level of a Service Commission and should spearhead the amendment of the Parliamentary Service Act (2015) to provide more autonomy and competitive remuneration.

**Recommendation 11:** Eswatini's Parliament should update its Standing Orders to strengthen various provisions relating to the drafting, scrutinising, passing, and implementation of legislation. This should include:

- Strengthening provisions around secondary legislation to ensure that these undergo increased means of scrutiny in line with primary legislation.
- Conducting equality impact assessments to provide Civil Society Organisations with greater opportunity to influence the legislative process and ensure that the potential impact of new legislation on marginalised population groups is given full consideration.
- Introducing means of pre-legislative and post-legislative scrutiny to ensure that any legislation passed by Parliament has been optimally designed, is fit for purpose, and achieves its intended objective.

**Recommendation 12:** Eswatini's Parliament should establish clear mechanisms for holding the Prime Minister to account in both his capacity as the Chairperson of Cabinet and Minister for Parliamentary Affairs.

**Recommendation 13:** Eswatini's Parliament should seek to establish an independent Parliamentary Budget Office so that it has increased resources and sufficient financial expertise to conduct financial oversight responsibilities more effectively.

**Recommendation 14:** Eswatini's Parliament should ensure that a clear distinction is drawn between partisan and non-partisan staff by providing Members with at least one official whose responsibilities are to provide the Member with administrative support and help carry out their constituency responsibilities.

**Recommendation 15:** Eswatini's Parliament should continue to increase opportunities for its Members and staff to receive technical/advisory assistance from international partners, as well as to network/exchange best legislative practice with representatives of other Legislatures in Africa and across the Commonwealth.

**Recommendation 16:** Eswatini's Parliament should improve its current website to bring about multiple benefits relating to various openness, and engagement criteria.

**Recommendation 17:** Eswatini's Parliament should improve its provision of information and services to representatives of the Press by providing journalists with official accreditation, establishing a dedicated Media facility on the parliamentary precinct, involving them in post-election induction activities organised for Members of Parliament, and producing a dedicated companion guide/handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.

**Recommendation 18:** Eswatini's Parliament should establish a formal Code of Conduct for Members and a Declaration of Interests scheme, ensuring that the highest standards of behaviour are adhered to in Parliament and bring Eswatini in line with international best practice.

**Recommendation 19:** Eswatini's Parliament should pass Access to Information legislation to ensure that citizens have access to information held by public authorities, fostering improved transparency and strengthening public trust in parliamentary activities.

## STAKEHOLDERS

Name	Title
Sen. Lindiwe Dlamini	President, Eswatini Senate
Hon. Jabulani Mabuza	Speaker, Eswatini House of Assembly
Sen. Ndumiso Mdluli	Deputy President, Eswatini Senate
Hon. Madala Mhlanga	Deputy Speaker, Eswatini House of Assembly
Hon. Thulisile Dladla	Deputy Prime Minister, Kingdom of Eswatini
Mr. Sgayoyo Magongo	Member, Parliamentary Service Board
Mr. Benedict Xaba	Clerk, Parliament of Eswatini
Ms. Zanele Gamedze	Deputy Clerk, Parliament of Eswatini
Mr. Celumusa Khoza	Clerk at Table, Parliament of Eswatini
Ms. Nontokozo Shabangu	Assistant Clerk, Parliament of Eswatini
Mr. Treasure Shabangu	Assistant Clerk, Parliament of Eswatini
Mr. Lunga Dlamini	Legal Clerk, Parliament of Eswatini
Ms. Thoko Gumedze	Legal Clerk, Parliament of Eswatini
Mr. Bhukumusa C. Shongwe	Legal Clerk, Parliament of Eswatini
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Mr. Sikhumbuzo Sukati	Financial Controller, Parliament of Eswatini
Ms. Nozipho Mabuza	Information Manager, Parliament of Eswatini
Ms. Phindile Sihlongonyane	Senior HR Officer, Parliament of Eswatini
Ms. Hloniphile Dlamini	HR Officer, Parliament of Eswatini
Ms. Ntfombiyancengwa Dlamini	Hansard Editor, Parliament of Eswatini
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Sen. Chief Ngome Ndlangamandla	Member, CPA Sessional Committee
Sen. Isaac Magagula	Member, CPA Sessional Committee
Sen. Linda Nxumalo	Member, CPA Sessional Committee
Sen. Sicelo Dlamini	Member, CPA Sessional Committee
Hon. Nkosungumenzi Dlamini	Member, CPA Sessional Committee
Hon. Raymond Dlamini	Member, CPA Sessional Committee
Hon. Shawnette Henwood	Member, CPA Sessional Committee
Hon. Futhie Ngcamphalala	Member, CPA Sessional Committee
Hon. Thulani Nsingwane	Member, CPA Sessional Committee
Hon. Bhekibandla Vilakati	Member, CPA Sessional Committee
Sen. HRH Princess Ncengcenge	Member, Woman Parliamentary Caucus
Sen. Lizzie Nkosi	Member, Woman Parliamentary Caucus
Hon. Tanele Magagula	Member, Woman Parliamentary Caucus
Hon. Zanele Mashaba	Member, Woman Parliamentary Caucus
Hon. Thandeka Mavuso	Member, Woman Parliamentary Caucus
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Sen. Sphelele Mkhonta	Member, IPU/SADC-PF Sessional Committees
Hon. Prince Mshengu	Member, IPU/SADC-PF Sessional Committees
Hon. Nokuthula Dlamini	Member, IPU/SADC-PF Sessional Committees
Hon. Sicelo Jele	Member, IPU/SADC-PF Sessional Committees
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Mr. Vusi Dlamini	Principal Secretary, Ministry of Finance
Ms. Nomsa Simelane	Official, Ministry of Finance

Mr. Timothy Masuku	Official, Ministry of Finance
Ms. Khanyisile Dube	Official, Ministry of Finance
Mr. Siboniso Mamba	Chairperson, Civil Service Commission
HRH. Princess Sibahle	Commissioner, Civil Service Commission
Prince Mfanawemakhosi	Commissioner, Civil Service Commission
Chief Velamuva Maseko	Commissioner, Civil Service Commission
Rev. Nhlanhla Hlatswayo	Commissioner, Civil Service Commission
Ms. Nonhlanhla Gama	Secretariat Official, Civil Service Commission
Mr. Bongani Vilakati	Secretariat Official, Civil Service Commission
Mr. Bathandwa Hlatshwayo	Director, Ministry of Public Service
Ms. Senza Bhembe	Under-Secretary, Ministry of Public Service
Mr. Thulani Lushaba	SWANCEFA, Civil Society Representative
Mr. Sandile Ndwandwe	ECPCO Catholic Church, Civil Society Representative
Mr. Sonic Dlamini	Kwakha Indvodza, Civil Society Representative
Ms. Grace Bhembe	FODSWA, Civil Society Representative
Mr. Themba Makhuba	FODSWA, Civil Society Representative
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Mr. Bhekani Dlamini	CANGO, Civil Society Representative
Bishop Siphon Tembe	Commissioner, Elections and Boundaries Commission
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Mr. Walter Bennett	Former Senator, Parliament of Eswatini





This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal blue lines across its entire width, providing a guide for handwriting or typing. The background is a clean, solid white color.



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