

## ROM report

<i>Type of ROM review</i>	<b>Projects and Programmes</b>
<i>Project title</i>	<b>Support to Land Governance in Swaziland, in the scope of the Voluntary Guidelines</b>
<i>Project reference</i>	<b>D-24922</b>
<i>Delegation in charge</i>	<b>Swaziland</b>
<i>Status</i>	<b>Final</b>
<i>Report date</i>	<b>07/03/2018</b>

Project - Key Information	
<b>Domain (instrument)</b>	Food Security
<b>DAC Sector</b>	Agrarian reform
<b>Zone Benefitting from the Action</b>	Swaziland
<b>Type of Project/Programme</b>	Thematic
<b>Geographic Implementation</b>	Single-country
<b>Entity in Charge</b>	EU-Africa Relations, East and Southern Africa
<b>OM in Charge</b>	MAGONGO BHEKANI

Project - Financial data on 19/11/2017			
<b>Total budget</b>	1,800,000 €		
<b>EU contribution</b>	1,800,000 €		
<b>Contracted Amount</b>	1,542,374 €		
<b>Paid Amount</b>	494,639 €	<b>Date of last payment</b>	14/11/2017

Project - Dates	
<b>Signature Date of Financing Agreement by Beneficiary Country (FA date)</b>	30/05/2014
<b>Final Date for Contracting (FDC ILC)</b>	30/05/2017
<b>End Date of Operational Implementation Period (LMO/EOI)</b>	30/05/2019

ROM review - Key information				
<b>Reason for ROM review</b>	Problematic			
<b>ROM expert(s) name(s)</b>	MCLURE Douglas			
<b>Field phase</b>	<b>Start Date</b>	20/11/2017	<b>End Date</b>	28/11/2017

## Project Synopsis

### Context

Since independence Swazi government policies and strategies have included development of agriculture as a priority and economic policy has focused on achieving a rapid increase in production to reduce food imports and achieve self-sufficiency. Much of this food was to come from increased production in the subsistence sector. But like many other African countries the existing land administration and management systems coupled to proper land usage has proven an obstacle to implementation of such development policies. Land tenure has proven a contentious issue and in Swaziland's case, according to many, including the IMF and the World Bank, has seriously constrained development and private investment.

The post-colonial era has seen land effectively divided into two major categories of land tenure. One, Swazi Nation Land (SNL) about 60% of the land total and two, the remainder held by title deed and where feasible used for commercial production. SNL land almost exclusively exploited by small holders and subsistence farmers, is held in trust by His Majesty the King (HMK) and administered through a structure of some 385 chiefs and chiefdom councils.

This intervention deals with issues surrounding the SNL land.

There is general acceptance that the current management and use of SNL land is not only detrimental to the economic development of the country but to the land users themselves. The size of the land holdings are decreasing and are becoming uneconomic units. Land availability for cropping and grazing is being reduced forcing over usage of fragile lands. Market and credit facilities for production purposes are restricted. Increasing disputes and threatened violence are not uncommon. As pressures increase fraudulent transfers of land are effecting the poor and vulnerable.

Land is an emotive issue to Swazi people and attempts to improve or even regularize the situation have all stalled. The most glaring example is the preparation and presentation of a new National Land Policy in 1999 which despite being recommended for acceptance in the government's 'Poverty Reduction Strategy Programme' remains shelved. This is an indicator of the complexity of the ownership and administration of the SNL land and highlights that this is not simply an economic but a socio cultural issue. Any reform has to recognize the cultural framework governing current land management.

### Description of the Intervention Logic

The Decision, 'Support to Land Governance in Swaziland in the Scope of the Voluntary Guidelines' has changed title since the original Financing Agreement and now morphed into Technical Assistance Support to the Government of Swaziland in sustainable land administration and management (SLAM). It is part of the overarching EU support to strengthen governance approaches for food security at African country level. The overarching programme has a total estimated EU budget contribution of €32,735,254. The action headquartered in Addis Ababa, services 10 countries with Swaziland benefiting from the central support and a pilot project costing €1,800,000. SLAM fits neatly into the objectives of this decision which is to enhance secure access to land for small holders and improve food scrutiny whilst improving land governance using as a guide the internationally accepted VGGT (Voluntary Guidelines on the Responsible Governance of Tenure of land, Fisheries and Forests) and the corresponding African Frameworks and Guidelines (AF&G).

Within this window the SLAM Overall Objective is: To improve the security of tenure and access to land for the rural poor thereby improving food security: The Specific Objective is to provide tools and capacities for sustainable land administration and management at national, regional and chiefdom level.

Expected Results are:

1. Tools are developed and used for more efficient Land Administration of Swazi Nation land at National and Inkhundla (sub district) level;
2. Relevant Stakeholders capacitated to use the cadastre and manage the Swazi nation land more effectively and
3. Institutional arrangements for non –Title deed land/SNL are endorsed by stakeholders.

Initially 4 pilot areas will be selected and tools will be developed to assist with more efficient land administration. Information will be accumulated on homesteads, land use and any unused areas. This will be done by land surveys and use of aerial photography techniques. The records and maps thereby obtained will be retained by the Chiefdom authorities to assist in improved land management. Chiefdom officials will be trained in the proper use of these records. In parallel the project team will, from experience and knowledge gained present some recommendations for the future administration of the SNL.

Although a pilot project and work is planned to cover 4 pilot areas, de facto 4 Inkhundla, this will target 31 chiefdoms. It is not believed that all those selected will agree to participate but 20 plus would be sufficient to provide the required information on the success or failure of the concept.

## Findings

### 1. Relevance

SLAM fully responds to the needs of all stakeholders and this makes it a very relevant intervention. Primary beneficiaries will be the chiefdoms and the homesteads therein. Equally so, will be government institutions who will want to see the start of a structure leading to a more stable land management and administration system. The protracted delays in modernizing the existing management of land usage are seriously aggravating the problems now being faced.

There is widespread commitment amongst all stakeholders, described in detail below, to see the pilot produce positive results. Ownership of the project rests solely with the Swazi government.

SLAM employs a bottom up approach which is different from previous interventions and should go some way to tempering the suspicions of the traditionalists that see any intervention as an attempt to reduce the role of the Chiefs in the allocation of land. It is appropriate that there is consultation on this project at Chiefdom level to ensure that this is seen as a gathering of information not a vehicle to introduce change. It is also relevant to note that the project has the approval of HMK.

The Ministry of Agriculture highlights the input from SLAM as a building block in the overall land administration and management of land facing Swaziland. The relevance is that by employing this approach it will gain the confidence of the primary beneficiaries for any future change and ensure that they will not be ignored.

Both the EU and the Government have given prominence to agriculture in present development programmes implying a high level of relevance to the sector. Of the EU indicative programme between 2014 -2020, 64.5% of the allocated budget of €62 million, is earmarked for agriculture. This intervention can, although a budget line initiative, be considered part of the thrust to expand the agricultural sector. Similarly agricultural development on SNL has a high profile in the Swaziland National Development Initiative with the 2007 Poverty Reduction Strategy highlighting the importance of agriculture and specifically advising the need to review land management.

The project targets 3 results (see intervention logic) all relevant to the current land situation. New techniques are required and good communication with Chiefdoms is paramount if a good rapport is to be built with primary beneficiaries.

The intervention logic remains sound and has not changed since the preparation of the TA inception report (IR) and only some minor log frame changes were suggested. As the IR was accepted the log frame contained therein is considered the present working document. As ROM relies on LF's for information this clarifies the source. The objectives and purpose have not changed it is therefore not believed that an addendum is required. The targets are considered SMART (specific, measurable, attainable and time bound) although the question of time is questionable. Small changes to the indicators would clarify the SLAM role. Clarification of words such as cadastre and emphasis changed to chiefdoms rather than Tinkhundla would provide clearer indicators of targets. Result 3 talks of institutional arrangements for SNL being endorsed by stakeholders. This is vague and needs clarification. In general, means of verification require strengthening.

It is relevant that the role of women is highlighted in the project TA assistance terms of reference. Although they have equal status under the Swazi constitution, they are very vulnerable to fraudulent dealings when faced with customary law.

Financially the project is one hundred per cent backed by the EU. Some office space has been provided by the Government through the Surveyor General's department and some possible future field staff inputs. The fore casted economic situation is not encouraging post project as indicated in the MQs 1.2 and the section conclusions. This may effect future Government financial inputs although commitment has been shown by Government budgeting funds for project shortfalls in the 2017/2018 financial year.

### 2. Efficiency

Three ministries have a say in the management and administration of land. Agriculture (MoA); Natural Resources and Energy (MNEP) and the Ministry of Tinkhundla Administration and Development (MTAD). (Tinkhundla is the plural of Inkhundla, an administrative division). The Ministry of Economic Planning and development (MEPD) is the contracting authority. In addition new membership of the Land Management Board (LMB) which reports direct to HMK has now been appointed. A Project Steering Committee (PSC) combined of senior government officers, representatives of Civil Society and with the EU Delegation as observers oversees the overall direction and policy of the project. This committee was scheduled to meet quarterly but has only met once since inception. Given the numbers and seniority of the membership this is not surprising.

This is a fragmented management structure which has been circumvented by the establishment of Project Management Committee (PMC) which meets regularly and works closely with the TA management team to guide and manage project affairs. Composed of a maximum of 5 persons representing the key ministerial stakeholders, together with the TA team it has bridged the gap between the key ministries and infused common understanding of issues in managing the SLAM affairs, alongside management advice. Introduction of the TA team was a prudent move which has helped to forge this relationship. There is no interference in the day to day project implementation by the TA team.

Although the EU- Government Financing Agreement was signed in 30/05/14 it was not until 27/09/16 the TA contact was concluded and the Team Leader mobilised and arrived on site on 02/10/16. Further delays took place in the appointment of the two Tinkhundla advisers, key players in planning and organising field work, who were finally able to mobilize on 01/04/17. Reasons put forward for these delays were that protocol required certain steps be taken before appointments could be made and only preparation work could be done during this period. Field work involving choice of pilot areas and chiefdom consultations could not start until final approval was received from HMK. This was given in August 2017 and field work was able to commence.

From initial mobilization till the project was able to start field work considerable planning and preparation work took place. Familiarisation, networking within the government structure and inter project liaison allowed project management space to build up a strong work base. Nevertheless, the consequences of these delays in moving into the field have put great time pressure on project management to achieve project targets.

Globally, the financial allocation is sufficient to enable the project to meet its targets, but internal adjustment, discussed in the following section is urgently required if these are to be met. An addendum to the FA was made in March 2017 which recognised that no funds were required for aerial photography. This allowed a budgeted increase of €120,000 for the TA contract and an allocation of €300,000 for IT equipment. The equipment is on order but there has as yet been no amendment to date to the TA contract. Currently expenditure and man day inputs are well within budgets. Delays have meant that usage of the Tinkhundla experts and the surveyor are behind schedule but this will be rectified as the work is now expected to accelerate forwards.

The TA team and the PMC are a strong team. The Project Director shares time with other responsibilities but this has not been detrimental to project implementation. As a member of the PMC and consulted on a regular basis, a major additional role has been the maintenance of a strong link into the agricultural sector. The TA team itself is committed, efficient and reflects strong hands on management. Staff morale is high.

Serious delays occurred both pre (28 months) FA and TA signature and implementation thereafter. Following team leader mobilization it took a further 6 months before the Tinkhundla Advisors (2) were in place (these are crucial posts directly supervising field work) and then a further 6 months before teams were able to move into the field to conduct chiefdom discussions. Most of the latter delays were explained as being caused by protocol/cultural issues. Nevertheless this reflects adversely on the Swaziland side and should not be considered any consequence of the work the management team. Whilst the team Leader has been able to carry out much preliminary work and networking this has put serious pressure on the team to complete targets within the contractual time frame.

### 3. Effectiveness

Despite delays the impact of the project is now being seen and momentum is beginning to build up. Good relationships have been established throughout the sector. A quality communications strategy, so important to chiefdom interaction has been established and work plans are in place.

Most crucial, is that the 4 pilot areas have been identified and chosen with 31 chiefdoms identified for project collaboration. Regional Administrators have promised support. Work has successfully started in two chiefdoms where after some debate project proposals and work plans were accepted. This still remains a pilot and whilst it is not expected that all chiefdoms will cooperate fully a sufficient number will engage to allow for a proper evaluation of whether or not the concept is successful and could be rolled out across the country. Development of tools to assist with more efficient land administration of SNL will be pursued once results and experience from the practical chiefdom work is compiled. Capacity building activities will start with an assessment of needs and the preparation of a training plan. It is expected that there will be disputes over boundaries along the way and discussions will be instigated with stakeholders on dispute resolution. In anticipation, a dispute resolution discussion paper has been prepared

Given the protocols that have had to be followed to move the project forward the project now faces serious time constraints. The end of the FA implementation period is 30/05/2019 which coincides with the end of the TA contract. This would allow from now, 18 months to completion. In practice however with traditional festivals and the Xmas period between 3-4 weeks of down time it is less. It is imperative therefore that the work plans be re-examined and contractual arrangements be put in place to maximize support to the team through till completion.

Two issues require urgent attention. Firstly the financing of the teams who have to be organized to move into the field to survey the Chiefdom occupancy and record boundaries and gather relevant information and secondly the duration of the TA contract. In anticipation of this after PMC deliberations the MNEP put forward a request for an addendum to increase the TA and incidental expenses for this purpose. Due to EU financial rules (D+3) this was not acceptable. Given however that there is a possible €190,000 still uncommitted of the €1,800,000 budget it is suggested that use of these funds be visited to make available the required amounts. It is estimated that some €120,000 is required for field expenses and if this is accurate the balance could be used for a cost extension of the TA contract now standing at 32 months. This may mean two riders one to the FA and the other to the TA contract but the mechanism if the principle is accepted, has to be decided by the NAO/EUD. Teams will be required to move into the field starting February 2018 which underscores the urgency of this matter.

Should it not be possible to move down this route an alternative is to cut back on TA inputs and or reduce the number of pilot areas. The latter would produce little saving and either should be avoided. If no solution is found project outputs would be seriously diluted; an uncomfortable scenario for a small but important project which promises much. Apportioning responsibility for this situation at this stage is not productive but it cannot be ignored that the extensive early delays caused by government protocols and bureaucracy have played a major role. IT software and equipment is en-route but has been delayed due to some items being unsuitable for air transportation. This is not expected to have a negative impact on project operations.

Project funds are used on a bi annual basis to send participants to meetings of the Head Project in Addis Ababa. The NAOs office also sends participants. More collaboration and improved reporting is required.

### 4. Sustainability

Complete sustainability will in the true sense mean adaptation of the process across the Board and the 385 Chiefdoms. It remains to be seen how viable this will be. It is probable that there will be acceptance by some but not all and sustainability should be better measured by the majority accepting and implementing the recommended changes. Success may be measured if the results from the pilots attract widespread interest and requests to participate. No matter the results some Chiefdom may opt out. Similarly institutional sustainability will be measured if some recommendations are adopted by relevant stakeholders.

Wide acceptance would mean a more extensive programme with a corresponding increase in funding. With the future wellbeing of the Swaziland economy in question this would mean further international investment. There is therefore the need for a detailed exit strategy to be put in place to cover all options. Options would include the cessation of the project if the pilot is unsuccessful; the rolling out and funding if Government decide to follow up on what the role of the different government institutions would be.

Chiefdoms and land owners will benefit specifically from the tools developed for more efficient land use mapping. For example records will be available at chiefdom level of homestead boundaries and land use and communal grazing areas. Together this will allow for more efficient and accurate Chiefdom administration. They themselves will benefit from capacity building and the introduction of written guidelines and accompanying maps.

This scenario refers of course to the work at Chiefdom level. Institutional recommendations from the project post pilot would hope fully introduce some stability into the system which could be continuously applied.

Priority has to be given to early interaction with the LMB. Questions over their role are being raised by ministry official as well as the project itself. Whilst relationships are good this needs to be followed up.

At this point in time there is little appreciation of what the level of success may be. But the tools developed by SLAM for Chiefdom use will definitely boost knowledge of what is happening on the ground. Training will provide for much more efficient administration when coupled to the information SLAM will provide. In addition this information will be held in the Chiefdoms which will reinforce the sustainability of the project outputs. The EUD relationship with the project is good but in view of the complexity of the exercise it is suggested that a few project visits to hear first-hand the constraints and progress would be confidence building. If this pilot is successful it could pave the way for future meaningful land management discussions.

The overarching VGGT guidelines include strong references to the rights of women in land tenure systems. Surprisingly this is not followed through in the FA but is specifically identified as an issue in the TA contract Terms of Reference. Under customary law applied on SNL their position is weak and they are often victims of fraudulent dealings, unfair decisions and their right of ownership challenged. Conversely under the Swaziland constitution they have equal rights with men. It is suggested that this issue is covered under output 3 of the project log frame.

## Conclusions

N°	Conclusion
C1	This is a small but important initiative in what is part of the jigsaw to resolve what appears to be a log jam in resolving the question of land administration and management in Swaziland, which has stagnated since the drafting of the proposals on land reform of 1999. The project concept is sound and the intervention logic more than adequate to achieve the required results.
C2	There have been serious delays in project start up; initially from signing of the Financing Agreement to the signing of the TA contract. Thereafter although the TA team leader was in place this long lead in time has been compounded by Government protocol dictating slow team appointments and agreement for field work to start. This has resulted in significant pressure on the TA team to meet planned results.
C3	Government management of the domain in which the project operates is cumbersome with three ministries involved plus the newly introduced Land Management Board. Project supervision and monitoring is equally unwieldy with such a large Project Steering committee of senior officials scheduled to meet at quarterly intervals. This has been circumvented by the introduction of an efficient project management committee of the Project Director alongside key professionals of the three key ministries with the TA team in attendance.
C4	Project management is committed and efficient and has blended in well with the existing land authorities. This is important where so much of the decision making is reliant on a time bound cultural structure. On the government side there is evidence of significant support. The project management committee is working well with the reduced number of PSC meetings not impeding momentum.
C5	The project is entering a crucial stage where funds are required for field work to collect chiefdom information which cannot be made available under the current TA contract. Unless funds are available there is a serious danger that this important initiative will be unable to achieve its objectives.
C6	Coupled to the need for an additional or reallocation of funds the delays in start-up have meant that the TA contract of 32 months may be inadequate to allow adequate time to conclude the project results. A no cost extension is envisaged for the TA contract which awaits the extension of the operational period of the FA. This has to be done as quickly as possible.
C7	Inadequate information is available required regarding the role of the newly created Land Management Board. The wide powers granted under the act are understandably not at this early stage being fully put in place and the current term 'firefighting' land misuse and fraudulent dealings appear an appropriate description at this stage.
C8	The log frame has been improved at project inception. As it stands it clearly reflects the results and required indicators.
C9	The participation of project staff and nominees from the MEDP to attend the bi annual meetings of the Support to and Capitalization on the EU land Governance programme in Africa, the project parent body in Addis Ababa can only be meaningful if proper return to base reports directly relating to Swaziland benefits is disseminated and discussed. Information on the submission of these reports is confusing. Adverse comments were received during the mission and the dichotomy and size of the Swazi representation. This needs to be followed up an evaluated.
C10	No reference is found in the use of land versus the environment in the project documentation. In view of the pressure on land and problems with erosion in some areas this appears a notable omission.

## Recommendations

N°	Recommendation
R1	The MNRE requested that funds be made available for both project field work and extension of the TA contract in August 2017. This was not granted due to EU financial regulations. Rider 1 of March 2017 reallocated funds to the TA contract bringing it to 1,450,000. It is recommended that the difference between that and the current TA contract be reallocated to increased incidentals for field work. This is urgent and requires speedy MNRE, MEDP and EU consultations following TA team and PMC deliberations.
R2	The same institutions should simultaneously, utilizing the same source of funding, reallocate funds towards a TA contract cost extension, which is dependent on the extension of the FA, to allow more time to meet SLAM targets. During this exercise there is also the possibility of reallocating TA funds if required.
R3	The need to accelerate the chiefdom programme is understood but there is also the need for the project to engage more with the LMB to understand how they see their future role. LMB participation in the PMC meetings should be considered.
R4	In view of the probable reallocation of funds the TA team will require to revisit the work plan for the no cost extension although major changes are not envisaged. This should coincide with required amendments to the log frame.
R5	Time to complete the project targets is critically short. It may mean unless an early resolution to the funding and time extension requirements are found that the project results will be inconclusive. In this scenario the TA team should present various exit strategies to cover more than one eventuality. This should be done at an early date. If the project is successful the strategies should also include possible EU funding for a second SLAM stage
R6	The EU should continue to insist that EU funding (project and otherwise) used to send missions to meetings in Addis Ababa should be treated as study visits for reporting purposes and detailed reporting is made available on return. The MEDP should consider appointing one team leader if persons continue to travel from two sources. (See MQs 3.3 where the mission was informed that 2 officers from the project attended and 3 from MPED).
R7	It is clear that any suggested changes to land administration and management is an emotive issue in Swaziland. The project has developed a good communications strategy. Once work in several chiefdoms has been successfully completed SLAM could assume a more public role and successes made more known to the general public. Field days are also a possibility
R8	The overarching project specifically refers to the Voluntary Guidelines on the responsible Governance of tenure of Land Fisheries and Forests in the context of food security (VGGT). It is suggested that there is cross reference to some of these guidelines in the project six monthly reports.
R9	This is a complex project and a pilot of an important issue. It is suggested, time permitting that the relevant EUD would benefit from the occasional direct visit to the project to hear of constraints and progress
R10	The TA team should discuss environmental issues with relevant stakeholders and introduce workshops/discussions in the work plans. From discussions and press reports it would appear that discrimination is not receding and the project should give the needs of women a higher profile.

## Scoring overview

<b>Relevance</b>	1.1	1.2	1.3	1.4	1.5	1.6	1.7 a)	1.7 b)	1.7 c)	1.7 d)	1.7 e)
											
<b>Efficiency</b>	2.1	2.2	2.3 a)	2.3 b)	2.3 c)	2.4 a)	2.4 b)	2.4 c)	2.5	2.6	
											
<b>Effectiveness</b>	3.1	3.2	3.3	3.4							
											
<b>Sustainability</b>	4.1	4.2	4.3	4.4	4.5	4.6	4.7				
											

## Comments from EC services

Date of EC services comments

26/03/2018

## Comments on Synopsis

The comments have been captured by the report

## Comments on Findings

Criteria	Comments from EC services
Relevance	No further comments
Efficiency	No further comments
Effectiveness	No further comments
Sustainability	

## Comments on Conclusions

N°	Comments from EC services
C1	No further comments
C2	No further comments
C3	No further comments
C4	No further comments
C5	No further comments
C6	No further comments
C7	No further comments
C8	No further comments
C9	No further comments
C10	No further comments

## Comments on Recommendations

N°	Agreed	Comments from EC services
R1	Yes	No further comments
R2	Yes	No further comments
R3	Yes	No further comments
R4	Yes	No further comments
R5	Yes	No further comments
R6	Yes	No further comments
R7	Yes	No further comments
R8	Yes	No further comments
R9	Yes	No further comments
R10	Yes	No further comments

## Quality of the report

Is the report complete, clear and well argued and does it allow operational follow-up?



A report that is coherent, and suggests feasible recommendations. However, needs to have some facts checked.

## Follow-up Plan

Action	Linked Rec.	Implemented by	Deadline
Recommendations currently being processed	R1, R2, R5, R9, R10	MEPD, EU, SWADE	31/07/2018