

FSC National Risk Assessment

For the Kingdom of Eswatini (Swaziland)

DEVELOPED ACCORDING TO PROCEDURE FSC-PRO-60-002 V3-0

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Body responsible for NRA maintenance	FSC Southern Africa (m.moodley@fsc.org)

Contents

Risk designations in finalized risk assessments for Eswatini	3
Background information.....	4
List of experts involved in the risk assessment	5
National Risk Assessment maintenance.....	6
Complaints and disputes regarding the approved National Risk Assessment	6
List of key stakeholders for consultation	7
Risk assessments.....	8
Overview.....	8
Controlled wood category 1: Illegally harvested wood	12
Overview.....	12
Sources of legal timber in Swaziland	14
Risk assessment.....	15
Control measures	73
Controlled wood category 2: Wood harvested in violation of traditional and human rights	75
Risk assessment.....	75
Control measures	75
Detailed analysis.....	76
Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities	122
Overview.....	122
Experts consulted	132
Risk assessment.....	133
Control measures	149
Information sources	149
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	153
Overview:.....	153
Risk assessment.....	154
Control measures	157
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	158
Risk assessment.....	158
Control measures	162

Risk designations in finalized risk assessments for Eswatini

Indicator	Risk designation for Plantation Forests (including functional scale when relevant)	Risk designation for Natural forests (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood		
1.1	Low risk	Specified risk (no commercial source) from Swazi Nation Land (SNL)
1.2	N/A	N/A
1.3	N/A	N/A
1.4	Low risk	Specified risk (no commercial source) from Swazi Nation Land (SNL)
1.5	N/A	N/A
1.6	Low risk	Low Risk
1.7	Low risk	Low Risk
1.8	Low Risk	Specified Risk
1.9	Low risk	Specified Risk for Swazi Nation Land (SNL)
1.10	Low risk	Specified Risk for Swazi Nation Land (SNL)
1.11	Low risk	Low Risk
1.12	Low risk for Swazi Nation Land (SNL), Specified Risk for Crown or State Land (CL) and Title Deed Land (TDL).	Low risk for Swazi Nation Land (SNL) Specified Risk for Crown or State Land (CL) and Title Deed Land (TDL)
1.13	Low Risk	Low Risk
1.14	N/A	N/A
1.15	N/A	N/A
1.16	N/A	N/A
1.17	Low risk for Private Title Deed Land (TDL) and Crown Land N/A for Swazi Nation Land (SNL)	Low Risk for Crown or State Land (CL) and Title Deed Land (TDL) N/A for Swazi Nation Land (SNL)
1.18	N/A	N/A
1.19	Low risk	Specified risk for Swazi Nation Land (SNL)
1.20	Low risk	Low Risk
1.21	N/A	N/A
Controlled wood category 2: Wood harvested in violation of traditional- and human rights		
2.1	Low risk	Low Risk
2.2	Low Risk for Swazi Nation Land (SNL)	Low Risk for Swazi Nation Land (SNL)

	Specified risk for Crown or State Land (CL) and Title Deed Land (TDL)	Specified risk for Crown or State Land (CL) and Title Deed Land (TDL)
2.3	Low risk	Low Risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities		
3.0	Low Risk	Low Risk
3.1	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country	Specified Risk
3.2	Specified Risk for the Mankayane District(Middleveld portion) Low Risk for the rest of the Country	Specified risk
3.3	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country	Specified Risk
3.4	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country	Specified Risk
3.5	Low Risk	Low Risk
3.6	Low Risk	Low Risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use		
4.1	Specified risk	Specified Risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted		
5.1	Low risk	Low Risk

Background information

An assessment of risk insourcing wood from 'unacceptable' sources, as outlined by the five Controlled Wood categories, was carried out in accordance with FSC- PRO-60-002a FSC National Risk Assessment Framework. The national risk assessment for Swaziland will serve as an instrument to the certificate holders in the implementation of their verification programs of Controlled Wood, in accordance with FSC-STD-40-005.

The NRA was based upon the assessment reports of the CNRA. The generation of the NRA followed the timeline below:

NRA Proposal Approved:	26 February 2018
First Draft Development:	30 April 2018
Review by FSC International:	18 June 2018
Public Consultation on Draft 1:	01 July – 31 August 2018
Final Draft submission to FSC International:	30 September 2018

The National Risk Assessment Working Group consisted of six Individuals representing the economic, social and environmental chambers. The process was coordinated by FSC Southern Africa.

1. Social Chamber –Mr. Mashumi Shongwe and Danger Nhlabatsi
2. Environmental Chamber – Siphos Matsebula and Cliff Dlamini
3. Economic Chamber – Justice Mahlalela and Nwabisa Langa

List of experts involved in the risk assessment

	Organization
1.	SAPPI
2.	Mpumalanga Parks and Tourism Authority
3.	Swaziland National Trust Commission
4.	Swaziland National Trust Commission (SNTC)
5.	All Out Africa, Swaziland
6.	University of Swaziland
7.	Montigny Forestry, Swaziland
8.	Swaziland National Trust Commission
9.	Swaziland Department of Forestry
10.	TWK Timbers
11.	Earth Science Consultants
12.	Shiselweni Forestry Company Limited
13.	Peak Timbers Limited
14.	Montigny Group
15.	Montigny Group
16.	AJ Robberts (Pty) Ltd
17.	Swaziland Environment Authority
18.	Chief Mbiko Mkhonta of Engwenyameni
19.	Chief Prince Sibasani of Emampondweni
20.	Indvuna Zwane of Mpuluzi in the Hhohho region
21.	Mpuluzi Inner Council
22.	Indvuna Phazamisa Mhlanga of Sigangeni in the Hhohho region
23.	Chief Makhosikhosi Khumalo of Kwendzeni Royal Kraal
24.	Department of Forestry
25.	All Out Africa
26.	Ecolubombo
27.	Anti-corruption commission
28.	Swaziland Revenue Authority
29.	Ministry of Labour

NRA Working Group Members:Name	Organization and Qualification
Mr. Mashumi Shongwe	Swaziland Economic Improvement Workers Union
Danger Nhlabatsi	Baphalali Swaziland Red Cross Society
Sipho Matsebula	Swaziland Environmental Authority
Cliff Dlamini	Swaziland National Trust Commission
Justice Mahlalela	Montigny Investments (Pty) Ltd
Nwabisa Langa	Shiselweni Forestry Company

National Risk Assessment maintenance

The Responsible Body shall be the FSC Southern Africa sub-regional office.

Updates of the NRA shall be implemented according to needs and at least every 5 years. The updated NRA shall be sent to FSC for approval. The revision process shall be conducted in accordance with the requirements FSC-PRO-60-002 V3-0. In cases when there is clear and undisputable evidence requiring a change of risk determination and/or change of mandatory risk mitigation means, the FSC Southern Africa sub-regional office shall amend the NRA accordingly. By no later than six months prior to the end of the validity period of the NRA, the FSC Southern Africa sub-regional office shall submit a report summarizing the results and conclusions of the ongoing review process to FSC. FSC shall make a decision regarding re-approval and communicate it accordingly.

Complaints and disputes regarding the approved National Risk Assessment

The FSC Southern Africa sub-regional office shall address all complaints related within the scope of the NRA in accordance with FSC-PRO-01-008 (V1-0) Processing formal complaints in the FSC certification scheme. The FSC Southern Africa sub-regional office shall acknowledge complaints within two (2) weeks of receipt of a complaint. The verification process may not exceed two months. A complaint registry, including recording and filing of all complaints received, actions taken and results of complaint evaluations shall be maintained by FSC Southern Africa. The complainant shall be informed of the results of the complaint and any actions taken towards its resolution via email within three months of receipt of the complaint.

List of key stakeholders for consultation

Stakeholder Name	Interest Group
BM Trada	Certification Body
UCL	Certificate holder
CHEP	Certificate holder
TWK	Certificate holder
SEIWU	Social
Red Cross	Social
SNTC	Environmental -NRA WG Member
Mondi	Certificate holder
SABS	Certification Body
SEA	Government
Mr Roberts	Uncertified Farmer
TWK Nursery	Economic
Shislweni Forestry	Certificate holder
Montigny	NRA WG Member
Patience Mamba	HCV specialist
Swazi Plantations	Uncertified Company
Swazi Environmental Authority	Environmental
Schools	Social
Eswatini National Fire Emergency	Social
Swazi Environmental Authority	Environmental
Peak Timbers	Certificate holder
Swazi Plantations	Uncertified Company
Ministry of Forestry	Government
Mondi	Certificate holder
Somacel	Certificate holder
SGS	Certification Body
Soil Association	Certification Body

Risk assessments

Overview

The Kingdom of Eswatini, formerly known as Swaziland, is one of the last remaining absolute monarchies in the world, currently ruled by Ngwenyama ("King") Mswati III. He is the head of state and appoints the country's Prime Ministers and a number of representatives of both chambers (Senate and House of Assembly) in the country's Parliament. In terms of section 211 of the Constitution of Swaziland, all land, save privately held title-deed land, is vested in the iNgwenyama (Traditional structures) in trust for the Swazi Nation.

Essentially, Eswatini is characterized by three types of land tenure:

- **State or Crown land (CL)** (note that both terms are used interchangeably), this is land owned by the government and includes areas protected by the state. The natural forests and woodlands found on State or crown land are not used as a commercial source of timber, where they make up national parks and reserves; the State manages 6 farms which consists of Commercial Plantation Forestry species, timber from these farms are for commercial purposes
- Land held in customary tenure, or **Swazi Nation land (SNL)**. The SNL is land held in trust by the King for the Swazi nation. SNL is subdivided into two sub-groups: SNL *Senu Stricto*, SNL at independence (that is land that at the time of independence was already held in trust by the King) and SNL purchased, all free hold land purchased after independence. All SNL land belongs to the community and the chiefs have the right to allocate land in their respective areas to all community members. Every chief has a responsibility to the King to ensure availability of land for cultivation to heads of all homesteads. The average size of farm plots of community members is 2 hectares (FAO). Commercial plantations, naturally regenerated exotic species jungles and natural forests and woodlands all occur on SNL. The extraction for commercial purposes occurs only in the plantations (either managed by customary owners themselves and sold to buyers for the export market; or managed by private commercial entities who lease the land from the customary owners) or in the naturally regenerating exotic species jungles (again, either carried by the customary owners themselves or by companies leasing the land). Naturally occurring forests and woodlands made up of indigenous species also exist on this land, but are not a source of commercial timber; and
- Land held by **private freehold tenure**, or **Title Deed Land (TDL)**. Sometimes referred to as individual tenure farms (ITF) or privately-owned land. Privately owned and managed plantations of exotic species are the primary source of timber from this type of land tenure. Naturally occurring forests and woodlands made up of indigenous species also exist on this land but are not a source of commercial timber.

Estimates of the split between these ownership types differ in the sources. Dlamini (2008) and the Ministry of Forestry (stakeholder consultation 2018) described the following distribution:

- State or Crown Land (CL) = 1%
- Swazi National Land (SNL) = 75%
- Private Freehold or Title Deed Land (TDL) = 24%

Code	Groups
SA	Small-scale subsistence crop agriculture (rainfed annual field cropping)
LA	Large-scale commercial crop agriculture (irrigated and rainfed field/tree cropping)
CH	Extensive communal grazing
RH	Ranching
F	Plantation forestry
P	Parks, Wildlife Management
S	Residential, Industry, Recreation
W	Water Reservoirs
TOTAL	

Table 1: Major Land Uses in Eswatini (Remmelzwaal and Dlamini, 1994)

According to the United Nations Food and Agriculture Organization (FAO), Eswatini has a land area of 1,720,000 hectares and a forest area of 585,000 hectares (About 33% of the land area). The FAO Global Forest Resources Assessment 2015 and Ministry of Forestry (stakeholder consultation 2018) states that there is no primary forest in the country, and:

- 450,000 ha of other naturally regenerated forests; and
- 135,000 ha of planted forests

According to that report, the naturally regenerated forests are increasing and mainly it is *Dyrcrhostachys cinerea* and other woody shrubs. The planted forests are decreasing due to closure of some of the leading processing mills in the country and change of ownership. The plantations are made up of 83% coniferous species and 17% broad leaf species. The planted forest class includes “wattle forests”, which account for approximately 26% of the planted forests class. Both plantation areas and wattle forest areas are designated for production purposes. Only the 135,000 ha of planted forests (which included wattle forests and plantations) fall within the designation of “production forests”. Timber plantations are concentrated on the Highveld whose conditions are favourable for tree growth (National Forest Research Plan 1992). Natural forests are concentrated in the Eastern and Northern area with pockets of dense natural forests in the central area of Eswatini.



Figure 1: Land tenure in Eswatini

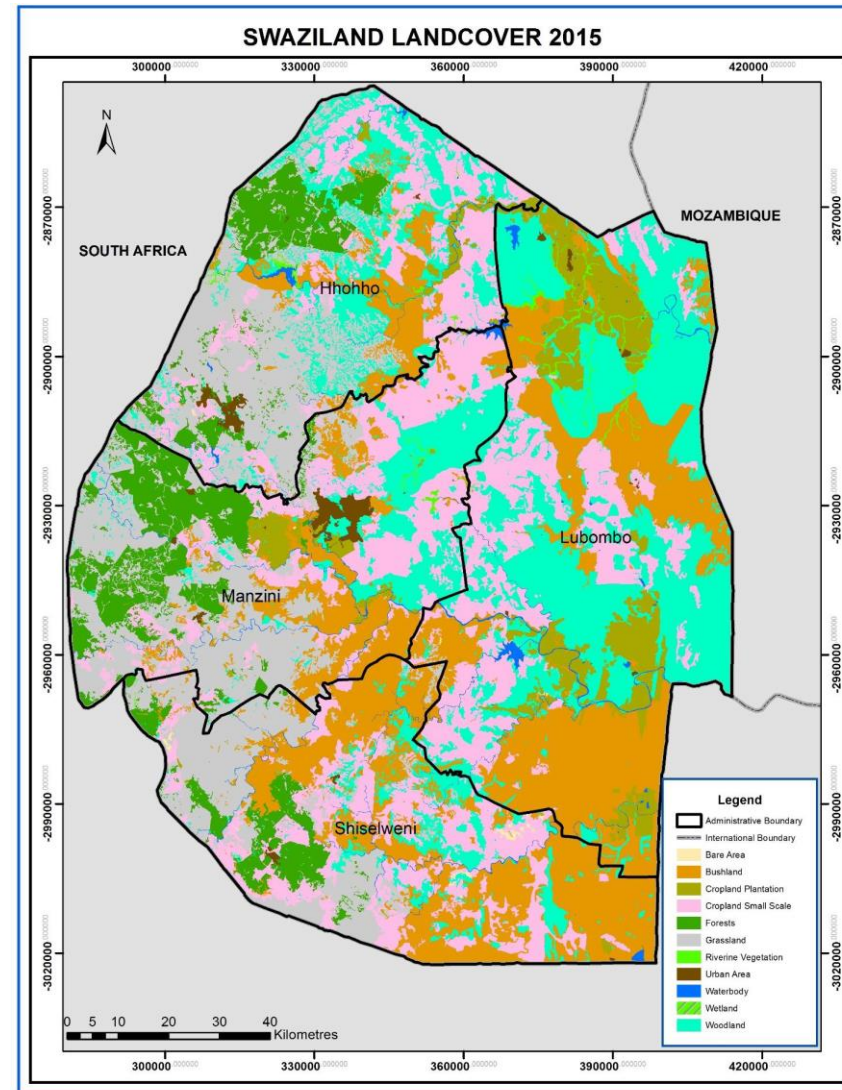


Figure 2: Land Use Map of Eswatini (SNPAS Project, 2015)

The country has 123 495 ha (planted area) currently certified under FSC Forest Management equating to 91,4% of their Production Forests (FSC Website; Ministry of Forestry). Timber from Indigenous tree species or naturally regenerated forest species does not enter the FSC supply chains and are not traded by FSC certificate holders with their scope of business activities (Stakeholder consultation, 2018; Ministry of Forestry). Swaziland only uses commercial exotic timber from plantation forests for all its domestic and export timber requirements (Expert consultation 2016, International Stakeholder Consultation 2017 with the Ministry of Forestry). Natural forest products are only used for local (village) use and traditional use in both Swaziland and South Africa (Expert consultation 2016, International Stakeholder Consultation 2017 with Ministry of Forestry and SNTC). This traditional use is mainly for herbs, traditional medicines, local crafts and housing structures. Impacts to Natural forests are assessed in the NRA, in exception to Category 3 where impacts from plantation forestry only on HCVs are evaluated.

Commercial forestry and related timber processing industries form very important part of the economy of Swaziland, contributing approximately 1.3% of the GDP and about 1.4% of total exports over the past 13 years. The productivity is relatively high, about 15-20 cubic meters/ha per annum for pine plantations. Overall annual yield is approximately 1.2 million cubic meters of Roundwood which is largely exported as pulp, logs and timber (FAO 2015). The Forest Sector accounts for 16-18% of Swaziland's formal work force (Dlamini 1998).

According to FAO (2004) '85% of the man-made forest area is in the hands of a few large-scale companies with holdings over 10,000 ha. The estates of more than 500 ha are almost exclusively in company ownership, while smaller estates are predominantly in private ownership.'

Controlled wood category 1: Illegally harvested wood

Overview

The Government of Eswatini has a policy focus of environmental management and sustainable development in the Kingdom (Sola 2011). Key legislative instruments include (Sola 2011):

- 1) The Swaziland Environment Authority Act (1992) — empowers the regulatory body to protect the environment.
- 2) The Natural Resources Act (1951) — provides for the conservation of natural resources.
- 3) The Flora Protection Act (2000) — protects the indigenous flora.
- 4) The Plant Control Act (1981) — controls the growing and movement of plants.

The National Development Strategy (NDS), launched in 1999, identifies environmental protection as a cornerstone in the national development process and the 1997 Swaziland Environment Action Plan (SEAP) significantly informed forest policy development in Eswatini, and ultimately resulted in the National Environment Policy and Environmental Management Act in 1999 and 2002, respectively (Sola 2011).

The National Forest Policy aims for efficient, profitable and sustainable management and utilization of forest resources for the benefit of the entire society, the environment and biodiversity conservation (Ministry of Agriculture and Co-operatives, 2004). The policy also stipulates the need to go beyond industrial forest and include the development of community forestry and the sustainable management of natural forests and woodlands (Ministry of Agriculture and Co-operatives, 2004).

The Swaziland Forest Policy was drafted in 2002 and covers all forest land. It covers commercial plantation forest and natural forests and woodlands and is designed to give guidance as to current concerns relating to forest use and to ensure sustainable use of forest resources. This policy has given guidance to the forest bill which is currently being drafted. It acknowledges key threats of deforestation and loss of biodiversity and proposes measures to reduce these threats. To date, the Forestry Bill has not yet passed into law in Swaziland.

Sola (2011) states that 'the institutional framework for implementing the policies and enforcing the legislation is fragmented as (i) different aspects of forest utilization and conservation fall under a number of actors, and (ii) there are strong divisions between Government and traditional structures. Also important to note is that the Swazi legal system recognizes not only codified laws but also the customs and traditional structures (Sola 2011).

According to the experts consulted in preparation of this report, and the experiences of the author, the government takes a less onerous approach to the monitoring and enforcement of the forestry laws on SNL as the formal government relies on the customary law and monitoring and enforcement of the customary owners to ensure compliance. According to the experts, this customary model ensures a reasonably high level of monitoring and enforcement of most requirements, but as many of the requirements are formed within the customary law itself, external verification of this claim is difficult.

Permission from the Minister of Agriculture is required to cut, remove or sell timber from forests on CL or SNL. At the time of preparing this report, most timber from Eswatini entering the international commercial market comes from commercial plantations (Expert consultation, 2016). Most of these commercial plantations are situated on TDL, with a small percentage on SNL (Expert consultation, 2016). Where these plantations are grown on SNL, they are controlled under lease agreements with the communities (Expert consultation, 2016). There are also small areas of SNL producing *Acacia mearnsii* (wattle). Current stakeholder engagement estimates this at about 70 000 hectares or 6% of total production in the country. All other timber from SNL is being retained within Swaziland for domestic, household use.

In terms of the Flora Protection Act 2000 Flora Reserves, Botanical gardens, and special habitats may be protected by the Minister, under the authority of the Eswatini Environment Authority and all plants within these protected areas would be considered protected. This same Act also has schedules of flora considered protected in Eswatini.

As mentioned in the NRA Overview, Natural timber species does not enter the value chain of FSC certificate holders. Natural timber is not commercially traded and is regulated by the Government and by the Traditional Chiefs. Natural Timber occurs on the Eastern and northern areas of Eswatini, with pockets occurring in central Eswatini. Impacts on Natural timber was assessed in the NRA. The NRA working group opted to segregate the risks associated with the commercialization of natural timber.

References

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance in regard to the national legality risk assessment of Swaziland. The following sources have been used:

- a) Chatham House: <http://www.illegal-logging.info/>
- b) ELDIS regional and country profiles: <http://www.eldis.org>
- c) Government reports and assessments of compliance with related laws and regulations
- d) Interpol: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>
- e) Justice tribunal records;
- f) Public summaries of FSC forest management certification reports published at info.fsc.org (information on legal areas where non-compliances have been identified during the certification process that are likely to be common for non-certified operations);
- g) Public summaries of other 3rd party forest legality certification/verification systems;
- h) Transparency International Corruption Perceptions Index: http://www.transparency.org/policy_research/surveys_indices/cpi
- i) World Bank Worldwide Governance Indicators: <http://data.worldbank.org/datacatalog/worldwide-governance-indicators>
- j) Forest Legality Alliance: <http://www.forestlegality.org/>
- k) Environmental Investigation Agency: <http://www.eia-international.org>.

In cases where other sources of information are not available, consultations with experts within the area shall be conducted. Where relevant, they have been specifically referenced under “sources of Information” for each applicable sub-category.

Further sources of information include:

- a) Swazi Legal Information Institute: <http://www.swazilii.org/>
- b) Lexadin – Legislation of Swaziland - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweswa.htm>
- c) ILO Natlex - http://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=SWZ
- d) Organisation of SA Law Libraries - http://www.osall.org.za/?page_id=396
- e) Swaziland Tax Overview - <http://www.sataxguide.co.za/swaziland-taxes-overview/>
- f) Swaziland Environmental Authority - <http://www.sea.org.sz/index.asp>
- g) Swaziland National Trust Commission – <http://www.sntc.org.sz/legislation/legislation.asp>
- h) FAO Country Profile - <http://www.fao.org/countryprofiles/index/en/?iso3=SWZ>
- i) International Environmental Law Research Centre - <http://www.ielrc.org/content/e0309.pdf>
- j) The Environmental Law Alliance Worldwide (ELAW) - <https://www.elaw.org/content/swaziland-water-pollution-control-regulations>

- k) The Swaziland Forest Policy 2002.
- l) FAO, 2015. Global Forest Resources Assessment 2015 – Swaziland. <http://www.fao.org/3/a-az345e.pdf>
- m) UN FAO, 2004. Swaziland - nfp UPDATE - information as of 2004. Available: <http://www.fao.org/forestry/14894-04b1eabab01bbbc399f145620d2b4f410.pdf>, accessed 15 January 2017.
- n) Ministry of Agriculture and Co-operatives. 2004. The Forest Policy Green Paper, Government of Swaziland www.ecs.co.sz/forest_policy/forestry_green_paper/forest_green_paper_chapter2.htm.
- o) Sola, P. 2011. Forest Law Enforcement and Governance and Trade in the Southern African Development Community. African Forest Forum, Working Paper Series, Vol. (1)9, 51 pp. Available: http://www.afforum.org/sites/default/files/English/English_2.pdf, accessed 15 January 2018.
- p) Cliff S. Dlamini, 1998. The Status of Forestry Statistics in Swaziland - Proceedings of Sub-Regional Workshop on Forestry Statistics SADC Region - Mutare, Zimbabwe, 30 November – 4 December 1998. Available: <ftp://ftp.fao.org/docrep/fao/003/X6685E/X6685E00.pdf>, accessed 24 July 2017.
- q) Hezekiel M. Mushala, Ackson M. Kanduzi, Nomcebo O. Simelane, Juliana K. Rwelamira and Nonhlanhla F. Dlamini, University of Swaziland, Kwaluseni, Swaziland, 1998. Dual tenure systems and multiple livelihoods: a comparison of communal and private land tenure in Swaziland in Land Reform - land settlement and cooperatives. Available: <http://www.fao.org/docrep/x1372T/x1372t08.htm>, accessed 24 July 2017.

Consultation with in-country experts was carried out throughout the drafting of this assessment in 2016-2018, including face to face consultation meetings held in Eswatini in late 2016 and early 2018. A broad range of experts were consulted, including representatives from non-government organizations, and a number of relevant Government Ministries and enterprises. Due to confidentiality issues, the experts consulted have not been named specifically in this report, but a full list of experts was provided to FSC. Feedback provided by stakeholders during the international stakeholder consultation, conducted by FSC in 2017, has also been used as a source for the relevant indicators.

Internet based research has been carried out for each indicator in English.

Sources of legal timber in Swaziland

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Plantations	Swaziland National Land (SNL) - Permission from Minister of Agriculture and the Local Tribal Authority is required to harvest/clear, sell, and purchase timber products/forest/woodland. Private Land (TDL) - No permit required. Crown Land – No permit required	Permits (volume and species)	Part of the FSC supply chain
Naturally regenerating forest	Swaziland National Land (SNL) - Permission from Minister of Agriculture and the Local Tribal Authority is required to harvest/clear, sell, and purchase timber products/forest/woodland.	Permits (volume and species)	Not part of the FSC supply chain

Natural forest or woodlands	No commercial source of timber	No commercial source of timber	Not part of the FSC supply chain SNL - Indigenous species harvested for small scale and non-commercial use.
Protected areas	No commercial source of timber	No commercial source of timber	Not part of the FSC supply chain

Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Constitution of the Kingdom of Swaziland, 2005, section 211 http://www.swazilii.org/sz/legislation/act/2005/na The Concessions Act 1904. https://www.ecolex.org/details/legislation/concessions-act-1904-no-3-of-1904-lex-faac012378/ The Concessions Partition Act No 28 of 1907. https://www.ecolex.org/details/legislation/concessions-partitions-act-1907-no-28-of-1907-lex-faac012368/ The Land Speculation Control Act, 1972, section 8, 10, 12, 13, 14, 19 and 20. http://www.osall.org.za/docs/2011/03/Swaziland-Land-Speculation-Control-Act-8-of-1972.pdf The Acquisition of Property Act, 10 of 1961, section 3. https://www.ecolex.org/details/legislation/acquisition-of-property-act-1961-no-10-of-1961-lex-faac012420/ Deeds Registry Act, 37 of 1968 	<p>Government sources</p> <ul style="list-style-type: none"> Eswatini Environmental Authority - http://www.sea.org.sz/index.asp Eswatini National Trust Commission - http://www.sntc.org.sz/legislation/legislation.asp <p>Non-Government sources</p> <ul style="list-style-type: none"> A presentation on Land Issues and Land Reform in Swaziland, Alfred Mndzebele, Coordinating Assembly of NGOs (CANGO), 2001: http://www.sarpn.org/EventPapers/Land/20010604Mndzebele.pdf Cliff S. Dlamini, 1998. The Status of Forestry Statistics in Swaziland - 	<p>Overview of Legal Requirements</p> <p>There are three main groups of land tenure or land ownership in Eswatini:</p> <ul style="list-style-type: none"> State or Crown Land (CL) = 1% Swazi National Land (SNL) = 75% Private Freehold or Title Deed Land (TDL) = 24% <p><i>State or crown land</i></p> <p>Forests and woodlands occurring on state or crown land, (both terms are used interchangeably) are primarily protected areas and/or national parks. These forests are not used for commercial purposes, but are occasionally harvested, with prior ministerial permission, to make way for infrastructure projects.</p> <p><i>Swazi Nation Land</i></p> <p>The SNL is land held in trust by the King for the Swazi nation. Section 211(1) <i>Constitution of the Kingdom of Swaziland 2005</i> states that all land, except privately held title deed land, is vested in <i>iNgwenyama</i> - in trust for the Swazi Nation. 211(2) ensures equal access to land for domestic purposes regardless of gender and 211(3) states that a person shall not be deprived to land without due process of law, it also entitles a person deprived of land to compensation.</p> <p>On SNL, traditional leadership (tribal chiefs) are empowered to control land use, ownership, and resource use. This means that</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Letters of approval to harvest from Chiefs and Tindyuna <p>For Companies, a certificate of incorporation is required.</p>	<ul style="list-style-type: none"> IFAD and UN-Habitat, 2012. Land and Natural Resources in Swaziland. Available: https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6 ILO Natlex - http://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=SWZ Mongabay Swaziland Forest Information and Data 2011 - http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy Mbingo, 2018. Sell piece of land on SNL, face jail time. Published in the Observer on 17 Mar 2018 Phakathi, 2010. RIGHTS-SWAZILAND: Property Rights At Last for Women. http://ipsnews.net/news Transparency International, 2018. Corruption Perception Index 2018 - Swaziland. Available 	<p>spouse died having made a valid will or not and whether they were married by civil or customary rites. The Constitution places the obligation on Parliament to enact legislation regulating the property rights of spouses including common-law husband and wife. Under Swazi custom, a chief allocates communal Swazi National Land only to married men and this does not result in ownership of the land. Land access rights are held by the community as a whole. Women cannot be allocated land on their own and can only get land through their husband, male relative, or male children (Mbingo, 2018) However, many Chiefs are now allocating land to females and allowing land to be claimed by female head of households. Many documented cases of women which have successfully been provided land (Phakathi, 2010, stakeholder consultations with Chiefs, 2018).</p> <p>SNL has a complex management and tenure structure which has never been defined by legislation (Mushala 1998). SNL is held by the King in trust for the nation and is allocated by chiefs to homestead heads, who under Swazi law and custom are men. Although many women are <i>de facto</i> heads of homestead, land is allocated to them through male proxies. Membership in a local community is the condition for the right to receive or to be allocated land. Land can also be acquired through inheritance.</p> <p>All SNL land belongs to the community and the chiefs have the right to allocate land in their respective areas to all community members. Every chief has a responsibility to the King to ensure availability of land for cultivation to heads of all homesteads. The homestead members can only use the land but do not own it - they only have usufruct rights. The rights to land in the community are defined principally with respect to arable land. On the other hand, the rights to graze stock, gather fruits and hunt have traditionally been unrestricted. As a member of the community, a Swazi is entitled to the nation's resources and particularly its productive land (Mushala et al 1998). The average size of farm plots per community member is 2 hectares (FAO).</p> <p>Customary land owners may lease their land under the Agricultural Land Act 70 of 1970. There is a limited portion of</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>online at http://www.transparency.org/country#SW http://www.transparency.org/country#SW http://www.theglobaleconomy.com/Swaziland/transparency_corruption</p> <p>Note, Swaziland has not been included in the annual CPI reporting for 2015 and 2016.</p> <ul style="list-style-type: none"> World Bank, 2017. Worldwide Governance Indicators – Swaziland 1996–2017. http://info.worldbank.org/governance/wgi/index.aspx#reports Lethumusa Simelane, 2015. The History of Chiefs, an Unswazi Concept .. Available: http://www.observer.org.sz/news/69936-the-history-of-chiefs-an-unswazi-concept.html, Mocheudi Martinus Selepe, 2009. The Role of Traditional Leaders in the Promotion of Municipal Service Delivery in South Africa. Available: http://repository.up.ac.z 	<p>plantation land that is leased in terms of this Act. These would generally have been contracts issued to allow plantation establishment on land (grasslands) in the mid-1900's.</p> <p>SNL includes land bought from TDL landowners by a reigning monarch in trust for the Swazi Nation. Such land has been leased to private companies to attract private capital and expertise to SNL.</p> <p>The Swazi Administration Order 6/1998 provides Chiefs and Tindyuna with the power to:</p> <ol style="list-style-type: none"> prohibit, restrict and regulate the cutting of trees, prohibit or restrict the sale, supply, use, possession or cultivation of poisonous or noxious plants and the manufacture of noxious drugs or poisons; prohibit, restrict or regulate the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush, and the extinguishing of grass or bush fires; prohibit, restrict or regulate wasteful methods of agriculture and eradicating noxious and harmful weeds. <p>The king appoints <i>tindyuna</i>, or governors, to head each "<i>tinkhundla</i>", which is a political district/local council which is composed of two or three chiefdoms. Each <i>tinkhunda</i> sends two representatives to an electoral college, which selects their 55 members of Parliament from a list provided by the king. Historically, the <i>tinkhundla</i> system has been a source of antagonism and uncertainty for many chiefs, who fear that the system of representation detracted from their traditional authority,</p> <p>Under section 4 of the <i>Forest Preservation Act</i>, prior permission from the Minister of Environment is required to harvest timber that is growing on SNL on which, or within thirty yards of which, indigenous timber or government timber is growing. "Government timber" means any trees and bushes planted under the direction of the Minister of Environment on state or crown land or SNL and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>a/bitstream/handle/2263/28229/Complete.pdf?sequence=6</p> <ul style="list-style-type: none"> Hezekiel M. Mushala, Ackson M. Kanduza, Nomcebo O. Simelane, Juliana K. Rwelamira and Nonhlanhla F. Dlamini, University of Swaziland, Kwaluseni, Swaziland, 1998. Dual tenure systems and multiple livelihoods: a comparison of communal and private land tenure in Swaziland in Land Reform - land settlement and cooperatives. Available: http://www.fao.org/docrep/x1372T/x1372t08.htm UN FAO, 2004. Swaziland - nfp update - information as of 2004. Available: http://www.fao.org/forestry/14894-04b1eabab01bbbc399f145620d2b4f410.pdf 	<p>"indigenous timber" as forest trees or their saplings growing on CL or SNL, not planted by human agency.</p> <p>Section 3 of The Land Acquisition Act gives the Minister (currently the Minister of Natural Resources) powers to acquire land needed for public purposes and the Act lays out requirements for such acquisition. In terms of surveying the land and ensuring fair compensation is paid for land and assets on the land. This may apply to the state acquiring forest land for public purposes.</p> <p><i>Private Freehold or Title Deed Land (TDL)</i></p> <p>The <i>Private Forests Act</i>, 1951 makes it clear that trees on TDL are the private property of the owner and they may do as they wish with the land. Section 3(a)(i) of that act makes it an offence to cut, injure, destroy, collect, take or remove any tree, timber or forest product without the owner's permission on TDL.</p> <p>The sale of TDL is conducted through usual property law transactions. Only TDL may be bought and sold. SNL and CL may not be sold, however the Minister may acquire SNL, as described above.</p> <p>The only legal restriction on TDL land transactions applies to the purchase of land by foreigners or private companies with foreign shareholding. For these transactions, the <i>Land Control Act</i> (ss 8, 10 and 12) requires the transfer/ownership to be approved in writing by the Land Control Board. The Board keeps a Register of Deeds of such land transactions.</p> <p>Companies in Eswatini (including those operating forestry businesses) must have a Memorandum of Association (<i>Companies Act</i>, 2009 s 43) and Articles of Association (s 48) in place. The memorandum and articles, along with payment of the prescribed fees must be submitted to the Registrar (s 52), who then registers the company, incorporates it and issues a certificate of incorporation (s 53).</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p> <p>The State manages 6 farms with commercial production forests. The management of the land and production is contracted to 3rd parties. Sub-contractors have signed legal agreements and abide by the legislation of Eswatini. As part of the tender process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated.</p> <p><i>Swazi National Land (SNL)</i></p> <p>In SNL, land and resource tenure is not clarified in law and is informally defined in traditional land use as implemented by the traditional leadership in the area. This does not mean that there is necessarily a risk of illegality in relation to SNL. The legal requirements are, essentially, what the chief believes they should be at any given time. This customary law approach is enshrined in the constitution. The chiefs have the responsibility for allocating SNL to households but have significant discretion as to who they allocate the land to, and when. While there are some constraints with regard to the individual's right to "total" ownership of Swazi Nation land, the system does provide security for people.</p> <p>Every Swazi person may (and some do) acquire TDL and still maintain rights to SNL, such that these two forms of tenure are not mutually exclusive. In a limited number of cases, land is acquired through lease agreements with communities to lease SNL (Expert interviews conducted in Eswatini, December 2016).</p> <p>The land tenure requirements associated with SNL are customary, and, based on the input received from stakeholders, do not appear to carry risks significant enough to consider them specified for this indicator.</p> <p>Stakeholders who provided comments on earlier drafts of this report during the international stakeholder consultation, stated that the timber volumes produced from SNL and traded commercially are small (20pprox. 6 per cent of the volume from 20pprox. 4.5 per cent of the forest area). Stakeholders stated that 'the laws and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. There is no indigenous tree species being traded commercially in Eswatini and is not entering FSC certified supply chains locally and globally. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply of Plantation Forestry species from SNL, the risk should be classified as low for this indicator. As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for commercial supply chains of non-indigenous species from SNL.</p> <p><i>Private Freehold or Title Deed Land (TDL)</i></p> <p>Approximately 91 per cent of the plantations in Eswatini are FSC FM certified. According to the stakeholder feedback for this risk assessment, less than 6 per cent of the timber exported from Eswatini is sourced from SNL, so the majority of these certified plantations must occur on TDL. There are 6 individual land owners of farms and 1 medium sized company that will fall within the scope this NRA. The acquisition of land for commercial purposes on private/TDL follows a prescribed process of the sale of title deeds. No evidence verified via stakeholder engagement indicated a risk in this indicator to a degree that warrants a specified risk finding.</p> <p>Currently there is no publicly available evidence that indicates a risk of non-compliance with laws, inaction of regulating authorities, or fraudulent activities associated with this indicator.</p> <p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p> <p>Eswatini scored 38 points out of 100 on the 2018 Corruption Perceptions Index reported by Transparency International.</p> <p>Indicators from the World Bank show a drop in the Control of Corruption (from 54% in 2010 to 39% in 2016), a drop in</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Government Effectiveness (from 37% in 2010 to 34% in 2016), an improvement in Regulatory Quality (from 29% in 2010 to 30% in 2016) and critically an improvement in the Rule of Law (from 38% in 2010 to 41% in 2016).</p> <p>These corruption perceptions relate to corruption across the entire country and while these rating are reflective of the situation in the country, it is not a reflection of corruption within the commercial forest sector (Expert consultation, 2016). A comparison across several of the World bank indicators between 2006 and 2017 suggests that the country has made some absolute improvements in several indicators—but the overall pace of progress has been slower than in Sub-Saharan Africa overall (World Bank Group's Doing Business 2017 report).</p> <p>Because there are very few new developments, the opportunities for corruption in land allocation on private land is rare, and technically very difficult (Expert consultation 2016). There is extremely limited new forest development in the country and with a high level of FSC certification in the commercial forest sector (As of March 2018, 91,4 per cent of commercial plantations are certified), the industry has a high level of self-regulation.</p> <p>Risk Conclusion</p> <p>Low risk for commercial timber species</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for indigenous species (no commercial source) from Swazi Nation Land (SNL).</p> <p>Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.2 Concession licenses	<p>Applicable laws and regulations</p> <p>There is currently no provision for the issue of concession licenses in terms of Swaziland legislation.</p> <p>Guidance:</p> <ul style="list-style-type: none"> • Concessions Partitions Act 1907 (No. 28 of 1907) <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	<p>Government sources</p> <ul style="list-style-type: none"> • Eswatini National Trust Commission – http://www.sntc.org.sz/legislation/legislation.asp <p>Non-Government sources</p> <ul style="list-style-type: none"> • ELDIS, 2017. Regional and country profiles – Swaziland. Available online at http://www.eldis.org/go/country-profiles&country=1207&theme=0 • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at http://rainforests.mongobay.com/deforestation/2000/Swaziland.htm#13-policy • Expert consultation conducted in Eswatini, December 2016. 	<p>Risk Conclusion:</p> <p>N/A</p> <p>Land-access rights in Swazi areas (as opposed to freehold areas established by the colonial land partition of 1907) are held by the community as a whole, and the king, representing the entire Swazi nation, is responsible for its allotment to chiefs (Ministry of Forestry stakeholder consultation, 2016). Management of Natural Forests is carried out by Government (Mongobay, 2011). The Act favoured the allotment of title deed land over the use of concessions. There are no forestry concession areas in Eswatini (Eldis, 2017. Regional and country profiles – Swaziland). Concessions Partition Act 1901 is only applicable for farm land but not for forests. (http://www.sntc.org.sz/legislation/legislation.asp)</p>
1.3 Management and harvesting planning	<p>Applicable laws and regulations</p> <p>There is currently no legislation covering these aspects.</p>	<p>Government sources</p> <ul style="list-style-type: none"> • Eswatini National Trust Commission (SNTC) - http://www.sntc.org.sz/ 	<p>N/A</p> <p>There are no legal requirements relating to this indicator (SNTC, n.d.). The Draft Forestry Policy includes the requirement for a Management Plan (Mongobay, 2011), however it is not</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	<p>egislation/legislation.asp</p> <p>Non-Government sources</p> <ul style="list-style-type: none"> Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at http://rainforests.mongobay Expert consultation conducted in Eswatini, December 2016. 	<p>enforceable. As per the Ministry of Forestry (Stakeholder consultation 2018), the Draft Policy cannot be enforced due to the draft status of the Policy, pending to be approved and promulgation.</p>
<p>1.4 Harvesting permits</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Forest Preservation Act, No 14 of 1910, section 3. http://www.sea.org.sz/categdocs.asp?cid=3 The Private Forests Act 1951, sections 3 (a). http://www.sea.org.sz/categdocs.asp?cid=3 <p>Legal Authority</p> <p>Minister of Agriculture, and officers in the department of agriculture.</p> <p>Legally required documents or records</p> <ul style="list-style-type: none"> Permission from the Minister of Agriculture or of a District Officer or other person designated by the Minister for harvesting government timber or Swazi Nation timber. 	<p>Government sources</p> <ul style="list-style-type: none"> Eswatini Environmental Authority (SEA) - http://www.sea.org.sz/index.asp. Eswatini National Trust Commission (SNTC)- http://www.sntc.org.sz/egislation/legislation.asp <p>Non-Government sources</p> <ul style="list-style-type: none"> ELDIS, 2017. Regional and country profiles – Swaziland. Available online at http://www.eldis.org/go/country- 	<p>Overview of Legal Requirements</p> <p><i>State or crown land (CL)</i></p> <p>Forests and woodlands occurring on CL are primarily protected areas and/or national parks (SEA, n.d.). The State manages 6 farms with commercial production forests. The management of the land and production is contracted to 3rd parties. Sub-contractors have signed legal agreements and abide by the legislation of Eswatini, in obtaining harvesting and transport permits. As part of the tender process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated (Ministry of Forestry, stakeholder consultation 2018).</p> <p><i>Swazi Nation Land (SNL)</i></p> <p>The Swazi Administration Order 6/1998 provides Chiefs and Tindyuna with the power to:</p> <ol style="list-style-type: none"> prohibit, restrict and regulate the cutting of trees,

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Authority from the land owner for harvesting of timber on private (title-deed) land. 	<p>profiles&country=1207&theme=0</p> <ul style="list-style-type: none"> Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at http://rainforests.mongobay.com/deforestation/2000/Swaziland.htm#13-policy Expert consultation conducted in Eswatini, December 2016. exadin – Legislation of Swaziland - http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweswa.htm ILO Natlex - http://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=SWZ A presentation on Land Issues and Land Reform in Swaziland, Alfred Mndzebele, Coordinating Assembly of NGOs (CANGO), 2001: http://www.sarpn.org/EventPapers/Land/20010604Mndzebele.pdf 	<ul style="list-style-type: none"> b) prohibit or restrict the sale, supply, use, possession or cultivation of poisonous or noxious plants and the manufacture of noxious drugs or poisons; c) prohibit, restrict or regulate the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush, and the extinguishing of grass or bush fires; d) Prohibit, restrict or regulate wasteful methods of agriculture and eradicating noxious and harmful weeds. <p>As these powers are discretionary, the actual requirements differ by district.</p> <p>Under section 4 of the Forest Preservation Act, prior permission from the Minister of Environment is required to harvest timber that is growing on SNL on which, or within thirty yards of which, indigenous timber or government timber is growing (SEA, n.d.). "Government timber" means any trees and bushes planted under the direction of the Minister of Environment on state or crown land or SNL and "indigenous timber" as forest trees or their saplings growing on CL or SNL, not planted by human agency.</p> <p><i>Private Freehold or Title Deed Land (TDL)</i></p> <p>Prior permission for harvesting is not required on private land.</p> <p>The Private Forests Act, 1951 makes it clear that trees on TDL are the private property of the owner and they may do as they wish with the land. Section 3(a)(i) of that act makes it an offence to cut, injure, destroy, collect, take or remove any tree, timber or forest product without the owner's permission on TDL.</p> <p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p> <p>Crown Land represents 1 -2% of afforested land (plantation forestry) which is currently uncertified. The use of professional third-party contractors is selected by the Ministry of forestry. They are subject to the application of legislation and are monitored by</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> • IFAD and UN-Habitat, 2012. Land and Natural Resources in Swaziland. Available: https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6 • Expert consultation, April 2018 • Swaziland's Fifth National Report to CBD, 2014 https://www.cbd.int/doc/world/sz/sz-nr-05-en.pdf • FSC Facts and Figures, December 2018. https://ic.fsc.org/en/facts-and-figures 	<p>the relevant authorities. There is a low level of corruption over the commercial forestry section on CL, in evidence of internal audits by the Ministry of Forestry etc. being carried out on a regular basis. The Ministry of Forestry applies a transparent procurement process in selecting contractors. The Ministry is not responsible for carrying out activities, but rather contract management over their 6 farms. Stakeholder consultation (Eswatini Anti-Corruption Commission, 2018) did not reveal corruption associated to the Forestry administration.</p> <p><i>Swazi Nation Land</i></p> <p>Commercial activities on the SNL are governed by the individual chiefs and SEA in each area. According to the input provided by experts during consultation in 2016 and 2018, the SNL is well regulated, and the chiefs monitor activity on their land closely. For non-commercial activities, such as exploiting the indigenous forests and woodlands for customary purposes, evidence collected in the preparation of this report in 2018, indicates that the requirements may be less adhered to and less enforced as the financial incentive is far lower (Expert consultation 2016).</p> <p>There is no evidence available at the time of preparing this report that indicates that commercial harvesting is taking place without the permission of the chiefs, it is unlikely that there exists documentary evidence for this. Stakeholder consultations with Chiefs in November 2018 confirmed this.</p> <p>Stakeholders who provided comments on earlier drafts of this report during the international stakeholder consultation stated that the timber volumes produced from SNL and traded commercially are small (approx. 6% of the volume from approx. 4.5% of the forest area). Stakeholders stated that 'the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator.</p> <p>As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for commercial supply chains of non-indigenous species from SNL.</p> <p><i>Private freehold or title deed land</i></p> <p>There are a small number of reports of timber theft from private land, but according to the experts interviewed, these are swiftly followed up on by law enforcement (Expert consultation, Eswatini2016).</p> <p>Sources of information checked also show no evidence of the current legislation in Eswatini being abused (For example, ELDIS 2017, Mongobay.com 2011, Expert consultation 2016. IFAD and UN-Habitat, 2012).</p> <p>Approximately 91 per cent of the plantations in Eswatini are FSC FM certified (FSC Facts and Figures, 2018). No information provided to the authors through expert or stakeholder consultation, or extensive internet-based research indicates a risk in this indicator to a degree that warrants a specified risk finding.</p> <p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p> <p>Risk conclusion</p> <p>Low risk for Commercial timber species</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for indigenous species (not commercial source) from Swazi Nation Land (SNL).</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
Taxes and fees			
1.5 Payment of royalties and harvesting fees	<p>Applicable laws and regulations</p> <p>N/A</p> <p>There is no legislation in place in Swaziland covering the payment of royalties and harvesting fees.</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	Expert consultation conducted in Swaziland, December 2016 and April 2018 (refer to page 5)	N/A Experts consulted within the Ministry of Forestry confirmed there is no payment of fees or royalties required for commercial plantation forestry activities in Eswatini.
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Value Added Tax Act, 2011, sections 7, 10 (1), 18, 31 and 32 http://www.osall.org.za/docs/2011/03/Swaziland-Value-Added-Tax-Act-12-of-2011.pdf • Tax Laws Amendment Act, No 27 of 1997 <p>Legal Authority</p> <ul style="list-style-type: none"> • Minister responsible for Finance <p>Legally required documents or records</p> <ul style="list-style-type: none"> • VAT Registration certificate. • VAT returns 	<p>Non-Government sources</p> <ul style="list-style-type: none"> • Doingbusiness.org, 2016. The World Bank Group - Doing Business – Paying taxes in Swaziland. http://www.doingbusiness.org/data/exploreeconomies/swaziland/paying-taxes. • Expert consultation conducted in Eswatini, December 2016 and 2018. • South African Tax Guide, 2014. Swaziland Taxes Overview. http://www.sataxguide. 	<p>Overview of Legal Requirements</p> <p>VAT is payable on 'every taxable supply in Eswatini made by a taxable person' under the Value Added Tax Act (Section 3). "Taxable person" has the meaning ascribed in section 5 of that Act, and "taxable supply" in section 18.</p> <p>Section 6 and 7 of the same Act requires anyone who has made taxable supplies valued above a certain threshold (set by the Minister of Finance), known as the registration threshold, has to be registered with the Taxation Commissioner, and possess a registration certificate.</p> <p>Sections 10 and 18 of the Tax Act define who and what is liable for payment of VAT as a supplier. Essentially, all transactions are subject to VAT, unless they are specifically exempted by the First Schedule of the Act. At the time of writing, no timber transactions were listed as exempt. As such, all forest products sold commercially are sold with formal sales documentation in a format prescribed by the Minister. This makes these transactions subject to VAT, irrespective of where the timber is grown (i.e. SNL or TDL).</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>co.za/swaziland-taxes-overview/</p> <ul style="list-style-type: none"> Transparency International, 2015. People and Corruption: Africa Survey 2015 - Global Corruption Barometer. http://files.transparency.org/content/download/1941/12775/file/2015_GCB_SubSaharanAfrica_EN.pdf 	<p>Note that 'the supply of land and buildings except for land and buildings used for commercial and industrial purposes' is listed as exempt from VAT in the Schedule to the act. However, this is further defined as land and building used or suitable for any commercial or industrial use except for land and building used only for agriculture, forestry, wild life or nature reserve. As such, transactions involving the sale of land used only for forestry purposes will be subject to VAT.</p> <p>Section 31 defines the tax period as one month, from the first to the last day of the calendar month. While section 32 requires tax returns for each tax period to be submitted within 20 of the last day of the month in</p> <p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p> <p>The State manages 6 farms with commercial production forests. The management of the land and production is contracted to 3rd parties. Sub-contractors have signed legal agreements which include abidance to the legislation of Eswatini. As part of the tender process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated. Stakeholder consultations held in March 2018 did not raise any concerns on CL. Stakeholder consultation with the Eswatini Revenue Authority (SRA) in November 2018 did not raise any concerns. The SRA representative noted that payment of VAT by local businesses in the forest management sector complied with National Legislation. The World Bank Group "Doing Business" website for Eswatini indicates a high level of compliance with tax laws in the country for 2015.</p> <p><i>Swazi Nation Land</i></p> <p>Commercial activities on the SNL are governed by the individual chiefs in each area. According to the experience of the author and the input provided by experts during consultation in 2016, the SNL is well regulated, and the chiefs monitor activity on their land closely.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Timber from SNL is both harvested and sold by companies leasing the land from the communities, or by the communities themselves. Both types of transactions would be subject to VAT, and would be monitored by the central taxation agency, as are all commercial transactions in Eswatini.</p> <p>For non-commercial activities, such as exploiting the indigenous forests and woodlands for customary purposes, these activities are not subject to VAT, and are therefore considered not applicable.</p> <p>Stakeholders who provided comments on earlier drafts of this report during the international stakeholder consultation, stated that the timber volumes produced from SNL and traded commercially are small (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that ‘the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator.</p> <p>As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for commercial supply chains of non-indigenous species from SNL.</p> <p><i>Private freehold or title deed land</i></p> <p>Based on research and interview conducted in Eswatini in December 2016, it appears that the Finance Ministry regularly audits organizations and enforces compliance to tax laws. No public records of these audits are available. However, company records of tax assessments and audits would normally be provided to interested parties with a specific interest and respecting confidentiality of information of this nature. Stakeholder consultations with the Eswatini Revenue Authority (SRA) and the Eswatini Anti-corruption commission in 2018 verified this.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Approximately 91 percent of the plantations in Swaziland are FSC FM certified. No information provided to the authors through expert or stakeholder consultation, or extensive internet-based research indicates a risk in this indicator to a degree that warrants a specified risk finding.</p> <p>FSC Forest Management public certification reports (2013 -2018), available from info.fsc.org, was evaluated by the NRA-WG, there was no non-compliances relating to this indicator.</p> <p>Risk conclusion</p> <p>This indicator has been evaluated as low risk.</p> <p>Threshold (1) has been met. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Income Tax Order 12 of 1975 (as amended in 2000), sections 6, 10, 11, 12, 13, 18, 21, 22, 33, 37, 51, 57, 58, the First and Second Schedule - http://www.wipo.int/edocs/lexdocs/laws/en/sz/sz015en.pdf <p>Legal Authority</p> <ul style="list-style-type: none"> Minister of Finance and Economic Planning <p>Legally required documents or records</p> <ul style="list-style-type: none"> IT14 – Farmers tax return - for farming income, rent receivable and other income. IT13 – Companies tax return – persons employed, payments made, income received. Income Tax Clearance Certificates 	<p>Non-Government sources</p> <ul style="list-style-type: none"> Doingbusiness.org, 2016. The World Bank Group - Doing Business – Paying taxes in Swaziland. http://www.doingbusiness.org/data/exploreconomies/swaziland/paying-taxes ELDIS, 2017. Regional and country profiles – Swaziland. http://www.eldis.org/go/country-profiles&country=1207&theme=0 	<p>Overview of Legal Requirements</p> <p>The Income Tax Order 12 of 1975 (as amended) sets out the income tax requirements applicable to the timber sector in Swaziland:</p> <ul style="list-style-type: none"> Section 6 defines what is considered normal tax, in respect of income earned or accrued to or in favour of an individual, section 10 defines income for farming or plantation activities in the First Schedule Section 11 defines what may be considered as income (this can be applied to income from the forestry section) section 12 and 14 covers legitimate deductions that may be claimed by organizations, including the forestry sector, Section 18 covers allowable deductions for training schemes, this would include training conducted by forestry organizations. Section 13 covers tax for businesses that extend outside Swaziland.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> • Expert consultation conducted in Eswatini, 2016 and 2018. • International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012. Land and Natural Resources in Swaziland. https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6 • South African Tax Guide, 2014. Swaziland Taxes Overview. http://www.sataxguide.co.za/swaziland-taxes-overview/ • Transparency International, 2018. Corruption Perception Index 2018. https://www.transparency.org/country/SWZ 	<ul style="list-style-type: none"> • Section 21 covers requirements for tax on non-resident shareholders • Section 22 defines what is taxable for non-resident shareholders. • Section 33 covers when tax assessments and returns shall be made, this includes organizations operating in the forestry sector. • Section 37 of the Order requires that companies submit income tax returns of persons employed by them where deductions are to be claimed for the employment of these persons, or monies paid to these persons. • Section 51 requires that companies appoint “public officers” who shall reside in Swaziland and represent the organization in any tax related matters. • Section 57 details when tax payments shall be made, • Section 58 details payment by companies of employee tax contributions. <p>The First Schedule details how tax shall be calculated for farming operations (including plantations), but excluding companies, while the Second Schedule details how companies shall calculate tax to be deducted from employees.</p> <p>These laws apply to any company (as defined in 1.1.) operating in Eswatini and are not differentiated depending on where the timber is grown.</p> <p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p> <p>The State manages 6 farms with commercial production forests. The management of the land and production is contracted to 3rd parties. Sub-contractors have signed legal agreements and abide by the legislation of Eswatini. As part of the tender process, aspects of technical competence, skilled labour, professional</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>experience and mandatory monitoring is stipulated. Stakeholder consultations in 2018 stated that this was not a risk in Eswatini. The government farms are managed by the department of forestry and there is no tax that is paid for either use of the land or on the income from timber sales (Eswatini Revenue Authority stakeholder consultation, 2018).</p> <p>The World Bank Group “Doing Business” website for Eswatini indicates a high level of compliance with tax laws in Eswatini for 2016. Good economic governance in areas such as regulations, business licensing, and taxation is a fundamental pillar of a favourable business environment. Registered firms pay taxes and are supposed to comply with regulations.</p> <p><i>Swazi Nation Land</i></p> <p>Commercial activities on the SNL are governed by the individual chiefs in each area. Where the SNL has been leased by private companies for their own commercial activities, those companies are subject to laws relating to corporate income tax and are regulated by the Ministry of Taxation like all other companies.</p> <p>Where the timber is being harvested by communities, then sold onto the commercial market for export, these activities are carried out by the community members who are not registered companies. As a result, these entities are not subject to corporate income tax.</p> <p>For non-commercial activities, such as exploiting the indigenous forests and woodlands for customary purposes, these activities are carried out by the community members who are not registered companies. As a result, these entities are not subject to corporate income tax.</p> <p>Stakeholders who provided comments on earlier drafts of this report during the international stakeholder consultation, stated that the timber volumes produced from SNL and traded commercially are small (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that ‘the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator.</p> <p>As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for commercial supply chains of non-indigenous species from SNL.</p> <p><i>Private freehold or title deed land</i></p> <p>The Finance Ministry regularly audits organizations and enforces compliance to tax laws. There is no other information available which indicates a risk for this indicator (ELDIS, 2017, International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012). Based on research and interviews conducted in Swaziland in December 2016, it appears that the Finance Ministry regularly audits forest organizations and enforces compliance to tax laws. No public records of these audits are available. However, company records of tax assessments and audits would normally be provided to interested parties with a specific interest and respecting confidentiality of information of this nature.</p> <p>Approximately 91 per cent of the plantations in Swaziland are certified are FSC FM certified. No information provided to the authors through expert or stakeholder consultation, or extensive internet-based research indicates a risk in this indicator to a degree that warrants a specified risk finding.</p> <p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p> <p>Risk conclusion</p> <p>This indicator has been evaluated as not applicable for Crown land and low risk for other land.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.
Timber harvesting activities			
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Flora Protection Act, 2000 https://www.ecolex.org/details/legislation/flora-protection-act-2000-lex-faoc044978/?q=flora+protection+act+2000+swazil+and Forest Preservations Act, 1910 https://www.ecolex.org/details/legislation/forest-preservation-act-no-14-of-1910-lex-faoc078837/ <p>Legal Authority</p> <ul style="list-style-type: none"> Eswatini Environmental Authority <p>Legally required documents or records</p> <ul style="list-style-type: none"> Harvesting permit 	Expert consultation conducted in Eswatini, December 2016.	<p>Overview of Legal Requirements</p> <p>Legislation for natural/ indigenous timber species. No person shall cut down, damage, remove, sell or purchase indigenous timber without the permission of the Minister or of a district officer or other person authorised by the Minister to grant such permission. Harvesting of natural timber is authorised by the Chief on SNL as per Customary Law.</p> <p>There is no legislation covering harvesting of commercial plantation species in Eswatini. The industry utilizes Best Practice from South Africa, but this is not legally binding.</p> <p>Description of risk</p> <p>The over utilisation of Natural timber on SNL may exceed sustainable growth. As per stakeholder consultation with the Ministry of Forestry, SEA and SNTC, community members increasingly utilise timber for fuelwood, furniture and construction. SEA and SNTC carries out internal audits for timber harvesting.</p> <p>Risk conclusion</p> <p>Low Risk for Commercial Timber Plantation Species Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified Risk for Indigenous Timber species (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.9 Protected sites and species	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Flora Protection Action, 2000, section 3, 4, 5, 6, 16, 18, including Schedules A, B, C and D. http://www.sea.org.sz/categdocs.asp?cid=3 Plant Control Act, 1981, section 23 and 24 - http://faolex.fao.org/docs/texts/swa78838.doc <p>Legal Authority</p> <ul style="list-style-type: none"> Eswatini Environmental Authority and SEA officers enforce compliance. Department of Forestry <p>Legally required documents or records</p> <ul style="list-style-type: none"> Permit to Protected Flora (Schedule D) 	<p>Government sources</p> <ul style="list-style-type: none"> Eswatini Environmental Authority - http://www.sea.org.sz/index.asp Eswatini National Trust Commission - http://www.sntc.org.sz/legislation/legislation.asp Government of Swaziland, 2010. Surveying and Mapping the Distribution and Intensity of Infestation of Selected Category 1 Invasive Alien Plant Species in Swaziland <p>Non-Government sources</p> <ul style="list-style-type: none"> ELDIS, 2017. Regional and country profiles – Swaziland. http://www.eldis.org/go/country-profiles&country=1207&theme=0 Mongobay.com. 2011. Swaziland Forest Information and Data 2011. http://rainforests.mongobay.com/deforestation/ 	<p>Overview of Legal Requirements</p> <p>Eswatini has taken an active role in designing a strategic action plan for protection of biological diversity. As a signatory of the Convention on Biological Diversity, Eswatini has undertaken the enforcement of its terms, including development of an Environmental Action Plan (2001).</p> <p>Roughly four percent of the country is under protection, represented in four main public nature reserves – Mlawula, Hawane, Mantenga, and Malolotja. There are conservation areas on crown/state land, many used for ecotourism. Several of Eswatini’s protected areas are part of a transboundary peace park, the Lubumbo Conservancy, which extends into South Africa and Mozambique, providing a large area for the migration of big game animals like elephants.</p> <p>Flora Protection Act, 2000</p> <ul style="list-style-type: none"> Section 3(a) enables the Minister to establish areas as flora reserves and botanical gardens, and 3(b) enables the Minister to declare areas as special habitats. Section 4 enables the Minister to make change to the schedules in the Act. Schedule A lists Especially Protected Flora (Endangered), Schedule B lists Vulnerable Flora and Schedule C lists Rare Flora. Section 5 controls the removal, damage and destruction of protected species, but allows landowners who have cultivated these species and have a permit to utilize what he has grown. Section 6 enables the Minister to issue a permit to utilize protected species. Section 16 requires an assessment and mitigation were an activity would impact on indigenous flora. Section 19 specifies that a permit must be obtained from the Minister to sell or export indigenous flora.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>2000/Swaziland.htm#13-policy</p> <ul style="list-style-type: none"> • Transparency International, 2018. Corruption Perception Index 2018 - Swaziland. http://www.transparency.org/country#SWZ and http://www.theglobaleconomy.com/Swaziland/transparency_corruption/ • World Bank, 2017. Worldwide Governance Indicators – Swaziland 1996–2017. http://info.worldbank.org/governance/wgi/index.aspx#reports • Expert consultation conducted in Eswatini, December 2016. • USAID, 2007. Swaziland: 118/119 Biodiversity and Forest Assessment. http://www.encapafrika.org/documents/biofor/Swaziland2007.pdf 	<p>The spread of noxious weeds, particularly acacia, has proven problematic for Eswatini, and is considered a significant threat to Swaziland biodiversity and protected areas. The report on survey and mapping of Invasive Alien Plants (IAPS) of 2010 revealed that IAPS cover approximately 47 per cent of the country; <i>Chromolaena odorata</i>, <i>Lantana camara</i>, <i>Solanum mauritianum</i> and <i>Cesalpinia decapetala</i> which are the subject of this strategy cover about 44 per cent. The other Invasive Alien Plant Species found in the country cover about three per cent. The Plant Control Act, at sections 23 and 24 requires all land owners and occupiers to clear noxious weeds on their land.</p> <p>Description of risk</p> <p>According to USAID (2007), the major threats to biodiversity and forest conservation in Eswatini can be defined in six broad categories: unawareness, drought and desertification, anthropogenic pressures, degradation and erosion of soils, invasive species, and land tenure policy. In particular, that report notes that the threats to deforestation and destruction of natural resources currently comes from threats beyond the control of the forest industry i.e. they are not linked to the commercial forestry industry, but rather to ‘overharvesting of fuel wood and building materials, settlement encroachment on protected areas, and urban sprawl’ (USAID 2007). These species do not enter FSC-certified supply chains and is therefore considered a Low risk to Commercial Timber growers</p> <p>IAPS were declared a national disaster in 2005, with <i>Chromolaena odorata</i> listed as the highest priority species to eradicate. The spread and removal of IAPS has plagued Eswatini for approximately 2 decades and is not limited to the Forestry Sector but it is a concern on a country level (working group experts, 2018). While this is an environmental risk, it does not affect the integrity of the controlled wood supply chain from Swaziland for this legality indicator. This problem is specifically controlled by the requirement of sections 23 and 24 of the Plant Control Act 1981. A review of all literature available does not indicate any incidents of non-compliance with sections 23 and 24 of the Plant Control Act, 1981.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>SEA carries out audits on SNL. Government manages CL and Protected sites. Acacia species was introduced by Government to alleviate pressure on Indigenous Timber species from communities (Stakeholder consultation with Ministry of Forestry, 2018). Acacia species is utilised for fuelwood and building poles and typically does not reach an age of maturity outside of forest management areas (Stakeholder consultation with Eswatini Environmental Authority, 2018).</p> <p>Stakeholders who provided comments on the draft of this report during the international stakeholder consultation, stated that the volumes produced from SNL and traded commercially are small (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that ‘the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator. As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for the commercial supply of acacia from SNL.</p> <p>Approximately 91 per cent of the plantations in Eswatini are certified are FSC FM certified. No information provided through expert or stakeholder consultation, or extensive internet-based research indicates a risk in this indicator to a degree that warrants a specified risk finding.</p> <p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p> <p>As the risks described above relate only to the non-commercial activities taking place on SNL, the commercial supply chains from both SNL and TDL are deemed to be low risk for this indicator.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Risk conclusion</p> <p>Low risk for Commercial timber species</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for indigenous species (no commercial source) from Swazi Nation Land (SNL).</p> <p>Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<p>1.10 Environmental requirements</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Environmental Management Act, 2002, 32, 34, 35, 41 and 42. http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/85998/96683/F1235516944/SWZ85998.pdf The Environmental Audit, Assessment and Review Regulations, 2000, section 3, 5, 8, 9, 16, 17, First Schedule (Regulation 6 (2)), Second Schedule 8(1)(a) and 9(4)(a) and Third Schedule. http://www.sea.org.sz/categdocs.asp?cid=3 Natural Resources Act, 1951, section 17, 21 and 31. http://www.sntc.org.sz/documents/NaturalResourcesAct.doc Natural Resources (Public Stream Banks) Regulations, section 3. (contained within the Natural Resources Act above) Game Act, section 14, 17, 20 (to be read in conjunction with the Game (Amendment) Act, 1991 below). http://www.sea.org.sz/categdocs.asp?cid=3 	<p>Government sources</p> <ul style="list-style-type: none"> Eswatini Environmental Authority - http://www.sea.org.sz/index.asp Eswatini National Trust Commission - http://www.sntc.org.sz/legislation/legislation.asp <p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. Gush, Mark. (2018). Modelling streamflow reductions resulting from commercial afforestation in South Africa: From research to application. 	<p>Overview of Legal Requirements</p> <p>The environmental requirements only apply on TDL and CL. <i>Private freehold or title deed land (TDL) and Crown Land (CL)</i></p> <p>Under the Environmental Management Act, 2002, <i>all</i> projects (including forestry activities) must submit a project brief to the Department of Forestry. Afforestation schemes (including plantations) and wood processing are identified in the act as Category 3 (projects likely to cause significant impacts). This means that these types of activities also require an initial environmental evaluation (s 8). This forms part of the project brief.</p> <p>The Department then reviews this project brief and will make a decision about whether a full Environmental Impact Assessment, and Comprehensive Mitigation Plans are required (section 32).</p> <p>Where an EIA and mitigation plan are required, it must be approved by the Forestry Department (according to the <i>Environmental Audit, Assessment and Review Regulations, 2000</i>).</p> <p>Following the evaluation of the Environmental Assessment reports by the department, an Environmental Compliance Certificate is issued in accordance with s16. Where a mitigation plan has been required, the company has to submit periodic compliance reports to the department. The Environmental Compliance Certificates</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Game (Amendment) Act, 1991, section 8, 12, 15, 21, First Schedule, Second Schedule, Third Schedule (to be read in conjunction with the Game Act above). http://www.sea.org.sz/categdocs.asp?cid=3 Game Control Act, 1947, section 3. http://www.sea.org.sz/categdocs.asp?cid=3 Grass Fire Act, 1955, section 3, 4, 5, 6, 8, 9, 19, 11, 12. http://www.sea.org.sz/categdocs.asp?cid=3 Plant Control Act, 1981, 3, 5, 12, 13, 14, 15, 17, 18, 19, 23, 24, 25, 26, 28, 29, 30, Third Schedule. http://www.sea.org.sz/categdocs.asp?cid=3 Biosafety Act, 2012, sections 11, 12, 16, 23, 30 and 32 https://bch.cbd.int/database/record.shtml?documentid=106001 Seeds and Plant Varieties Act, 2000, section 6, 23, 26 http://faolex.fao.org/docs/pdf/swa91704.pdf Protection of Fresh Water Fish Act, 1937, section 6, 8, 9, 10, 14, 15, 17. http://www.sea.org.sz/categdocs.asp?cid=3 Waste Regulations, 1999, section 1, 6, 10, 12, 14, 19, 24, 29. http://www.sea.org.sz/categdocs.asp?cid=3 Water Act 2002, section 34, 35, 44, 45, 46, 48, 53, 62, and 81. www.ielrc.org/content/e0309.pdf Water Pollution Control Regulations, 1999, section 4, 5, 6, 8, 9, Schedule One, Schedule Two. https://www.elaw.org/content/swaziland-water-pollution-control-regulations 	<ul style="list-style-type: none"> https://www.researchgate.net/publication/30509980_Modelling_streamflow_reductions_resulting_from_commercial_afforestation_in_South_Africa_From_research_to_application Gush, M.B., Dye, P.J., Geldenhuys, C.J. and Bulcock, H.H., 2011. Volumes and efficiencies of water-use within selected indigenous and introduced tree species in South Africa: Current results and potential applications. In: Proceedings of the 5th Natural Forests and Woodlands Symposium, Richards Bay, 11-14 April. http://www.forestry.co.za/uploads/File/Research/2013/Nov%202013%20-%20Paper%205th%20Forests09%20%26%20Woodlands%20Symposium.pdf Bennett, B and Kruger, K. 2015. Forestry and Water Conservation in South Africa - History, Science and Policy. 	<p>include an expiry date and should be verified to be valid for the period in question.</p> <p>The Natural Resources Act, 1951 makes it an offence for anyone to damage any soil or conservation works and authorizes the minister to protect streams, control storm water, prevent soil erosion and conserve water.</p> <p>Section 3 of the <i>Natural Resources (Public Stream Banks) Regulations</i> set a protective buffer zone of 100 feet along public streams. "Public stream" is defined in the act as a watercourse of natural origin wherein water flows in ordinary seasons, whether or not such watercourse is dry during any period of the year, and whether or not its conformation has been changed by artificial means, and includes swamps or marshes, whether forming the source or found upon the course of or feeding such watercourse. Note that this requirement does not apply to SNL (section 2).</p> <p>The Plant Control Act, 1951 contains a number of requirements relevant to the forestry sector.</p> <ul style="list-style-type: none"> Section 2 and 5 requires that all nursery operators are registered, and only registered nurseries sell plants, unless an exemption from registration has been granted by the Principal Secretary. Section 12 and 13 requires the destruction of plants and alien animals infected with disease or insect damage, section 13 makes it compulsory for anyone instructed to destroy plants or alien animals to comply with government notices to carry out such destruction. Sections 14 and 15 refers to the schedules in the Act and prohibits certain plant imports, requires permits for other plant imports and listed plants that may only be imported for personal use. Section 17 makes phytosanitary certificates a requirement for all imported plants.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Wild Birds Protection Act, 1914, section 3, 6. http://www.sea.org.sz/index.asp <p>The Forest Policy 2002</p> <p>Legal Authority</p> <ul style="list-style-type: none"> Eswatini Environmental Authority Department of Forestry <p>Legally required documents or records</p> <ul style="list-style-type: none"> Environmental Compliance Certificate Project Compliance Reports Grass burning permit Nursery Registration Plant Importation Permit Phytosanitary Certificates (for import of plant material) Phytosanitary Certificates (for export of plant material) Waste Management License Water Use Permit Effluent Control Permit 	<p>http://press-files.anu.edu.au/downloads/press/p328171/html/title.xhtml?referer=&page=2#</p>	<ul style="list-style-type: none"> Section 19 prohibits the removal of plants from a natural habitat without permission from the regulating authority. Sections 23 through to 25 requires the reporting and control of noxious weeds and prohibits the sale of plants and seeds likely to become noxious weeds. Sections 26 through to 29 requires that timber which has been attacked or is infested with wood borer may not be used for building and manufacturing, it also specifies that such infestations shall be reported to the regulating authorities and that timber infested is destroyed or disinfected through approved means. While section 30 covers the reporting of locust infestations to regulating authorities. The First Schedule lists plants prohibited from being imported into Eswatini, the Second Schedule lists plants and plant materials requiring a permit before importation into Swaziland. The Third Schedule lists plants and plant materials requiring a permit before importation into Swaziland, but not normally restricted. While the Fourth Schedule lists plants and living material that does not require a permit. <p>The Seeds and Plant Varieties Act, 2000 requires all people importing and selling seeds and plant varieties to be registered, while section 15 specifies that varieties of seeds and plant for sale shall be recorded on a prescribed government list. Sections 26 and 27 prohibits the importation or sale of seeds and plant varieties not registered on the prescribed government list.</p> <p><i>Waste Regulations, 1999:</i> Section 1 Prohibits the management and disposal of waste in a manner that may have an adverse effect and section 29 prohibits the disposal of waste in a manner that it becomes litter.</p> <p>Schedule 3 (regulation 4) lists various types of waste from varying industries including wastes from the agricultural industry and wood processing industries.</p> <p><i>Water Act, 2002:</i> Section 34 reaffirms the constitutional right of water as a basic right for primary purposes, while section 35</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>requires that permits for other water extraction be acquired from the regulating authority.</p> <p><i>Water Pollution Control Regulations, 1999:</i> Section 4 prohibits the discharge of effluent which exceeds the regulatory standards into a water body, while section 5 requires an operator to monitor effluent discharges and keep records of this monitoring, with section 6 requiring that results of this monitoring be reported to regulating authority.</p> <p>Section 8 requires that in the event of an accidental discharge this be reported to the Authority, the Ministry of Health and that all reasonable measures are taken to warn potentially affected people and shall take reasonable measures to mitigate any damage that may be caused to the environment or human health.</p> <p>Schedule One (Regulations 2 and 3) list water quality objectives, Schedule 2 (regulations 2 and 4) lists effluent standards.</p> <p><i>Swaziland National Forest Policy, 2002</i></p> <p>The Forest Policy is non-binding but requires plantation forestry companies and all other watershed users must apply methods to reduce water consumption and pollution and establish a balanced use of water by all consumers. It also requires that commercial forest companies must develop and introduce forest management practices that minimize soil degradation, in particular the long-term residual effects of fertilizers and pesticides.</p> <p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p> <p>The Ministry of Forestry assesses compliance along with the relevant authority (SEA). Results from compliance assessments reveal the identification and management of environmental values, with opportunity for improvement on CL. The audit reports categorized risk as Low (Stakeholder consultation SEA, 2018).</p> <p><i>Swazi National Land (SNL)</i></p> <p>In SNL, the chiefs have the ability to impose requirements relating to the environment on the use of forest resources. As the powers</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>are discretionary, it is not possible to externally verify compliance with these requirements.</p> <p>Anecdotal information provided during the expert consultation in 2016 indicates that the governance of the SNL is strictly enforced where the activities are commercial (Expert consultation 2016).</p> <p>Customary use of forests and woodlands, for example the gathering and use of non-timber forest products from indigenous species, is reportedly less regulated as the activities do not take place within the formal economy (expert consultation 2016).</p> <p>Currently there is no publicly available evidence that indicates a risk of non-compliance with laws, inaction of regulating authorities, or fraudulent activities associated with this indicator</p> <p>Stakeholders who provided comments on earlier drafts of this report during the international stakeholder consultation, stated that the timber volumes produced from SNL and traded commercially are small volumes and are from smallholders (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area).</p> <p>Stakeholders stated that 'the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator.</p> <p>As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for commercial supply chains of non-indigenous species from SNL.</p> <p><i>Private Freehold or Title Deed Land (TDL)</i></p> <p>Approximately 91 per cent of the plantations in Eswatini are certified are FSC FM certified.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p> <p>An extensive internet search did not reveal any specific issues relating to this indicator. A broader search turned up more general concerns relating to water use from exotic commercial plantations, this is a common concern across southern and eastern Africa (see for example Gush 2011, Gush 2018 and Bennet & Kruger 2015). This topic has been extensively researched, and while it is acknowledged that tree's do use water, current legislation and best practice implemented by forest growers to not plant within the riparian buffer zones does mitigate this risk.</p> <p>Discussion with Department of Forestry officials indicate that these practices along with the advent of FSC certification has helped reduce concerns over plantation forestry water use.</p> <p>Literature review of potential risks did not reveal any reported instances of non-compliance with legislation being reported in regard to this indicator</p> <p>As the vast majority of production is certified, and no specific issues have been raised by experts, stakeholders or in the research conducted, a low risk finding for this indicator has been concluded.</p> <p>Risk conclusion</p> <p>Low risk for commercial timber species</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for indigenous species (no commercial source) from Swazi Nation Land (SNL).</p> <p>Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.11 Health and safety	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Occupational Safety and Health Act, 2001, sections 9, 10, 12, 13, 14, 16, 18, 28, 29 and 32. http://www.ilo.org/dyn/natlex/docs/SERIAL/60458/51832/F775087869/SWZ60458.pdf Employment Act 1980, No. 5/1980 - http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_isn=11933',550,350 <p>Legal Authority</p> <ul style="list-style-type: none"> Minister responsible for labour matters, inspectors and officers in the Department of labour. <p>Legally required documents or records</p> <ul style="list-style-type: none"> Accident Register 	<p>Government sources</p> <ul style="list-style-type: none"> Ministry of Commerce, Industry and Trade - http://www.gov.sz/home.asp?pid=2673 <p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. FSC, 2017. Facts and Figures July 2017. https://ic.fsc.org/file-download.facts-figures-july-2017.a-2020.pdf, International Labour Organization ILO, 2013. LEGOSH – Swaziland 2013. http://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO:1100:P1100_I_SO_CODE3,P1100_YE_AR:SWZ,2013:NO. International Trade Union Confederation (ITUC) (a), 2009. Swaziland: the repressive side of an absolute monarchy. https://www.ituc-csi.org/swaziland-the-repressive-side-of 	<p>Overview of Legal Requirements</p> <p>The Occupational Safety and Health Act, 2001 (OSHA) regulates health and safety in the forestry sector in Swaziland. The Minister of Labour is responsible for ensuring overall occupational safety and health (OSH) administration and enforcement. In addition, the OSHA states that OSH inspectors are appointed by a Government Agency responsible for the employment of public officers.</p> <p>The OSHA Act required employers ensure safety of a work place, provide effective supervision, assess and control hazards and provide personal protective equipment and appliances, inform employees of hazards and diseases that may be associated with their work. Further to this, employers shall train and instruct employees in such a way as to mitigate the identified hazards. Section 13 of the Act requires a safety and health policy for the organization written in both English and Siswati, a one-page summary signed by the CEO shall be publicly displayed in the workplace.</p> <p>The OSHA includes the following duties and obligations:</p> <ul style="list-style-type: none"> Duty to ensure the health and safety of employees: An employer or an occupier has a duty to "ensure the safety and health of all employees during employment by securing safe and healthy working conditions in that employer's or occupier's workplace." (Occupational Safety and Health Act (OHSA) S 9(1)) Duty to protect the health and safety of people other than their own employees: An employer is obliged to conduct his or her "activities in such a manner that persons other than the employees are not exposed to hazards or dangers arising from that employer's activities." (S 9(9)) The Minister is empowered to promulgate regulation on the medical examination of employees at a workplace. In addition, section 100 of the Employment Act (1980) makes provision for the medical examination of young persons. (OHSA S 41 (g))

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> • International Trade Union Confederation (ITUC), 2009. Internationally recognised core labour standards in Botswana, Lesotho, Namibia, South Africa and Swaziland - Report for the WTO General Council Review Of Trade Policies Of The Five Countries of the Southern African Customs Union (SACU) Geneva, 4 and 6 November 2009. https://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf • International Trade Union Confederation (ITUC), 2015. Main findings of the ITUC Solidarity Visit to Swaziland. https://www.ituc-csi.org/main-findings-of-the-ituc • U.S. Department of Labor Bureau of International Labor Affairs, 2003 Findings on the Worst Forms of 	<ul style="list-style-type: none"> • The OSHA obliges an employer to ensure that there exists a systematic way of identifying, evaluating and controlling hazards at the workplace and such systematic ways are functional at all times. OHSAS 9(3). • Duty to provide personal protective equipment: An employer has a duty to "provide free of charge adequate and appropriate personal protective appliances, equipment and clothing to an employee who is performing activities or processes which expose such an employee to wet, dusty or noisy conditions, extreme heat or extreme cold, or other poisonous, corrosive or injurious substance or material liable to affect the employee's safety and health or cause undue damage to the employee's clothing." OHSA S 9(4) • Duty to ensure the usage of personal protective equipment: An employee shall, where any means, appliance, equipment or other safety device for securing safety and health is provided by the employer under the provisions of this Act for use and protection of an employee or property in any process, properly use same in accordance with the instructions given by the employer." OHSA 11(2) • Arrangements for first-aid: An employer has a duty to "provide at each place of employment (a) adequate first aid facilities for the treatment of accidents; (b) one or more suitably stocked first aid boxes in charge of a responsible person which shall be readily available during working hours." This does not apply to the employment of a domestic employee by any employer. • Employers are required to prepare a written policy concerning or relating the protection of the safety and health of his or her employees at work. OHSA S 13(1) • An employer is obliged to "as far as reasonably practicable ensure by effective supervision that work is performed in a safe manner and without risks to health or exposure to danger." OHSA S 9(2))

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>Child Labour, Swaziland, p. 384, 2004 in Solidarity Centre, 2006. Justice for All – The struggle for workers’ rights in Swaziland. https://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf</p> <ul style="list-style-type: none"> U.S. State Department, 2016. Country Reports on Human Rights Practices, Swaziland 2016. Available: http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265308 Expert consultation conducted in Eswatini, December 2016. US Department of Labour, Bureau of International Labour Affairs, 2015. Findings on the Worst Forms of Child Labour, Swaziland. https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland 	<ul style="list-style-type: none"> An employer has a duty to "ensure that an employee receives the necessary training and instruction to perform the employee's work in such a way as to avoid any danger, or risk to danger, loss of health or injury." OHS Act No. 9 of 2001). (S 9(6)) Duty to take reasonable steps to protect the safety and health of others: "No person, including employer or employee or any other person, shall do anything that endangers or is likely to endanger the safety, health or welfare of that persons or any other person." OHS Act S 8(1) Work-related accidents: All accidents whether minor or major related to employment to a workplace must be recorded by the employer. OHS Act S 28(2) Employers’ duty to notify OSH authorities of work-related death and/or injuries to health – OHS Act S 28(1), S 32(1) <p><i>Employment Act 1980S 150(1)</i></p> <ul style="list-style-type: none"> Sanitary installations: An employer has an obligation to "ensure that every workroom in which persons are employed by him is kept in a clean and sanitary condition." Restrictions / obligations: This does not apply to the employment of a domestic employee by any employer. (S 149(1)) Drinking water: An employer is required to "ensure that there is an adequate supply of wholesome drinking water for his employees at their place work." This does not apply to the employment of a domestic employee by any employer. (S 149(2)(a)) <p>The Workers Compensation Act, 1983 requires that if in any employment personal injury is caused to a workman by accident and that accident is an employment accident his employer shall be liable to pay compensation in accordance with this Act. The act</p>

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			<p>also applicable there, where contractors are utilised. It should be noted that management operations are carried out by the growers, limited use of contractors (1-2% of afforested land on SNL) are utilized in the harvesting and extraction of timber.</p> <p>The U.S. State Department's 2005 Country Reports on Human Rights Practices noted, "The Labour Commissioner's office conducted few safety inspections because of staffing deficiencies and an alleged desire not to 'scare off foreign investors.' Workers had no legal statutory rights to remove themselves from dangerous work places without jeopardizing their continued employment; nor did any collective bargaining agreements address the matter."</p> <p>The US State Dept. 2016 Report states "the constitution calls on parliament to enact laws to protect a worker's right to satisfactory, safe, and healthy employment conditions, but parliament did not enact any such laws during the year."</p> <p>In addition, that report states labour laws applied to the informal sector but were seldom enforced. Most workers were in the informal sector, but credible data were not available. Workers in the informal sector, particularly foreign migrant workers, children, and women, risked facing hazardous and exploitative conditions. Credible data on workplace fatalities and accidents were not available.</p> <p>Per the Occupational Safety and Health Act of 2001, workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. Authorities did not effectively protect employees in this situation (US State Department 2016).</p> <p>A 2017 report from UNICEF states "In 2014–2015, for example, the United States cancelled Swaziland's membership as part of its African Growth and Opportunity Act (AGOA), a free trade bloc that enabled Swazi factories to more cheaply export their goods to the United States. Some cite that the cancellation was due to the Swazi state's failure to meet eligibility criteria in the area of human</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>rights in terms of workers' rights to assemble, protest and work in safe environments.”</p> <p>The above-mentioned text is representative of the Textile and Agriculture sectors in Swaziland. Outside of FSC certified land, employment of workers covers only 4,5% (TDL) of afforested land in Eswatini, with the remaining uncertified afforested land under SNL with smallholders in traditional structures. As per stakeholder consultations with the Ministry of Labour and Trade Union representatives in 2018, the implementation of health and Safety practices in TDL is of Low Risk based on internal audits and interviews with employees in the Forest Sector with Trade Unions.</p> <p>Stakeholders who provided comments on the draft of this report during the international stakeholder consultation, stated that the volumes produced from SNL and traded commercially are small (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that ‘the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict.</p> <p>Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator. As there is no information that indicates a risk for this source, and the scale and impact of the potential risk is low, a low risk has been found for the commercial supply of non-indigenous timber species (Acacia, Eucalyptus and Pinus spp.) from SNL.</p> <p>For timber grown on SNL leased to private companies, the extraction would be done within more formal structures; employment situations, which are evaluated below as low risk.</p> <p>Given the scale and impact, it is recommended that the risk for this indicator is considered low for the commercially produced timber from SNL.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p><i>Private Freehold or Title Deed Land (TDL) and State Managed or Crown Land (CL)</i></p> <p>4.5% of commercial plantation is owned/managed under TDL and CL. Regarding the privately-owned plantations, there are no specific reports of issues relating to OHS for the forestry sector. Information from the enforcement agency indicates that the risks are controlled. There are reports indicating risks in general in Eswatini relating to this indicator, but no forestry specific information can be found in the public domain but is available in discussion with the Ministry of Labour. Stakeholder consultation with the Ministry of Labour, 2018 and Trade Union representatives found that based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk be classified as low for this indicator.</p> <p>The scale and impact are considered low for TDL and CL.</p> <p>Risk conclusion</p> <p>Low risk for CL, SNL and TDL.</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.12 Legal employment	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Employment Act, 1980, section 21, 23, 26, 27, 29, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 61, 62, 67, 96, 97, 98, 100, 101, 102. 103, 104. 105, 106, 107, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 144, 145, 149, 150, 151, 152 and the Second Schedule. http://www.osall.org.za/docs/2011/03/Swaziland-Employment-Act-of-1980.pdf Workers Compensation Act, 1983, section 4, 5, 13, 15, 17, 18, 19, 22, 24, 25, 29, 35 and 38. 	<p>Government sources</p> <ul style="list-style-type: none"> Eswatini National Provident Fund - http://www.snpf.co.sz/index.php/legislations <p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. Solidarity Centre, 2006. Justice for All – The 	<p>Overview of Legal Requirements</p> <p>The Employment Act, 1980 is the key legislative instrument governing employment law in Swaziland.</p> <p><i>Employment contract</i></p> <ul style="list-style-type: none"> The Employment Act sets out the minimum requirements for an employment contract. <p><i>Discrimination and women</i></p> <ul style="list-style-type: none"> The labour law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, religion, political

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	<p>http://www.ilo.org/dyn/natlex/docs/SERIAL/27203/96682/F749496332/SWZ27203.pdf</p> <ul style="list-style-type: none"> The Wages Act, 1964, section 10, 15 and 18. http://www.ilo.org/dyn/travail/docs/2174/Wages%20Act%201964.pdf Industrial Relations Act, 2000, section 16, 18, 19, 30 and 40 http://www.ilo.org/dyn/natlex/docs/SERIAL/97396/115555/F1042164654/SWZ97396.pdf The Swaziland Nation Provident Fund Order, 1974 Registration of Contributing Employers Regulations, 1975 Swaziland National Provident Fund Statutory Contributions Regulations, 1998 Swaziland National Provident Fund (Benefit) Regulations, 1974 The Swaziland National Provident Fund (General) Regulations, 1986 Regulation of Wages (Forestry & Forest Industry) Order, (Revised annually). Employment (Amendment) Regulations 1987 (Legal Notice No. 44 of 1987) Wages (Amendment) Act 1981 (No. 10). Wages (Amendment) Act 1969. No. 3 of 1969. 	<p>struggle for workers' rights in Swaziland. https://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf</p> <ul style="list-style-type: none"> U.S. State Department, 2016. Country Reports on Human Rights Practices, Swaziland 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265308 U.S. Department of Labour Bureau of International Labour Affairs, 2003 Findings on the Worst Forms of Child Labour, Swaziland, p. 384, 2004 in Solidarity Centre, 2006. Justice for All – The struggle for workers' rights in Swaziland. https://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf US Department of Labour, Bureau of International Labour 	<p>views, or social status (s 29), but the law is silent on discrimination in employment and occupation based on disability, age, and sexual orientation or gender identity. Section 96 prohibits the discrimination, in terms of pay, based on gender.</p> <ul style="list-style-type: none"> Section 101 governs the employment of women and restricts their working hours. It stipulates that women cannot work between 10 p.m. and 6 a.m. without permission of the Labour Commissioner Swaziland has ratified ILO Convention No. 111 on Discrimination (Employment and Occupation) and Convention No. 100 on Equal Remuneration. <p><i>Dismissal:</i></p> <ul style="list-style-type: none"> Section 35: no employment shall be terminated unfairly, this includes, being a member of an organization, being an employee's representative, filing a complaint against the employer for discrimination. The Industrial Relations Act, 2000 regulates the court proceedings around unfair dismissal. <p><i>Wages</i></p> <ul style="list-style-type: none"> Section 46-48 and 55 govern the payment of wages. Section 151 requires every employer to keep a wage register and a record of each employee. The Wages Act, 1964 requires that employers meet minimum wages and conditions of employment as prescribed in a Wage Regulation Order. There is no national minimum wage. The Ministry of Labour and Social Security sets wage scales for each industry via the Wage Regulation Order. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. All workers in the formal sector, including migrant workers, are covered by the wage laws. Approximately 63 percent of the population lived below the poverty line. In 2016 the minimum monthly wage was 768

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	<p>Legal Authority</p> <ul style="list-style-type: none"> Minister responsible for labour, through the Labour Commissioner in terms of the Employment Act and Workers Compensation Act. Deputy Prime minister (in terms of the Wages Act 1964). <p>Legally required documents or records</p> <ul style="list-style-type: none"> Second Schedule of the Employment Act, 1980 – Written Particulars of Employment Wages Register Record of Employment Accident Register / Book 	<p>Affairs, 2015. Findings on the Worst Forms of Child Labour, Swaziland. https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland</p> <ul style="list-style-type: none"> International Trade Union Confederation (ITUC), 2015. Main findings of the ITUC Solidarity Visit to Swaziland. https://www.ituc-csi.org/main-findings-of-the-ituc International Trade Union Confederation (ITUC), 2009. Internationally recognised core labour standards in Botswana, Lesotho, Namibia, South Africa and Swaziland - Report for the WTO General Council Review Of Trade Policies Of The Five Countries of the Southern African Customs Union (SACU) Geneva, 4 and 6 November 2009. https://www.ituc-csi.org/IMG/pdf/200911 	<p>emalangeni (\$52) for a semiskilled worker in the forestry industry, and 1,060 emalangeni (\$71) for a skilled worker in the forestry industry.</p> <ul style="list-style-type: none"> The Regulation Of Wages (Forestry And Forest Industry) Order, (revised annually) covers basic minimum wages, provision of rations, hours of work, overtime, standby allowances, various types of leave, provision of written job details, protective clothing requirements and general health requirements, first aid and medical aid, pension funds and housing provision. Section 18 requires that the employer of any employees to whom a wages regulation order applies shall keep in English such records as are necessary to show whether or not the provisions of this Act are being complied with in respect of those employees and the records shall be retained by the employer for two years. The Regulation Of Wages (Forestry And Forest Industry) Order, (revised annually) covers basic minimum wages, provision of rations, hours of work, overtime, standby allowances, various types of leave, provision of written job details, protective clothing requirements and general health requirements, first aid and medical aid, pension funds and housing provision. <p><i>Social security</i></p> <ul style="list-style-type: none"> Section 67 requires employer of more than five people to register and contribute towards the National Provident Fund. The Eswatini National Provident Fund (Provident Fund) was founded in 1974 to provide benefits to workers who were either entering retirement or incapacitated while working. <p><i>Child labour</i></p> <ul style="list-style-type: none"> In 2002, Eswatini ratified ILO Convention No. 138 on the Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labour. Eswatini also ratified the UN Convention on the Rights of the Child in 1995

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		<p>03101840-Microsoft Word - SACU-final .pdf</p> <ul style="list-style-type: none"> International Trade Union Confederation (ITUC) (a), 2009. Swaziland: the repressive side of an absolute monarchy. https://www.ituc-csi.org/swaziland-the-repressive-side-of FSC, 2017. Facts and Figures July 2017. https://ic.fsc.org/file-download.facts-figures-july-2017.a-2020.pdf UNICEF, 2017. The political economy of Swaziland https://www.unicef.org/esaro/UNICEF_Swaziland--2017--The_Political_Economy_of_Swaziland.pdf US Bureau of International Labour affairs https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland Le Roux R, Cohen T, 2016. Understanding the Limitations to the 	<p>and signed the African Charter on the Rights and Welfare of the Child in 1995 but has not yet ratified it. Eswatini has ratified ILO Convention No. 29 on Forced Labour and Convention No. 105 on the Abolition of Forced Labour.</p> <ul style="list-style-type: none"> Section 97 and 98 of the Employment Act prohibits child employees and sets the minimum employment age as 15 years and stipulates working conditions. S 97(1) and (2) states that no persons shall employ any child in any industrial undertaking other than an industrial undertaking in which only members of his [or her] immediate family are employed; a technical school under the supervision of a teacher or person authorised but the Minister responsible for Education; an industrial undertaking which is not being conducted for commercial profit and where the work is essentially of an educative character approved as such by the Labour Commissioner in writing." In addition, "no person shall employ any child in any undertaking during school hours; between the hours of 6:00 p.m. of one day and 7:00 a.m. of the following day; for more than six hours in any day; for more than 33 hours in one week; for more than four hours continuously, without an interval of at least one hour for a meal or rest." The law makes exceptions for workplaces employing only family members, and for educational settings. Swazi law has no minimum age for employment in non-industrial sectors, but bars children from working at night or during school hours and limits children's overall work hours to 6 per day and 33 per week.² The Employment Act also generally prohibits "young persons," (defined as those 15 to 18 years old), from working at night or from working in dangerous, unhealthy, or morally injurious undertakings. The Ministry of Labour, the Office of the Deputy Prime Minister through the Department of Social Welfare, and the RSPS are responsible for enforcement of laws relating to child labour.

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		<p>Right to Strike in Essential and Public Services in the SADC Region</p>	<p><i>Forced labour</i></p> <ul style="list-style-type: none"> Eswatini law and the new constitution prohibit forced or bonded labour, including by children. The Employment Act includes requirements relating to forced labour. The law prohibits most forms of forced or compulsory labour, but it also exempts “communal services” from the definition of forced labour, referencing services that benefit the community and are uncompensated. This allows the king and chiefs to require residents to perform such services in their communities, and customarily chiefs may penalize those who do not participate. The government did not effectively enforce the applicable law. <p>Freedom of association and right to strike</p> <ul style="list-style-type: none"> Eswatini ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize and Convention No. 98 on the Right to organize and Collective bargaining. However, according to the Solidarity Centre, the country’s constitution, laws, and practice fall far short of compliance with ILO principles on freedom of association. The law provides that workers, except for those in essential services, have the right to form and join independent unions, conduct legal strikes, and bargain collectively. These rights were not uniformly applied, however, since provisions of other laws restrict freedom of assembly and association (US State Dept. 2016). According to the Solidarity Centre, the 2000 IRA theoretically protects the right to strike. However, a number of legal and practical impediments make it very difficult to execute a strike legally. In Swaziland the <i>Industrial Relations Act (IRA)</i> of 2000, as amended, applies to all employees, public and private – except members of the defence force, the police force and correctional services. The IRA, 2000 requires a 14-day notification period, minimum 7 day to carry out a secret ballot and a further 48 hours to release the results. This is an approximate period of 21 days required prior to carrying out the legally recognised strike action. The ILO’s supervisory body

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			<p>has regularly criticised the governmental interference in union affairs (extracted from published paper – Le Roux and Cohen, 2016).</p> <ul style="list-style-type: none"> • The constitution and law provide for the right to organize and bargain collectively, subject to various legal restrictions (extracted from US State Dept. 2016). • The law gives employers discretion as to whether to recognize a labour organization as a collective employee representative if less than 50 percent of the employees are members of the organization. • If an employer agrees to recognize the organization as the workers’ representative, the law grants the employer the ability to set conditions for such recognition. • The law provides for the registration of collective agreements by the Industrial Court. The court is empowered to refuse registration if an agreement conflicts with the Industrial Relations Act (IRA) or any other law, provides terms and conditions of employment less favourable to employees than those provided by any law, discriminates against any person, or requires membership or non-membership in an organization as a condition for employment. • The law also provides for the establishment of a conciliation, mediation, and arbitration commission for dispute resolution. It confers on the commissioner of labour the power to “intervene” in labour disputes before they are reported to the commission if there is reason to believe a dispute could have serious consequences for the employers, workers, or the economy if not resolved promptly. <p>Description of risk</p> <p>According to the Solidarity Centre, there are numerous reports of infringements of the legal requirements related to employment in Swaziland. These are far reaching and systemic. Not in the least, the very legal foundations upon which the labour laws are built, including the constitution and judiciary are fractured and weak, the</p>

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			<p>ability of workers to enforce their rights is extremely limited. For example, all labour-related dispute resolution relies on a court with only two sitting judges, the backlog has been a serious obstacle to workers' ability to enforce their rights in a timely and financially viable manner (Solidarity Centre 2006).</p> <p>The Ministry of Labour and Social Security is responsible for enforcement of labour laws but faces significant resource challenges, including a lack of motor vehicles and inability to hire additional staff. There were only an estimated 20 labour inspectors serving the entire country, and while the labour commissioner's office conducted inspections in the formal sector, it did not have the resources to conduct inspections in the informal sector. The government also undertook an initial review of the status of labour brokers in response to growing complaints that their lack of regulation facilitated the exploitation of workers (US State Dept. 2016).</p> <p>Of the 4.5% of afforested uncertified land under TDL and CL, commercial plantation Organizations issue formal employment contracts with the inclusion of the rights to bargain collectively and to organize (Swazi Plantations personal consultation, 2018). Additionally, some employees are Trade Union members.</p> <p><i>Discrimination</i></p> <ul style="list-style-type: none"> Workers and NGO representatives interviewed for the Solidarity Centre's 2006 report, indicate that some employers do not respect the Employment Act provisions and that enforcement of this act by the courts is not consistent. As of the end of 2005, no prosecutions had been reported under the discrimination provisions of the Employment Act. This could be due to the actual prevalence of discrimination or could reflect a popular perception that a claimant cannot receive justice on that issue through the court system.

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			<p><i>Social security</i></p> <ul style="list-style-type: none"> According to the Solidarity Centre, “poor enforcement of regulations governing the national retirement program also allows for violations of worker rights.” <p><i>Child labour</i></p> <ul style="list-style-type: none"> Eswatini has ratified the 8 ILO Core conventions. According to the Solidarity Centre, Violations of child labour laws are not widespread in the formal sector; factory owners usually hire workers who are 18 and older. 92.5% of children (5 -14 years) attend school full time, with 13% of children attending school and working (UNESCO Institute for Statistics, 2016). <p>Employment Act, 1980 allows for children to work on SNL on family plots outside of school hours and on weekends. According to the US Bureau of International Labour Affairs, children are utilised as workers on SNL in growing corn, picking cotton, harvesting sugarcane, herding cattle and other livestock, domestic work and street work (vendors).</p> <p>However, the use of child labour has been reported in the commercial agricultural sector on cotton and sugar cane plantations in eastern Eswatini. Child labour is also employed in the informal economy, especially in rural subsistence agriculture, herding, household domestic work, gardening, hawking, and transportation. Although it is difficult to find reliable statistics on the number of children working in Swaziland, UNICEF estimated that in 2000, some 11.3 percent of Swazi children ages 5 to 14 were working (cited in U.S. Department of Labour Bureau of International Labour Affairs, 2003).</p> <ul style="list-style-type: none"> According to the US State Dept. (2016), “The government did not effectively enforce laws combating child labour due to a lack of baseline information regarding the scope of the problem and a lack of dedicated resources for identifying and punishing violators.” Furthermore, and specific to the agricultural sector “in the informal sector, children continued to be employed,

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			<p>particularly in agricultural pursuits. In agriculture children picked cotton, harvested sugarcane, and herded livestock.”</p> <ul style="list-style-type: none"> • According to the US Dept. of Labour, “in 2015, Swaziland made efforts to eliminate the worst forms of child labour but was also complicit in the use of forced child labour.” The report states that Eswatini is receiving an assessment of no advancement because the Minister of Education and Training closed schools for 7 days and forced more than 30,000 children and adults to carry out national duties, including weeding the King’s fields. In addition, local chiefs forced children to engage in agricultural work throughout the year. Penalties for refusing to perform this work included evicting families from their village, confiscating livestock, and withholding family wages. Children in Eswatini are also engaged in child labour, including in domestic work and herding cattle. Significant gaps in laws remain, including the lack of a compulsory education age, and social programs do not adequately address child labour in domestic work and livestock herding. The following commodities/activities are specifically mentioned for a high risk of using child labour, forestry is absent: Growing corn, picking cotton, harvesting sugarcane and herding cattle and other livestock. • As per Stakeholder interviews with Chiefs in November 2018 and reports described above, there is no child labour utilised in the forestry areas in SNL, as these are community member plots and not under the communal areas shared between community members. Relationship between community members and Chiefs are voluntary if members chose to reside in the communal area. This relationship involves communal responsibilities in exchange for residential status. Children may assist families with the communal responsibilities outside of school hours, activities include communal agriculture activities. • As confirmed during stakeholder interviews with the Ministry of Labour and Trade Unions in 2018, TDL does not employ child labour.

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			<p><i>Women</i></p> <ul style="list-style-type: none"> • According to the Solidarity Centre, Gender discrimination includes constraints on the hours and locations of work for women, the advertising of certain positions for women or men only, and sexual harassment in the workplace. Expert consultation with TDL and CL stakeholders, Ministry of Labour and Trade Unions revealed that the gender quality and equal pay was prevalent in their operations (4,5% of afforested uncertified land). Majority of TDL are either South African Companies or adopt best practices in Human resources from South Africa. <p><i>Forced labour</i></p> <ul style="list-style-type: none"> • According to the US State Dept. (2016), “the government did not effectively enforce the applicable law.” Further, the report states “Forced or compulsory labour practices reportedly occurred. Victims of forced labour included women and children in domestic servitude, agricultural labour, herding livestock, pottering, and market vending. Chiefs continued to coerce children and adults--through threats and intimidation--to work for the king.” • According to the Solidarity Centre, while Swaziland law and the new constitution prohibit forced or bonded labour, including by children, and the government generally enforces most aspects of this prohibition effectively, with a couple of notable exceptions. • In a case that triggered the current rule of law crisis, the Court of Appeals rejected the 1998 Administrative Order that legalizes forced tribute labour, determining that the king has no power to issue such decrees. However, the government has refused to abide by this ruling. In fact, the new constitution, while prohibiting forced labour, provides an exception for “any labour (e) reasonably required as part of reasonable and normal parental, cultural, communal or other civic obligations, unless it is repugnant to the general principles of humanity,”

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			<p>seemingly exempting tribute labour from the prohibition (Solidarity Centre 2006).</p> <p><i>Freedom of association, right to strike etc.</i></p> <ul style="list-style-type: none"> • According to the US State Dept. (2016), the government did not effectively enforce laws pertaining to union organization. Freedom of association and the right to collective bargaining were not consistently respected. The government perceived some unions to be political opposition and therefore restricted their rights. In certain cases, workers who attempted to exercise the rights to organize and bargain collectively faced difficulties or risks due to a harsh legal environment imposed by provisions in the labour and security laws. HMCS staff continued to be denied the right to collective bargaining. While the government controlled no worker organizations, it may prohibit trade unions and other worker organizations from engaging in certain activities when those activities are deemed “political.” • In addition, the logistical requirements to register a legal strike made striking difficult. Government interference in union affairs has been a problem under examination by the International Labour Organization (ILO), particularly concerning public-service unions. At issue was continued government action to disrupt or repress trade unions’ lawful and peaceful activities (US State Dept. 2016). • According to the ITUC (2009), “employers’ interference with workers’ councils has contributed to the failure of some trade unions to negotiate collective agreements. Furthermore, there are reports that some employers dictate which decisions are taken in the workers’ councils. Collective bargaining is permitted by the law and there is no information that reports of abuses of concluded collective agreements. The law prohibits anti-union discrimination; however, private companies, especially foreign companies of the garment sector, continued to discriminate against unionists. Although the law provides for

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			<p>reinstatement and for fines against employers in the event of unfair dismissal, no such accusations were officially made.”</p> <ul style="list-style-type: none"> • In addition, “the police have made excessive use of violence to repress strikes. The authorities have arrested unionists and their leaders and used torture methods, including virtual drowning, to obtain information. In previous years union leaders were ordered to surrender their travel documents after attending meetings abroad. It has been reported several times that the police and the Conciliation, Mediation and Arbitration Commission facilitate employers, especially foreign garment firms’ management, in resisting workers’ demands and therefore sustain the inhumane conditions of work and the low wages.” (ITUC 2009). • Regarding ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize and Convention No. 98 on the Right to Organize and Collective bargaining, which Swaziland has ratified, the Solidarity Centre states that the country’s constitution, laws, and practice fall far short of compliance with ILO principles on freedom of association. • Workers’ rights to form and join unions, conduct legal strikes, and bargain collectively are not uniformly applied, however, since provisions of other laws restrict freedom of assembly and association (US State Dept. 2016). <p>In Eswatini the Industrial Relations Act (IRA) of 2000, as amended, applies to all employees, public and private – except members of the defence force, the police force and correctional services. The IRA, 2000 requires a 14 days notification period, minimum 7 day to carry out a secret ballot and a further 48 hours to release the results. This is an approximate period of 21 days required prior to carrying out the legally recognised strike action. The ILO’s supervisory body has regularly criticised the governmental interference in union affairs (extracted from published paper – Le Roux and Cohen, 2016).</p>

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			<p><i>Right to Strike</i></p> <ul style="list-style-type: none"> • According to the Solidarity Centre, the country's constitution, laws, and practice fall far short of compliance with ILO principles on freedom of association. • The law provides that workers, except for those in essential services, have the right to form and join independent unions, conduct legal strikes, and bargain collectively. These rights were not uniformly applied, however, since provisions of other laws restrict freedom of assembly and association (US State Dept. 2016). • In Eswatini the Industrial Relations Act (IRA) of 2000, as amended, applies to all employees, public and private – except members of the defence force, the police force and correctional services. The IRA, 2000 requires a 14-day notification period, minimum 7 day to carry out a secret ballot and a further 48 hours to release the results. This is an approximate period of 21 days required prior to carrying out the legally recognised strike action. The ILO's supervisory body has regularly criticised the governmental interference in union affairs (extracted from published paper – Le Roux and Cohen, 2016). A large percentage of work on Swazi Nation land is informal and family base. Labour laws would not apply in these cases, as there are no employment services being rendered. While many of the formal legal requirements (for example social security, work contracting etc.) would not be applicable due to the small sizes of the operations. <p>Stakeholders who provided comments on the draft of this report during the international stakeholder consultation, stated that the volumes produced from SNL which are traded commercially are small (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that "the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders</p>

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			<p>recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL, the risk should be classified as low for this indicator. A large percentage of work on Swazi Nation land is informal and family base. Labour laws would not apply in these cases. There is no information that indicates a risk for this source, and the scale and impact of the potential risk is low.</p> <p>Regarding the privately-owned plantations, the risk consideration is more complex.</p> <p>There have been a number of reports on the dire situation for workers in Eswatini, but none (apart from the 2009 ITUC Report) mention the forestry sector. As close attention has been paid to other sectors, in particular the garment sector, this would indicate the issues are not as prevalent in the forestry sector.</p> <p>According to experts consulted in the preparation of this report, and experience of the author in the Southern African context, there is also a strong push from unions against contractors (outsourcing) simply due to the fact that this weakens Unionization – it is more difficult to get members from 20 contractors than from 1 single big employer – this needs to be considered when considering comments by Unions in relation to the use of contractors. This only applies in South Africa and Swaziland where unions are losing members due to high fees and a lack of perceived benefits from union membership. Reportedly, workers do not want to join unions because of high fees and a perception that they get nothing back from unions. Unions blame this on organizations and contractors. In addition, 91 per cent of the plantations in Eswatini are FSC FM certified, under four certificates.</p> <p>Approximately 4.5 % of the afforested land utilise contractors or have employees. A large percentage of the employees with TDL and CL belong to unions, such as SAWPU. The remaining 4.5% falls under SNL and are smallholders, may use contractors (1 -2%), with the majority utilising community or own families to carry out activities. The Ministry of Labour (stakeholder consultation, 2018)</p>

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			<p>confirmed no significant issues raised on SNL with no use of forced labour or child labour in legal employment.</p> <p>Risk conclusion</p> <p>Low risk for SNL.</p> <p>Threshold (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for TDL and CL for Right to Collectively Bargain and Freedom of Association, Child labour, forced labour and discrimination.</p> <p>Threshold (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
Third parties' rights			
1.13 Customary rights	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Section 252(1)(c) of the Constitution <p>Legal Authority</p> <ul style="list-style-type: none"> • Eswatini Environmental Authority • Eswatini National Trust Commission • Ministry of Agriculture, officers in the department of agriculture (forestry department) • Land Control Board • Deeds Registry • Chiefs and Tindyuna 	<ul style="list-style-type: none"> • Constitution of the Kingdom of Swaziland, 2005 	<p>The application of customary law is sanctioned by section 252(1)(c) of the Constitution which provides that the principles of Swazi law and custom are recognised and adopted and shall be applied and enforced as part of the law of Swaziland.</p> <p>Swazi law and custom expect that land disputes between family members are dealt with at family / homestead level, disputes between chiefdom subjects at chiefdom level and disputes between chiefs at national or traditional 'central authority' level. Appeals are permissible up the hierarchy but not across into 'western' courts, although the courts will entertain a civil matter relating to an SNL dispute.</p> <p>Appeals are referred first to the Regional Administrator, who may refer a matter to the 'King's liaison officer' (Ndabazabantu) who is the president of the regional Swazi Court. Customary forms of dispute resolution exhibit facets of modern 'alternative' dispute resolution methods.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <ul style="list-style-type: none"> N/A 		<p>Only Title deed (privately owned) land can be purchased for private development.</p> <p>Where an organization wishes to lease (note this would not be a “concession”) SNL, this would be entirely at the discretion of the community and any rights they wish to retain would be written into and protected by the lease agreement. In this regard communities retain ownership of the land.</p> <p>Community rights on SNL are identified within traditional structure and knowledge for each community.</p> <p>For use of SNL by community members, The Forest Policy, Section 2.2.5.2 recommends detailed rules and regulations covering the access and user rights to forest resources as well as the responsibilities of communities and their individual members towards management of communal forest resources must be agreed to and defined. As the Forest Policy has not been enshrined in legislation, the section 252(1)(c) of the Constitution solely defines the principle relevant to this indicator.</p> <p>Risk Conclusion</p> <p>Low Risk</p> <p>Threshold (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.14 Free prior and informed consent	<p>Applicable laws and regulations</p> <p>N/A</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	N/A	<p>N/A</p> <p>There are no laws covering Free Prior Informed Consent in Eswatini. Commercial land acquisitions are only permitted on Title Deed (privately owned) land which is not subject to indigenous or customary rights. As such, FPIC is not relevant to these transactions.</p> <p>For use of SNL by community members, The Forest Policy, Section 2.2.5.2 recommends detailed rules and regulations</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			covering the access and user rights to forest resources as well as the responsibilities of communities and their individual members towards management of communal forest resources must be agreed to and defined. As the Forest Policy has not been enshrined in legislation, there are not legal requirements in place, relevant to this indicator.
1.15 Indigenous people's rights	Applicable laws and regulations N/A Legal Authority N/A Legally required documents or records N/A	<ul style="list-style-type: none"> Eswatini National Trust Commission, n.d. http://www.sntc.org.sz/cultural/swazihistory.html 	N/A There are no "indigenous people" as defined in UNDRIP and by FSC Glossary of Terms, recognized in Eswatini, therefore this indicator does not apply. The Swazi people arrived in Eswatini in the 18 th century and are descendants of the Bantu who originated in the Benue-Cross Region in Cameroon. Swazi people intermarried with San people through the generations (SNTC, n.d.). 4/5 of the Swazi people are considered as traditional peoples, but not indigenous peoples.
Trade and transport			
1.16 Classification of species, quantities, qualities	Applicable laws and regulations <ul style="list-style-type: none"> Road Transportation Act No:5 of 2007 Legal Authority <ul style="list-style-type: none"> Traffic Inspectorate Legally required documents or records <ul style="list-style-type: none"> Transport Permit 	<ul style="list-style-type: none"> Ministry of Public Works and Transport, n.d. http://www.gov.sz/index.php/ministries-departments/ministry-of-public-works-a-road-transportaion 	N/A There is no requirement to classify timber species, specify the quality and quantity. The Transport Permit does not require this as well. The Swaziland Forest Policy 2002 includes recommendations for requirements covering this indicator but has not been enshrined in law. Therefore, this indicator is currently not applicable.
1.17 Trade and transport	Applicable laws and regulations <ul style="list-style-type: none"> Private Forest Act, 1951, section 3(a)(i) Cross-Border Road Transport Act 4 of 1998 Road Transportation Act No:5 of 2007 Legal Authority <ul style="list-style-type: none"> Cross-Border Road Transport Agency 	Non-Government sources <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. FSC, 2017. Facts and Figures July 2017. https://ic.fsc.org/file- 	Overview of Legal Requirements Legal requirement in terms of the Private Forest Act, section 3(a) (i) is that the transporter of timber has permission (contract) from the owner to transport the timber from TDL. There are no requirements relating to the transportation of timber from SNL or CL. A transportation permit is required when cross the border transportation of goods or passengers to neighbouring countries

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Traffic Inspectorate <p>Legally required documents or records</p> <ul style="list-style-type: none"> Permission from the owner of the timber. 	download.facts-figures-july-2017.a-2020.pdf	<p>included in the South African Customs Union Agreement. This requires classification of the load in the category of goods. No requirement to specify species.</p> <p>Description of risk</p> <ul style="list-style-type: none"> There are no available sources (including experts consulted) that have indicated there are any instances of illegal transportation without the owner's permission. As the only trade and transport is of commercial plantation species, and the legal threshold is very low (only owner permission is required), we have evaluated the risk as low. As of July 2017, 91 per cent of the plantations in Eswatini are FSC FM certified, under four certificates (FSC Facts and Figures, 2017). There is no available information that would justify a finding of specified risk for the remaining 9 per cent of plantations. <p>Risk conclusion</p> <p>Low risk for Private Freehold or Title Deed Land (TDL) and Crown or State Land (CL).</p> <p>Not applicable for Swazi Nation Land (SNL).</p> <p>Threshold (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <p>N/A</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	N/A	<p>N/A</p> <p>There are no formal transfer pricing regulations in Eswatini. However anti-avoidance legislation empowers the commissioner of taxes to adjust the liability of the taxpayer where the commissioner is of the opinion that a transaction, operation or scheme has not been entered into or carried out by persons dealing at arm's length with the aim of avoiding, reducing or postponing tax liability.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.19 Custom regulations	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Customs and Excise Act, 1971, sections 5, 9, 11, 13, 37, 38, 40, 41, 43, 44, 46, 65, 66, 67, 69, 70, 72, 101 and 102. http://www.wipo.int/edocs/lexdocs/laws/en/sz/sz013en.pdf Trading Licenses Order No. 20 of 1975 Trading Licenses Amendment Act No. 9 of 2011 <p>Legal Authority</p> <ul style="list-style-type: none"> Minister responsible for Finance, Commissioner of Taxes and officers in the department. <p>Legally required documents or records</p> <ul style="list-style-type: none"> Proof of declaration of goods for import or export Proof of payment of import and export duties. 	<p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. World Trade Organisation WTO, 2015. Trade Policy Review – Report by the Secretariat – South African Customs Union – Annex 5: Swaziland. https://www.wto.org/english/tratop_e/tpr_e/s324-04_e.pdf World Bank, 2018. Doing Business 2018. http://www.doingbusiness.org/data/exploreconomies/swaziland?topic=trading-across-borders 	<p>Overview of Legal Requirements</p> <p>The main Act applicable is the Customs and Excise Act. Section 4 covers requirements that any vehicle entering or leaving Eswatini shall stop for a custom official, while section 9 defines when goods are deemed to be imported into Eswatini and section 11 defines what is meant by goods being imported or exported overland from Eswatini by road and rail. Section 13 and 37 requires that people entering or leaving Swaziland declare fully any and all goods they have in their possession that they are taking out or bringing into Eswatini.</p> <p>Section 38 and 40 of the Act requires that goods are declared in a prescribed format and that all duties applicable to these goods are paid within seven days. It further requires that evidence as the value of goods is provided to the Customs Department. Section 43 covers requirements of joint liability for declaration and payment of duties between any party involved in the import or export of goods. Section 46 covers the different types of duty that may be applicable and the methods of payment of these duties. While section 66 covers the calculation of customs duty based on the transaction value which is defined in section 67 and section 69 defines the calculation of excise duties and section 70 defines the calculation of sales duties. Section 72 defines the calculation of goods to be exported from Swaziland.</p> <p>Section 101 requires that businesses keep such records as may be prescribed by the Minister and section 102 requires that records be kept and produced when required.</p> <p>In order to operate in Eswatini, all businesses must be registered and licensed by the Ministry of Commerce, Industry and Trade (MCIT) under the Trading Licenses Order No. 20 of 1975 and the Trading Licenses Amendment Act No. 9 of 2011 (the latter enables applications for trading licenses to be advertised within three working days instead of 21 days).</p> <p>Any individual or company engaged in importing and/or exporting goods requires a trading license. In addition, any person wishing to</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>engage in importing, exporting or transiting certain controlled agricultural products ("scheduled agricultural products") must register with, and obtain a permit from, the National Agricultural Marketing Board under the NAMBOARD Act No. 13 of 1985 (Section 3.1.3). For customs clearance purposes, importers (and exporters) must register with the Eswatini Revenue Authority (SRA), established in 2011.</p> <p>Customs clearance is mostly done through customs agents, who must be licensed by the SRA; although some companies rely on their own import-export units. Documentation required for custom clearance includes: the import declaration using the single administrative document (SAD 500) and supporting documents such as the bill of lading, invoice, road manifest and packaging list. In some instances, certificates of origin, import permits, and SPS certificates may also be required</p> <p>Exporters are required to register with the Eswatini Revenue Authority (SRA). For customs clearance purposes, exporters must submit an export declaration (form SAD500) and supporting documents, including the exchange control form F178 (provided by the exporter's bank indicating the value of the goods to be exported), invoice, road manifest, permits and certificates of origin.</p> <p>Customs declarations are made through the ASYCUDA++ system. Most exporters use customs clearance agents or freight forwarders who take care of the export logistics in South Africa, which include the deposit of a security bond covering goods in transit to Durban.</p> <p>As in the case of imports, most exports from Eswatini are transhipped through the port of Durban (where they arrive by road). Export consignments may be inspected by Customs, in particular if there is a duty/tax refund or a discharge of security to be claimed after the goods are exported. Following document processing and inspection of the goods, the transport unit is sealed by Customs and cleared for export.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Description of risk</p> <ul style="list-style-type: none"> • Currently the only forest products formally exported are from TDL. Customs and excise duties are enforced as this is a source of government revenue (Expert consultation 2016). • The World Bank Group Doing Business Report 2018 indicates that in Eswatini, the customs clearance and inspection for imports takes three days. • Some of the frequent complaints voiced by the private sector regarding cross-border trade are: delays in service delivery, insufficient staff at the border, the duplication of documentation, the lack of a database to evaluate goods, and the lack of a fully automated declaration system linking Swaziland's borders. This does raise concern about the credibility of the monitoring and enforcement of the laws. • As of March 2018, 91 per cent of the plantations in Eswatini are FSC FM certified, under four certificates. There is no available information that would justify a finding of specified risk for the remaining 9 per cent of plantations • There are anecdotal reports of illicit trade of NTFPs from Swazi Nation land, particularly herbs for medicinal purposes. <p>Stakeholders who provided comments on the draft of this report during the international stakeholder consultation, stated that the commercial timber volumes produced from SNL and traded are of small volumes from smallholders (approx. 6 per cent of the volume from approx. 4.5 per cent of the forest area). Stakeholders stated that 'the laws and principals in the Swaziland National land (SNL) are implemented and managed by the community under the supervision of the local traditional leadership. All commercial timber from SNL, TDL and CL enter local FSC CoC supply chains which export timber to South Africa and Mozambique. The legal authorities are involved in the day to day operation of the area and enforcement is strict. Stakeholders recommended that, based on an evaluation of the potential scale and impact of the risks for the commercial supply from SNL. As there is no information that</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>indicates a risk for this source, and the scale and impact of the potential risk is low.</p> <p>Risk conclusion</p> <p>Low risk for commercial timber species</p> <p>Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Specified risk for indigenous species (no commercial source) from Swazi Nation Land (SNL).</p> <p>Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.20 CITES	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Eswatini is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It acceded on 26 February 1997, with entry into force taking place on 27 May 1997. According to the most recent biennial report, the drafting of the CITES-relevant legislation was in progress in 2013 (https://cites.org/sites/default/files/reports/12-13Swaziland.pdf). In the interim, trade of CITES species is dealt with under the Game Act (The Game (amendment) Act, 1991) Flora Protection Act, 2000 <p>Legal Authority</p> <ul style="list-style-type: none"> Kingdom of Eswatini's Big Game Parks Directorate of Public Prosecutions 	<p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Eswatini, December 2016. Madeleine Groves and Catherine Rutherford for Kew Royal Botanic Gardens, 2015. CITES and Timber - A guide to CITES-listed tree species. Available: https://www.kew.org/data/CITES_User_Guides/CITES-and-Timber.pdf 	<p>Overview of Legal Requirements</p> <p>Eswatini is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It acceded on 26 February 1997, with entry into force taking place on 27 May 1997. CITES is included in Swaziland legislation under the Game (amendment) Act, 1991 and the Flora Protection Act, 2000</p> <p>Description of risk</p> <p>The risk of contravention in relation to CITES is low as there are no indigenous timber species traded, and no flora or fauna species other than commercial exotic species are harvested from forests (Groves and Rutherford 2015).</p> <p>There are no CITES listed traded tree species growing in Eswatini. CITES tree species are grown Angola, Birundi, Cameroon, Comoros, Congo, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Kenya, Madagascar, Malawi, Mozambique, Nigeria, Rwanda, Sao Tome and Principe, South Africa, Sudan (prior to secession to southern Sudan), Uganda, United Republic of Tanzania, Zambia and Zimbabwe. There is only 1 species known to occur in Swaziland - Prunus Africana (African Cherry), but this is not commercially traded. The main products from this species in</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<ul style="list-style-type: none"> Department of Customs and Excise Royal Eswatini Police <p>Legally required documents or records</p> <ul style="list-style-type: none"> CITES Export Permit 		<p>international trade are unprocessed dried bark and processed medicines from Cameroon, Uganda and DRC.</p> <p>Risk conclusion</p> <p>This indicator has been evaluated as low risk. Identified laws are upheld. Threshold (1) has been met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	<p>Applicable laws and regulations N/A</p> <p>Legal Authority N/A</p> <p>Legally required documents or records N/A</p>	N/A	<p>N/A</p> <p>There are no legal requirements relating to due diligence and due care procedures in force in Eswatini.</p>

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
1.1 Land tenure and management rights	R - Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood.
1.2 Concession licenses	N/A
1.3 Management and harvesting planning	N/A
1.4 Harvesting permits	R – Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood.
1.5 Payment of royalties and harvesting fees	N/A
1.6 Value added taxes and other sales taxes	N/A
1.7 Income and profit taxes	N/A

Indicator	Control measures (M – mandatory / R – recommended)
1.8 Timber harvesting regulations	R - Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood
1.9 Protected sites and species	R - Ensure Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood
1.10 Environmental requirements	R - Ensure Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood
1.11 Health and safety	N/A
1.12 Legal employment	<p>For the sourcing of timber from TDL and CL</p> <p>R – Interviews with workers and trade union representatives confirming no gender discrimination, no child labour, no forced labour, right to collectively bargain and the right to organize</p> <p>R - Obtain copies of documented evidence from suppliers of the following:</p> <ul style="list-style-type: none"> • Workers have formal employment contracts with inclusions as per legislative requirements. Minimum age limits to be verified. Contracts not complying with legislative requirements shall result in non-supply of timber as FSC Controlled Wood. • The option to collectively bargain and the right to organize is not restricted • Random Sample of contracts and other forms of agreements to be carried out annually.
1.13 Customary rights	N/A
1.14 Free prior and informed consent	N/A
1.15 Indigenous people's rights	N/A
1.16 Classification of species, quantities, qualities	N/A
1.17 Trade and transport	N/A
1.18 Offshore trading and transfer pricing	N/A
1.19 Custom regulations	R - Ensure Delivery note and Invoice specifies timber species. Records indicating Indigenous timber species shall not be sourced and claimed as Controlled Wood
1.20 CITES	N/A
1.21 Legislation requiring due diligence/due care procedures	N/A

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low risk
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Low Risk for SNL Specified risk for TDL and CL for right to freedom of association and collective bargaining; for forced labour and for discrimination against women in the labour market.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	Low risk

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
2.1	N/A
2.2	For TDL and CL R - Obtain evidence of formalised employment contracts which include core labour rights. There shall be no restrictions to bargain collectively or the right to organise contained within the contracts. Random sampling to be applied. Minimum age limits to be verified. Contracts not complying with legislative requirements shall result in non-supply of timber as FSC Controlled Wood. R - Interviews with workers and trade union representatives confirming no gender discrimination, no child labour, no forced labour, right to collectively bargain and the right to organize
2.3	N/A

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication ¹
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: - the WGI's report aggregate and individual governance indicators for 215 countries (most recently for 2017), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country) In 2017 (latest available year) Eswatini scores between 8,37 (for Voice and Accountability) and 45,67 (for Control of Corruption) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations:	http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf Eswatini does not feature on the Harmonized List of Fragile Situations	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2005, and December 31, 2015, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.	https://cpj.org/reports/2015/10/impunity-index-getting-away-with-murder.php Eswatini does not feature on this Impunity Index	Country	
Human Rights Watch: http://www.hrw.org	https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf <i>Human Rights Watch World Report 2016</i> "Eswatini	Country	

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

Respect for human rights and the rule of law continued to decline in the Kingdom of Swaziland, ruled by absolute monarch King Mswati III since 1986. Political parties remained banned, as they have been since 1973, judicial independence continued to be severely compromised, and repressive laws used to target critics of the government and the king.

As in previous years, Swazi authorities failed to carry out reforms to lift severe restrictions on civil and political rights. The Suppression of Terrorism Act, the Sedition and Subversive Activities Act of 1938, and other similarly draconian legislation provided sweeping powers to the security services to halt pro-democracy meetings and protests and to curb any criticism of the government, however banal, even though such rights are guaranteed under Swaziland's 2005 constitution. (p. 542)

Freedom of Association and Assembly
 Severe government restrictions on freedom of association and assembly continued. On February 28, Swazi police broke up a meeting of the Trade Union Congress of Swaziland (TUCOSWA) in Manzini, the country's second largest city, because authorities were unhappy with an agenda item on multi-party democracy.

On March 14, police violently barred TUCOSWA's national executive committee from meeting at the premises of the Swaziland National Association of Teachers (SNAT), one of its members, claiming that TUCOSWA was not a registered entity. SNAT's secretary general, Muzi Mhlanga, was assaulted by the police who knocked out one of his front teeth when he tried to take photographs of the police action. Previously registered in 2012, TUCOSWA was banned in 2013 when it called for a boycott of the 2013 general election, which failed to include opposition political parties. Subsequent attempts to register were denied. TUCOSWA submitted a new application in December 2014 under the country's amended Industrial Relations Act. It was registered on May 12, 2015.

Human Rights Defenders
 Political activists faced trial and detention under security legislation and charges of treason under common law. The Suppression of Terrorism Act of 2008 placed severe restrictions on civil society organizations, religious groups, and media.

Under the legislation, a "terrorist act" includes a wide range of legitimate conduct such as criticism of the government. State officials used the legislation to target perceived opponents through abusive

	<p>surveillance, unlawful home and office searches, and arbitrary arrests. [...] In September 2015, eight trade union leaders and human rights defenders, including Masuku and Dlamini, challenged the constitutionality of the Suppression of Terrorism Act in the High Court of Swaziland. At time of writing the case was ongoing. [...]</p> <p>Freedom of Expression and Media Journalists and activists who criticized the government were often harassed and arrested. The Sedition and Subversive Activities Act continued to restrict freedom of expression through criminalizing alleged seditious publications and use of alleged seditious words, such as those which “may excite disaffection” against the king. Published criticism of the ruling party is also banned. Many journalists practiced self-censorship, especially with regard to reports involving the king, to avoid harassment by authorities. [...]</p> <p>Rule of Law Although the constitution provides for three separate organs of government—the executive, legislature, and judiciary—under Swaziland’s law and custom, all powers are vested in the king. The king exercises absolute authority over the cabinet, parliament, and judiciary. [...]</p> <p>Women’s Rights Eswatini’s dual legal system, where both Roman-Dutch common law and Swazi customary law operate side by side, has resulted in conflict leading to numerous violations of women’s rights, despite constitutionally guaranteed equality. In practice, women, especially those living in rural areas under traditional leaders and governed by highly patriarchal Swazi law and custom, are often subjected to discrimination and harmful practices. [...] Traditional structures and practices prohibit women from speaking in public at men’s gatherings and present significant challenges for women’s political participation. Violence against women is endemic. Survivors of gender-based violence have few avenues for help as both formal and customary justice processes discriminate against them.” (p. 542-546)</p>		
<p>US AID: www.usaid.gov Search on website for [country] + ‘human rights’</p>	<p>https://www.usaid.gov/swaziland/our-work Last updated: November 03, 2016 “Democracy, Human Rights and Governance Although Eswatini is no longer an absolute monarchy, the transition to constitutional government is far from complete. USAID works with Freedom House to encourage respect for democratic ideals and show</p>	<p>Country</p>	

	how democracy and justice can benefit the whole society. Activities include training lawyers on human rights laws and supporting civil society organizations that work on human rights issues.”		
Global Witness: www.globalwitness.org Search on website for [country] + ‘human rights’	This source contains no information on human rights violations in Eswatini after searching ‘Swaziland human rights’	Country	
http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/	http://wwf.panda.org/about_our_earth/deforestation/deforestation_causes/illegal_logging/ This source contains no information on Eswatini http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf <i>Tackling Illegal Logging and the Related Trade - What Progress and Where Next? Chatham House Report – July 2015</i> This source contains no information on Eswatini http://wwf.panda.org/core/general.cfc?method=getOriginalImage&ulmglID=%26%2AR%5C%27%21%3EW5%0A <i>Map Illegal Logging – Countries with high rates of illegal logging</i> Eswatini is not mentioned on this map	Country	
Chatham House Illegal Logging Indicators Country Report Card http://www.illegal-logging.info	http://www.illegal-logging.info/search?query=swaziland&=Go&field_term_author_name=&from%5Bdate%5D=&to%5Bdate%5D=&field_region=All This website has no information on Eswatini	Country	
Transparency International Corruption Perceptions Index Based on expert opinion, the Corruption Perceptions Index measures the perceived levels of public sector corruption worldwide. http://www.transparency.org/	https://www.transparency.org/country/SWZ The Transparency International Corruption Perceptions Index ranks Swaziland 89 out of 180 countries, with a score of 38 out of 100	Country	
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	https://www.amnesty.org/en/documents/pol10/2552/2016/en/ <i>State of the Human Rights Report 2015/16</i> “Eswatini Some prisoners of conscience and political prisoners were released but repressive legislation continued to be used to suppress dissent. ”	Country	

Freedoms of expression, association and peaceful assembly continued to be restricted.

BACKGROUND

The USA ended Eswatini's preferential trade agreement under the African Growth and Opportunity Act (AGOA) in January, citing the country's failure to implement promised human rights reforms. The loss of preferential access to the US market for textiles led to factory closures and job losses. Following international pressure, the government responded by releasing a number of prisoners, including prisoners of conscience.

The government flagrantly violated the basic constitutional rights of unions and their leaders, teachers, political parties and civil society, but largely escaped sustained criticism in international media. This was partly because, on the surface, Swazi society appeared close-knit and relatively homogenous. [...]

UNFAIR TRIALS

Politically motivated trials and laws that violate the principle of legality continued to be used to suppress dissent. There were some signs of improvement with the release of prisoners of conscience and political prisoners, but these gains remained fragile without fundamental legislative reform and full commitment to human rights standards. [...]

FREEDOM OF ASSOCIATION

Police prevented members of the Trade Union Congress of Swaziland (TUCOSWA) from meeting in February and March. The Secretary General of the Swaziland National Association of Teachers (SNAT), Muzi Mhlanga, was assaulted by police during an attempt by TUCOSWA to hold a meeting at the SNAT offices in Manzini on 14 March. [...]

FREEDOM OF EXPRESSION

Human rights defenders, political activists, religious leaders and trade union officials were threatened with violence by police, arrest or other forms of pressure as a consequence of their advocacy of human rights, respect for the rule of law or political reforms.

WOMEN'S RIGHTS

Despite high levels of gender-based violence, the Sexual Offences and Domestic Violence Bill had not been enacted by the end of the year.

The Bill had been under discussion by Parliament since 2006. The original progressive draft has been diluted and the Bill now contains a

	<p>narrow definition of rape and excludes marital rape, among other concerns.” (p. 345-347)</p>		
<p>Freedom House http://www.freedomhouse.org/</p>	<p>https://freedomhouse.org/report/freedom-world/freedom-world-2017</p> <p>The status of Eswatini on the Freedom in the World 2017 index is ‘not free’.</p> <p>https://freedomhouse.org/report/freedom-net/freedom-net-2017</p> <p>There is no information about Eswatini on the Freedom on the Net 2017 because the country was not assessed</p> <p>https://freedomhouse.org/report/freedom-press/freedom-press-2017</p> <p>The status of Eswatini on the Freedom of the Press 2017 index is ‘not free’.</p> <p>https://freedomhouse.org/report/freedom-press/2016/swaziland</p> <p>“A web of repressive laws, combined with governmental intimidation and harassment of journalists, severely constrains Swaziland’s media environment. Swaziland is Africa’s last absolute monarchy. After mounting domestic and international pressure to reform, the constitution was revised in 2005 to explicitly protect freedom of expression and the press. King Mswati III, however, maintains the authority to suspend these rights at his unilateral discretion. Freedom of expression and of the press are already severely restricted in practice, especially when concerning political issues or the royal family. A range of draconian laws limit media freedom in Swaziland, most notably the 2008 Suppression of Terrorism Act and the Sedition and Subversive Activities Act, which was first enacted in 1938 by the British colonial government. If convicted under the latter, individuals can be penalized with a prison sentence of up to 20 years. These laws, plus a range of other journalists risk violating—including the Proscribed Publications Act, the Cinematograph Act, the Obscene Publications Act, and the Protected Places and Areas Act—help create a chilling environment for media. Swazi media content is marked by a high</p>	<p>Country</p>	

	degree of both official censorship and self-censorship, primarily on official or royal matters. Self-censorship at both public and privately owned outlets is encouraged by hostile rhetoric from government officials. Concerns about sanctions, job loss, and criminal prosecution also contribute to significant self-censorship among journalists.”		
Reporters without Borders: Press Freedom Index Rank nr. 1 has the best press freedom. https://rsf.org/en/ranking	https://rsf.org/en/ranking <i>2017 World Press Freedom Index</i> Eswatini is ranked #152 out of 180 in the 2016 World Press Freedom Index with a score of 51.27	Country	
Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 177 nations based on their levels of stability and capacity http://fsi.fundforpeace.org/	<i>Fragile States Index 2017</i> Eswatini is ranked 42 out of 178 countries on the Fragile States Index. (nr 1 being the most failed state). This ranks Swaziland in the category 'High warning' (in between "Warning" and "Alert").	Country	
The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world's leading measure of national peacefulness. It ranks 163 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: http://economicsandpeace.org/research/iep-indices-data/global-peace-index	http://visionofhumanity.org/app/uploads/2017/06/GPI17-Report.pdf <i>2017 Global Peace Index</i> The state of Peace in Swaziland is labelled 'Medium' with Eswatini ranking number 77 out of 163 countries.	Country	
Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
	No other relevant sources found	Country	
From national CW RA: Info on illegal logging	Not available	Country	
Conclusion on country context: Eswatini scores very low on most indicators reviewed in this context section such as on corruption, rule of law, freedom and press freedom and is considered a country with a High Warning status on the Fragile States Index 2016. Very serious human rights violations are reported in relation to freedom of expression, association and peaceful		Country	

assembly. Journalists and activists who criticized the government were often harassed and arrested. Numerous violations of women's right are reported. Politically motivated trials and laws that violate the principle of legality continued to be used to suppress dissent. Human rights defenders, political activists, religious leaders and trade union officials were threatened with violence by police, arrest or other forms of pressure. No sources were found that report on illegal logging.			
Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.			
Guidance			
<ul style="list-style-type: none"> • Is the country covered by a UN security ban on exporting timber? • Is the country covered by any other international ban on timber export? • Are there individuals or entities involved in the forest sector that are facing UN sanctions? 			
Compendium of United Nations Security Council Sanctions Lists: www.un.org Google: "Consolidated United Nations Security Council Sanctions List" for latest version. It is regularly updated. US AID: www.usaid.gov	https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list <i>Consolidated United Nations Security Council Sanctions List - Generated on: 2 January 2017</i>	Country	Low risk
Global Witness: www.globalwitness.org	There is no UN Security Council ban on timber exports from Eswatini Eswatini is not covered by any other international ban on timber export. There are no individuals or entities involved in the forest sector in Eswatini that are facing UN sanctions.		
From national CW RA	Not available	Country	-
Guidance			
<ul style="list-style-type: none"> • Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? • Is the conflict timber related to specific entities? If so, which entities or types of entities? 			
www.usaid.gov Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk
www.globalwitness.org/campaigns/environment/forests	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk
Human Rights Watch: http://www.hrw.org/	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk

World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998	This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to Eswatini.	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights http://www.amnesty.org	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGI's report aggregate and individual governance indicators for 213 economies (most recently for 2017), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home Use indicator 'Political stability and Absence of violence' specific for indicator 2.1	http://info.worldbank.org/governance/wgi/index.aspx#reports In 2017 (latest available year) Eswatini scores 33,81 for Political Stability and Absence of Violence/Terrorism (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	Specified risk
Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk
CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	No other relevant sources found.	Country	Low risk
From national CW RA	Not available	Country	-
Conclusion on indicator 2.1: No information was found on Eswatini as a source of conflict timber, and the forest sector is not associated with any violent armed conflict in Eswatini. The following low risk thresholds apply:		Country	Low risk

	<p>Government adds that dialogue on the Bill is still ongoing on some issues.</p> <p>-The 1963 Public Order Act: The Committee recalls that it has been requesting the Government for many years to take the necessary measures to amend the Public Order Act so as to ensure that the Act could not be used to repress lawful and peaceful strike action. The Committee notes that in the framework of the Office’s technical assistance, a review of the Public Order Act commenced in September 2015 and that a draft bill will be presented shortly to the Government and the social partners.</p> <p>-The Correctional Services (Prison) Bill: In relation to the recognition of the right to organize for prison staff, the Committee notes that the Bill has been reviewed by the Ministry of Justice and Constitutional Affairs and submitted to Cabinet for approval, after which it will be published in the Gazette and shall be subject to public comments for 30 days before being tabled to Parliament for debate and promulgation.</p> <p>-The Code of Good Practice for protest and industrial action: The Committee notes that the Code has been approved by Cabinet and has been tabled before Parliament for 14 days in each chamber. If it is not called for debate, it shall be deemed to have been approved and shall therefore come into force.</p> <p>While welcoming the concrete steps taken by the Government throughout the year on these legislative and administrative matters, the Committee trusts that the Government will endeavour to promptly complete these reform processes to ensure full compliance with the provisions of the Convention and will provide information on all progress made in this regard.</p> <p>With regard to the amendment of section 32 of the IRA requested by the Conference Committee, the Committee takes note of the observations from the ITUC according to which the IRA, as amended in November 2014 by Parliament, did not reflect the tripartite consensus reached in the Labour Advisory Board with respect to section 32bis which vests the Commissioner of Labour with unrestricted discretion in deciding over the registration of a trade union. The Committee also notes the observations from the IOE and the FSE&CC indicating that this issue was never brought to tripartite discussion and requesting TUCOSWA to provide information on how the discretion of the Commissioner of Labour is contrary to good practice. The Committee trusts that this issue will be brought to the relevant national tripartite</p>	Country	Low risk for Freedom of Association and the Right to Organise
		Country	Specified risk for Freedom of Association and the Right to Organise

	<p>bargaining rights to such unions to negotiate on behalf of their members. The Committee notes that in its report the Government acknowledges that section 42 of the IRA as amended has not been resorted to, and that there are therefore no recorded cases of collective bargaining pursuant to the amendment. In order to improve the situation, the Government is willing to seek technical assistance from the ILO, and the Labour Advisory Board suggests mobilizing appropriate national capacity. The Government further specifies that, by virtue of the Wages Act of 1964, there are presently 18 sector-based wages councils that undertake collective bargaining on conditions of work issues, including wage adjustment, hours of work, overtime pay, maternity leave and annual leave. The Committee observes in this respect that, by the virtue of section 6 of the Wages Act of 1964, while the Minister consults representative organizations to appoint one member representing the employers and one member representing the workers, the Minister also appoints directly three members as being independent persons, including the chairperson. While acknowledging that it is up to the legislative authority to determine the legal minimum standards for conditions of work, and that the fixing of minimum wages may be subject to decision by tripartite bodies, the Committee recalls the principle under Article 4 of the Convention that any collective agreement fixing conditions of employment should be the result of bipartite bargaining without interference from the Government. The Committee trusts that the wages councils set by virtue of the Wages Act operate in compliance with this principle and requests the Government to provide information on the functioning of these sector-based councils, and in particular to specify any agreement reached.</p> <p>With regard to the textile sector, the Government asserts that it has promoted awareness on the provisions of the law regarding collective bargaining, through workshops which resulted in the formation of a joint negotiation council in the EPZs, but that the arrangement did not last due to some employers pulling out for various reasons. With regard to collective bargaining in the public sector, the Government indicates that public sector trade unions engage in collective bargaining with the Government in the Joint Negotiation Team (JNT) to set salaries and benefits in the public sector on an annual basis, and that there is no restriction as to the subject of negotiation.</p> <p>While taking due note of the details provided, the Committee requests the Government to continue to provide information on steps taken to</p>	<p>Country</p> <p>Textile sector in Country</p> <p>Public sector in country</p> <p>Country</p>	<p>Organise and Collective Bargaining</p> <p>Specified risk for Right to Organise and Collective Bargaining Low risk for Right to Organise and Collective Bargaining</p> <p>Specified risk for equal remuneration</p>
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	<p>promote collective bargaining in all sectors, including measures taken to implement section 42 of the IRA, as well as information on the number of collective agreements signed and the number of workers covered.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3254511:NO</p> <p><i>Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016)</i> <i>Equal Remuneration Convention, 1951 (No. 100) - Eswatini (Ratification: 1981)</i></p> <p>“Legislative developments and policy. The Committee notes the Government’s indication that the Employment Bill has been reviewed again by the Labour Advisory Board due to lapse of time and has now been forwarded to the Attorney-General’s Office for alignment. It notes that a copy of the Bill has been sent to the ILO for comments and guidance. As for the National Human Resources Planning and Development Policy (NHRPDP), it remains under review due to capacity constraints which will have an impact on the initial set timelines. It also notes that a National Gender Policy was published in 2010 which includes strategies for the development of mechanisms for the economic empowerment of both women and men to ensure economic independence.</p> <p>Article 2 of the Convention. Addressing the gender wage gap. Recalling its previous comments noting the existence of a high gender pay gap in industries with higher compensation, the Committee notes the Government’s indication that it will consider taking concrete measures to address occupational gender segregation and ensure that women have access to such jobs. The Committee notes in this regard that the concluding observations by the Committee on the Elimination of Discrimination against Women (CEDAW) called upon the Government to strengthen efforts aimed at eliminating structural inequalities and occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the gender pay gap, and among other things, regularly review wages in sectors in which women are concentrated (CEDAW/C/SWZ/CO/1-2, 2014, paragraph 33(b)). The Committee also notes the Government’s indication that measures to analyse the underlying causes of the gender wage gap have not yet been initiated. The Committee once again requests the Government to consider taking concrete steps to analyse the underlying causes of the</p>	Country	<p>Specified risk for equal remuneration</p> <p>Specified risk for equal</p>
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	<p>gender wage gap, and to take appropriate measures to reduce such a gap, including measures to increase access of women to a wider range of occupations, including women concentrated in low-paid jobs in the informal economy (see CEDAW/C/SWZ/CO/1-2, 2014, paragraph 70). It invites the Government to provide information regarding such efforts in its next report. The Committee requests once again the Government to provide detailed information on how the National Development Strategy, the Poverty Reduction Strategy and Action Plan (PRSAP), as well as the Citizens Empowerment Bill, address the issues of the gender wage gap and occupational segregation.</p> <p>Application in practice. Minimum wages. The Committee notes from the Government's report that tripartite wage councils do not make distinctions based on sex, and that the job itself is graded on the basis of its requirements and not the persons occupying such job. The Committee recalls that such measures in themselves are not sufficient to ensure that there is no gender bias in the process of determining the minimal wage (General Survey on fundamental Conventions, 2012, paragraph 683). It also recalls that special attention is needed in the design or adjustment of sectoral minimum wage schemes to ensure that the rates fixed are free from gender bias, and in particular that certain skills considered to be "female" are not undervalued (General Survey on Fundamental Conventions, 2012, paragraph 683). The Committee requests the Government to provide information on specific job evaluation methods used by wage councils, and to indicate how it is ensured that such methods are free from gender bias and do not result in the undervaluation of jobs predominately undertaken by women.</p> <p>Article 3. Objective job evaluation Noting the Government statement that its role in promoting objective job evaluation in the private sector is limited to ensure that fairness prevails when conducting job evaluations, the Committee wishes to draw the attention of the Government to the fact that there are various means used by member States to promote and ensure the use of objective job evaluation methods in the private sector such as, for example, the formulation of guidelines for establishing gender-neutral job classification or non-sexist checklist for the evaluation and classification of jobs. The Committee requests the Government to</p>	Country	remuneration
	<p>Application in practice. Minimum wages. The Committee notes from the Government's report that tripartite wage councils do not make distinctions based on sex, and that the job itself is graded on the basis of its requirements and not the persons occupying such job. The Committee recalls that such measures in themselves are not sufficient to ensure that there is no gender bias in the process of determining the minimal wage (General Survey on fundamental Conventions, 2012, paragraph 683). It also recalls that special attention is needed in the design or adjustment of sectoral minimum wage schemes to ensure that the rates fixed are free from gender bias, and in particular that certain skills considered to be "female" are not undervalued (General Survey on Fundamental Conventions, 2012, paragraph 683). The Committee requests the Government to provide information on specific job evaluation methods used by wage councils, and to indicate how it is ensured that such methods are free from gender bias and do not result in the undervaluation of jobs predominately undertaken by women.</p>	Country	Specified risk for equal remuneration
	<p>Article 3. Objective job evaluation Noting the Government statement that its role in promoting objective job evaluation in the private sector is limited to ensure that fairness prevails when conducting job evaluations, the Committee wishes to draw the attention of the Government to the fact that there are various means used by member States to promote and ensure the use of objective job evaluation methods in the private sector such as, for example, the formulation of guidelines for establishing gender-neutral job classification or non-sexist checklist for the evaluation and classification of jobs. The Committee requests the Government to</p>	Country	Specified risk for equal remuneration

	<p>indicate how it ensures concretely that job evaluation methods used in the private sector are gender bias free.</p> <p>Enforcement. The Committee notes from the Government's report that the training provided to labour inspectors on the principle of the Convention has been extended to the members of the Conciliation Mediation and Arbitration Commission (CMAC), but not yet to judges. It also notes the Government's indication that no complaints have been reported related to the principle of equal remuneration for work of equal value. The Committee recalls that where no cases or complaints are being lodged, this is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in or absence of practical access to procedures, or fear of reprisals (see General Survey on fundamental Conventions, 2012, paragraph 870). The Committee therefore invites the Government to continue its effort to raise awareness of the principle of equal remuneration for work of equal value between women and men among judges despite their busy schedule and to collect and publish information on the nature and outcome of discrimination and equal remuneration complaints and cases addressed by judicial and administrative bodies as a means towards such awareness-raising efforts.</p> <p>Statistics. The Committee notes the Government's indication that statistical information disaggregated by sex on the number of men and women respectively employed in the different industries and occupations in the public and private sectors, and their earnings, is not available. The Committee recalls that such statistics are required to fully address the continuing remuneration gap between women and men (see General Survey on fundamental Conventions, 2012, paragraph 887). The Committee requests the Government to provide a copy of the latest Labour Force Survey in its next report, as well as more information on steps taken to collect and compile statistical information disaggregated by sex on the number of men and women respectively employed in the different industries and occupations in the public and private sectors, and their earnings."</p> <p>https://cangoswaziland.wordpress.com/category/gender/ Eswatini has made notable strides in affirming its commitment to gender equality and women participation in decision making as articulated in the country's Constitution, the Gender Policy and assent</p>	Country	Specified risk for equal remuneration
		Country	Low risk for discrimination remuneration
		Country	Low risk for discrimination remuneration
		Country	Specified risk for discrimination

	<p>to critical International and Regional Instruments such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the SADC Protocol on Gender and Development.</p> <p>https://datacatalog.worldbank.org/dataset/swaziland-enterprise-survey-2016</p> <p>Eswatini had about the same level of working poor as Sub-Saharan Africa in 2010. Official statistics from 2010 estimates unemployment at 29% at a national level. This is significantly lower than neighbouring South Africa which has a 53% unemployment rate. Unemployment was higher among women (31%) than men (26%). The NRA-WG did not consider this a significant difference in light of the unemployment rate. Swazi women do however have more education, and they have higher enrolment rates in all types of education. An Enterprise Survey from the World Bank in 2016 reported that 49% of temporary workers were women, much more than the Sub-Saharan average at 28%.</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3253250</p> <p><i>Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016)</i></p> <p><i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Eswatini (Ratification: 1981)</i></p> <p>“Legislative developments. The Committee notes the Government’s indication that the review of the Employment Bill by the Labour Advisory Board (LAB) is now finalized and that it is currently before the Attorney General’s Office for alignment, and that the LAB has also taken into account the provisions of the HIV and AIDS Recommendation, 2010 (No. 200). Recalling that the process of revising the Employment Act of 1980 has been ongoing for many years, the Committee hopes that the new legislation will contain a prohibition of direct and indirect discrimination based on at least all the grounds set out in the Convention concerning all stages of the employment process (education, vocational guidance and training; access to employment and particular occupations; and terms and conditions of employment), while also ensuring that the additional grounds already enumerated in the Employment Act of 1980 are preserved in the new legislation. The Committee also hopes that the new legislation will explicitly define and prohibit quid pro quo and</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>on in the labour market</p> <p>Specified risk for sexual harassment</p> <p>Low Risk for sexual harassment</p> <p>Low risk for discrimination in the labour market</p> <p>Specified risk for</p>
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	<p>hostile environment sexual harassment in employment and occupation, in accordance with the Committee's 2002 general observation. The Committee requests the Government to continue providing information on the process leading to the adoption of the Employment Bill and to provide a copy of the text finally adopted by Parliament.</p> <p>National Gender Policy, 2010 and the Sexual Offences and Domestic Violence Bill, 2009 includes provisions for criminalizing sexual harassment.</p> <p>Article 1 of the Convention. Scope of protection. In its report, the Government reiterates that the Employment Bill, as well as the Industrial Relations Act of 2000 seek to protect all employees, irrespective of whether they are citizens or non-citizens, as indicated in the ruling of the Industrial Court of Eswatini, Case No. 97/2002, Thomas Maphosa USA Distillers v. Kenneth Joseph English and William De Kock (deceased) IC. The Committee notes that statement.</p> <p>Article 2. Equality of opportunity and treatment between women and men. The Committee recalls the Government's acknowledgment in its previous report of the need to improve existing policies with regard to the employment rate of women. In this regard, it notes the Government's indication that information is not available on the measures taken under the Smart Programme on Economic Empowerment and Development (SPEED), the National Development Strategy (NDS, 1997–2022) and the Poverty Reduction Strategy and Action Plan (PRSAP) to promote equality of opportunity between women and men, nor are statistics available on the number of women enrolled in education and vocational training. The Committee also notes the Government's indication that campaigns are ongoing to address cultural barriers limiting women's access to high-ranking positions in the public and private sectors</p> <p>[...] Enforcement. The Committee notes the Government's indication that no reported cases of discrimination have been filed with the labour inspectorate unit of the Ministry of Labour and Social Security. The Committee recalls that, for the purpose of achieving the objectives of the Convention, it is essential to acknowledge that no society is free from discrimination and that continuous action is therefore required to address it, and that the absence of complaints concerning</p>	Country	<p>discrimination in the labour market</p> <p>Specified risk for discrimination in the labour market</p>
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		Country	Specified risk for child labour

	<p>has been finalized by the Labour Advisory Board (LAB) and that both would soon be submitted to Cabinet for adoption and publication. Noting that the Government has been referring to the draft Employment Bill and draft NAP–WFCL for several years, the Committee urges the Government to take the necessary measures to ensure that they are adopted without delay, taking into consideration the comments made by the Committee. It requests the Government to provide information on the progress made in this regard.</p> <p>Article 2(1). Scope of application. Informal economy, including family undertakings. The Committee previously observed that, in practice, children appeared to be engaged in child labour in a wide range of activities in the informal economy. Yet, the Committee noted that, pursuant to section 2 of the Employment Act, domestic employment, agricultural undertakings and family undertakings were not included in the definition of “undertaking” and therefore not covered by the minimum age provisions of section 97. The Committee further observed that the draft Employment Bill also exempts family undertakings from the minimum age provisions. The Committee therefore reminded the Government that the Convention applies to all branches of economic activity and that it covers all types of work, including work in family undertakings. The Committee also recalled that, in its first report, the Government did not avail itself of the possibility of exclusion of limited categories of employment or work as envisaged in Article 4 of the Convention.</p> <p>The Committee notes the Government’s indication that the Employment Bill, once adopted and promulgated, will include all workers, even those working in the informal economy, so as to be in line with the Convention. Moreover, the Committee notes the Government’s information that, with technical assistance from the ILO, the Ministry of Labour and Social Security has been training labour inspectors on child labour issues and on how to identify child labour in all sectors of the economy. The Committee requests the Government to continue to take measures to adapt and strengthen the labour inspectorate in order to improve the capacity of labour inspectors to identify cases of child labour in the informal economy and to ensure that the protection afforded by the Convention is effectively applied to all child workers. It also requests the Government to provide a copy of the adopted Employment Bill along with its next report.</p>	Country	Low risk for child labour
		Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>Article 2(3). Age of completion of compulsory education. The Committee previously noted the Government's indication that it enacted the Free Primary Education Act of 2010, which contains provisions requiring parents to send their children to school until the completion of primary schooling. However, the Committee noted with concern that primary schooling finishes at the age of 12 years, while the minimum age for admission to employment is 15 years in Eswatini. The Committee once again notes the Government's statement that the concerns raised by the Committee with regard to linking the school-leaving age with the minimum age for admission to employment will be considered in due course. Considering that compulsory education is one of the most effective means of combating child labour, the Committee once again urges the Government to take the necessary measures to extend compulsory education up to the minimum age for admission to employment, which is 15 years in Eswatini.</p> <p>Article 3(2). Determination of hazardous work. The Committee noted the Government's statement that once the draft Employment Bill was adopted, measures would be taken in consultation with the social partners to develop a list of types of hazardous work prohibited to children and young persons, as envisaged by section 10(2) of the draft Employment Bill. The Committee reminded the Government that, under the terms of Article 3(2) of the Convention, the types of hazardous work prohibited to children under 18 years of age shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.</p> <p>The Committee notes the Government's indication that the multi-stakeholder Child Labour Committee initiated talks to determine the list of hazardous work and that this list would be sent to the LAB for consideration before being transmitted to the Minister of Labour and Social Security. The Committee therefore requests the Government to take the necessary measures to ensure that the types of hazardous work prohibited to children under 18 years of age are determined and that the list is adopted in very near future. It requests the Government to provide information on the progress made in this regard.</p> <p>Article 7. Light work. The Committee previously noted that, according to the joint ILO-IPEC, UNICEF and World Bank report on Understanding Children's Work in Eswatini, 9.3 per cent of children</p>	<p>Country</p> <p>Country</p>	<p>Specified risk for child labour</p> <p>Specified risk for child labour</p>
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	<p>between the ages of 5 and 14 years were engaged in child labour. The Committee noted that the draft Employment Bill did not appear to set a minimum age for light work, including work in family undertakings. Noting that national legislation did not regulate light work and that a significant number of children under the minimum age were engaged in child labour, the Committee requested the Government to envisage the possibility of adopting provisions to regulate and determine the light work activities performed by children between 13 and 15 years of age, in accordance with Article 7 of the Convention.</p> <p>The Committee notes the Government's indication that the concerns raised on this point have been noted. Expressing the hope that, in the framework of the draft Employment Bill, provisions will be adopted to regulate and determine light work activities, the Committee requests the Government to provide information on the progress made in this regard in its next report.</p> <p>The Committee urges the Government to take the necessary measures to ensure, without delay, the adoption of the Employment Bill. In this regard, it strongly encourages the Government to take into consideration the Committee's comments on discrepancies between national legislation and the Convention. The Committee reminds the Government that it may avail itself of ILO technical assistance to bring its legislation into conformity with the Convention."</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149070:NO</p> <p><i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)</i></p> <p><i>Worst Forms of Child Labour Convention, 1999 (No. 182) - Eswatini (Ratification: 2002)</i></p> <p>"Article 3 of the Convention. Worst forms of child labour. Clause (a). Sale and trafficking of children. The Committee previously noted with interest the Government's indication that the People Trafficking and Smuggling (Prohibition) Act No. 11 of 2010 was passed and came into force on 1 March 2010.</p> <p>The Committee takes note of the copy of the said Act, which was sent along with the Government's report. The Committee requests the Government to provide information on the application in practice of this Act, particularly by providing statistics on the number and nature of the violations reported, investigations, prosecutions, convictions and penal</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>sanctions imposed, with regard to the sale and trafficking of children under 18 years of age.</p> <p>Article 5. Monitoring mechanisms. Task Force on Prevention of People Trafficking and People Smuggling. The Committee previously noted the Government's information that a Task Force on Prevention of People Trafficking and People Smuggling (Task Force) was formed in March 2010. The mandate of this Task Force was to prevent trafficking in persons through public awareness, protection of victims of trafficking as well as research on trafficking patterns in southern Africa. The Committee notes the Government's information that, in addition to the Task Force, the office of the Prime Minister has established a specific department to deal with issues related to human trafficking and smuggling (secretariat). The Committee requests the Government to provide information on the measures taken by the Task Force and its secretariat to prevent trafficking in persons, especially children under the age of 18 years. The Committee once again requests the Government to provide concrete information on the number of cases of trafficking of children under the age of 18 years that have been identified by the Task Force.</p> <p>Article 6. Programmes of action to eliminate the worst forms of child labour. National Action Plan on the Elimination of the Worst Forms of Child Labour. The Committee previously noted the Government's indication that the National Action Programme on the Elimination of the Worst Forms of Child Labour (NAP-WFCL) was submitted to the Labour Advisory Board (LAB) for consideration and would soon thereafter be submitted to the Cabinet for adoption. The Committee notes the Government's information that the NAP-WFCL was reviewed in 2012 with technical assistance from the ILO, and that the redrafted version will soon be submitted to Cabinet for approval and adoption. The Committee strongly urges the Government to take immediate measures to ensure that the NAP-WFCL is adopted as a matter of urgency and requests the Government to provide information on progress made in this regard in its next report.</p> <p>Article 7(2). Effective and time-bound measures. Clause (a). Prevent the engagement of children in the worst forms of child labour. Access to free basic education. In its previous comments, the Committee noted that, according to the National Report of Swaziland to the United</p>	Country	Specified risk for child labour
	<p>Article 7(2). Effective and time-bound measures. Clause (a). Prevent the engagement of children in the worst forms of child labour. Access to free basic education. In its previous comments, the Committee noted that, according to the National Report of Swaziland to the United</p>	Country	Specified risk for child labour

	<p>Nations Human Rights Council of 19 July 2011, (A/HRC/WG.6/12/SWZ/1, paragraph 38), (report to the United Nations Human Rights Council), the gross enrolment rate at the lower secondary level increased from 75 per cent (78 per cent male and 72 per cent female) in 2009 to 78 per cent (81 per cent male and 75.5 per cent female) in 2010. At the senior secondary level, the gross enrolment rate increased from 34 per cent in 2009 to 57 per cent in 2010. The Committee noted, however, that according to the World Data on Education – Swaziland, seventh edition, 2010–11, compiled and published by UNESCO, of those who entered the education system, only about half of them completed the primary education, and many took as long as ten years to do so, due to high repetition rates. Both the repetition and drop-out rates were particularly high in the first four grades, and by fourth grade, nearly 20 per cent of grade 1 pupils dropped out.</p> <p>The Committee notes the Government’s statement that it is taking the necessary measures to strengthen the education system and improve access to primary education and decrease drop-out rates. Considering that education contributes to preventing the engagement of children in the worst forms of child labour, the Committee urges the Government to strengthen its efforts to improve the functioning of the education system. In this regard, the Committee requests the Government to provide concrete information on the measures taken to improve access to free basic education to children at the primary level and decrease the drop-out rates. It once again requests the Government to provide updated statistical information on the school enrolment and attendance rates as well as drop-out rates in its next report.</p> <p>Clause (b). Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Following its previous comments, the Committee notes the Government’s indication that the Children Protection and Welfare Act was adopted in 2012 and that this law outlines the measures and steps to be taken to remove children from the worst forms of child labour and to provide for their social reintegration. The Committee requests the Government to provide information on the measures taken pursuant to the Children Protection and Welfare Act to remove children from the worst forms of child labour and ensure their rehabilitation and social integration, and on the results obtained.</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>Parts IV and V of the report form. Application of the Convention in practice. The Committee previously noted that children were employed to pick cotton and harvest sugar cane, and were also engaged in herding in remote locations and domestic service. Children working in agriculture performed physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides and herbicides. Children also worked as porters, transporting heavy loads in self-made carts, collecting fees and calling out routes while climbing in and out of moving vehicles. The Committee also noted that, according to the International Trade Union Confederation (ITUC) Report for the World Trade Organization General Council Review of Trade Policies, in 2009, two brothels in central Eswatini were discovered where underage girls worked just to obtain food. The Committee notes the Government's statement that it will provide statistics and data on the prevalence of the worst forms of child labour in Eswatini once these are available. The Committee urges the Government to take the necessary measures to collect and compile data on children involved in the worst forms of child labour. Accordingly, it once again requests the Government to provide, in its next report, statistical information on the nature, extent, and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, and information on the number and nature of infringements reported, investigations undertaken, prosecutions, convictions and penal sanctions applied. To the extent possible, all information provided should be disaggregated by sex and age."</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149073:NO</p> <p><i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Worst Forms of Child Labour Convention, 1999 (No. 182) - Eswatini (Ratification: 2002)</i></p> <p>"Article 3 of the Convention. Worst forms of child labour. The Committee previously noted that section 10(1) of the draft Employment Bill prohibits the worst forms of child labour as laid down under Article 3 of the Convention. The Committee noted that section 149(1) of the draft Employment Bill provides for penalties for the contravention of the provisions under section 10(1).</p>	Country	Specified risk for child labour
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The Committee notes the Government's indication that the redrafting of the proposed Employment Bill has been finalized by the Labour Advisory Board (LAB) and that it would soon be submitted to Cabinet for adoption and publication. The Government also indicates that the LAB accepted and included the draft provisions on the prohibition of the worst forms of child labour, including the penalties. **The Committee requests the Government to take immediate measures to ensure that the draft Employment Bill is passed without delay.** It requests the Government to supply a copy thereof along with its next report, once it has been adopted.

Article 7(2). Effective and time-bound measures. Clause (d). Identifying and reaching out to children at special risk. Child orphans of HIV/AIDS. In its previous comments, the Committee noted that, according to the Epidemiological Fact Sheet on HIV and AIDS of 2009 – Swaziland (UNAIDS), over 69,000 children under the age of 17 years were orphans due to AIDS.

The Committee notes that, according to the March 2012 United Nations General Assembly Special Session (UNGASS) country report, Eswatini is currently implementing a National Multi-sectoral Strategic Framework 2009–14, in the framework of which the most at-risk populations, including orphans and vulnerable children (OVCs), are recognized. In addition, the Committee notes the Government's indication that children at special risk, once identified, are placed in residential Child Care Facilities, where they receive care and assistance. However, the Committee notes that, according to the March 2012 UNGASS country report, one of the main challenges in the area of OVC protection is the lack of a holistic programme that addresses OVC concerns and needs. Moreover, **the Committee observes with deep concern that the number of children under the age of 17 years orphaned due to HIV/AIDS has risen to 78,000, according to the UNAIDS estimates for 2012. Recalling that children orphaned by HIV/AIDS and other vulnerable children are at an increased risk of being engaged in the worst forms of child labour,** the Committee once again **urges the Government to strengthen its efforts to protect such children from the worst forms of child labour.** It requests the Government to provide concrete information on the results achieved through these efforts, in terms of number of OVCs who have effectively been prevented from becoming engaged in the worst forms of child labour or removed from these worst forms.”

<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang--en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p>This source contains no information that leads to an additional 'specified risk' indication after searching Swaziland + 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'.</p>	<p>Country</p>	<p>Low risk</p>
<p>ILO Child Labour Country Dashboard: http://www.ilo.org/ipec/Regionsandcountries/lang--en/index.htm</p>	<p>This source contains no information that leads to an additional 'specified risk' indication after searching Swaziland + 'racial discrimination', 'child labour',</p>	<p>Country</p>	<p>Low risk</p>
<p>Global March Against Child Labour: http://www.globalmarch.org/</p>	<p>This source contains no information that leads to an additional 'specified risk' indication after searching 'Swaziland'</p>	<p>Country</p>	<p>Low risk</p>
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</p>	<p>http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SWZ&Lang=EN</p> <p>The latest available concluding observations of the Committee on Rights of the Child on Swaziland date from 2006, which is outdated.</p> <p>Eswatini's report to the Committee on Rights of the Child was due on 5 April 2011 but has not been submitted.</p>	<p>Country</p>	<p>-</p>
<p>Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to 'Key documents' on the left-hand side. Go to "observations' and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSWZ%2fCO%2f1-2&Lang=en <i>Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined initial and second periodic reports of Swaziland – 24 July 2014</i> "Definition of discrimination and legislative framework 8.While the Committee notes that section 20 of the Constitution provides that all persons are equal before the law and prohibits discrimination on specific grounds, it is concerned that those grounds do not include sex and marital status. The Committee also notes with concern that a number of draft laws and policies with an important bearing on women's rights, such as the bills on marriage, administration of estates, transnational crime, employment, legal aid, sexual offences and domestic violence and the land policy, are pending, with no specific time frame for their adoption. The Committee is also concerned that the amendment to the Deeds Registry Act of 2012 following the ruling of the High Court in Attorney General v. Mary-Joyce Doo Aphane has not been widely disseminated among women and is being poorly implemented. (p. 2) [...] Legal status of the Convention and harmonization of laws</p>	<p>Country</p>	<p>Specified risk for discrimination against women.</p>

	<p>ensure that they fully comply with the Convention. The Committee also recommends that the State party widely disseminate the amendment to the Deeds Registry Act of 2012 and ensure its full implementation.” [...] Although the information sought by the Committee was due in July 2016, it has not been received to date. Accordingly, I would be grateful for clarification as to the current status of your Government’s response on the matters, and as to when the information requested will be forthcoming.”</p>		
<p>Human Rights Watch: http://www.hrw.org/</p>	<p>https://www.hrw.org/news/2016/09/22/swaziland-should-implement-past-universal-periodic-review-recommendations-ensure <i>Swaziland should implement past Universal Periodic Review recommendations to ensure progress on rights reforms - statement for Human Rights Watch at the United Nations Human Rights Council, Item 6 UPR Adoption - 22 September 2016</i> “The Swazi government has made little progress implementing the recommendations it accepted during its last Universal Periodic Review (UPR) in 2011. There has been no progress on essential rights reforms that Swaziland rejected during the 2011 UPR review. These include: removal of all legislative and practical restrictions on fundamental civil and political rights, in particular those related to freedom of association and expression to allow the registration and operation of political parties; permitting greater political freedoms through free, fair, transparent democratic elections; [...] The government has yet to repeal, or amend as appropriate, a number of repressive laws that restrict basic rights guaranteed in Swaziland’s 2005 constitution, including freedom of association and assembly. The laws in need of amendment include the 2008 Suppression of Terrorism Act (STA), the 1938 Sedition and Subversive Activities Act, and the 1963 Public Order Act. Police have sweeping powers under the Public Order Act. The king’s 1973 decree banning political parties remains in force despite repeated calls from local political activists to have it revoked. The constitution does not address the formation or role of political parties.”</p> <p>https://www.hrw.org/news/2016/08/30/sadc-reverse-downward-slide-rights <i>SADC: Reverse Downward Slide on Rights – 30 August 2016</i> “[...] The Southern African Development Community (SADC) should take concrete steps to improve respect for human rights among its 15-member countries. [...]</p>	<p>Country</p>	<p>Specified risk for freedom of association</p> <p>Specified risk for Right to Organise</p>

	In Eswatini, which takes over as SADC chair for the next 12 months, human rights conditions have deteriorated significantly. The government has imposed restrictions on political activism and trade unions that violate international law, including potential bans under the draconian Suppression of Terrorism Act, and subjected activists and union members to arbitrary detention and unfair trials.”	Country	and Collective Bargaining
Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	https://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/ <i>Child Labour Index 2014</i> Eswatini is labelled “Extreme Risk” “Maplecroft’s ranking of 197 countries includes 83 countries rated ‘extreme risk,’”	Country	Specified risk for child labour
http://www.verite.org/Commodities/Timber This source is considered outdated as per 01-01-2017. A new source was published in September 2016: https://www.dol.gov/sites/default/files/documents/ilab/reports/child-labor/findings/TVPRA_Report2016.pdf <i>2016 LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR</i>	This source is from 2010 and is now outdated. The link did not work anymore. https://www.dol.gov/sites/default/files/documents/ilab/reports/child-labor/findings/TVPRA_Report2016.pdf <i>2016 LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR</i> “Among the 150 countries and territories researched for this edition of the TVPRA List, there were several for which ILAB could not find adequate information to determine that any goods should be placed on the TVPRA List because very little recent research has been done. This was the case, for example, in Algeria, Gabon, Guyana, Jamaica, Maldives, Morocco, South Africa, Eswatini, Togo, Tunisia, and Venezuela.	Country	N/A
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get.	http://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf <i>The ITUC Global Rights Index 2016</i> Eswatini is labelled 5 which stands for: “No guarantee of rights” Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices”	Country	Specified risk for the rights to freedom of association, collective bargaining and strike

<p>http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</p>	<p>(p. 13)</p> <p>“Union leaders arrested after march to demand pay review publication: Mcolisi Ngcamphalala, a member of the Swaziland National Association of Teachers (SNAT) and Mbongwa Dlamini, Chairperson of the Manzini regional branch of SNAT were arrested on 4 February, after a march by civil servants to deliver a petition to the Prime Minister’s office the previous day. Some 300 civil servants took part in the march, to demand the much-delayed publication of the report of the public service pay review, which had been completed in October 2015.</p> <p>Civil servants held pickets every Wednesday to protest at the secrecy surrounding the pay review. Civil servants in Eswatini are banned from organising protest demonstrations and therefore resorted to more flexible and small-scale ways of highlighting their demands, such as pickets. Finally, they decided to go to the Prime Minister’s office to deliver the petition.</p> <p>Officers from Eswatini’s serious crimes unit, also known as the Swazi anti-terrorism squad, raided Mcolisi Ngcamphalala and Mbongwa Dlamini’s homes on 4 February 2016. The two were charged with contravening the Public Order Act for obstructing the road to the Cabinet offices and were held in custody before being granted bail of E1,000 (USD 60) each pending their trial.</p> <p>Civil servants from the Swaziland National Association of Teachers (SNAT), Swaziland Democratic Nurses Union (SWADNU), National Association of Public Servants and Allied Workers (NAPSAW) and Swaziland National Association of Government Accounting Personnel (SNAGAP) tried again to deliver their petition, by marching to the official opening of parliament on 12 February, but were turned back by police.</p> <p>Police block public service union representatives from attending court case: The government made an urgent application to the High Court on 24 November to prevent the Public Sector Associations (PSA), composed of the Swaziland National Association of Teachers (SNAT), Swaziland National Association of Civil Servants (SNACS), Swaziland Nurses Association (SNA), and Swaziland National Association of Government Accounting Personnel (SNAGAP), from visiting Ministry premises. The PSA had planned to go to the offices of the Ministry of Public Service to demand the release of a salary review report. The Ministry made the urgent application because it considered their</p>		
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	<p>planned visit to be a form of protest action. When representatives of the four organisations – all cited as respondents in the case - arrived at the High Court for the application to be heard, however, they were prevented from entering by the police. The Judge issued an interim order in favour of the government restraining the public sector unions from proceeding with their protest action. The PSA’s action stemmed from frustration over repeated delays. A consultant had been engaged to conduct a salary review for civil servants at the beginning of September following commitments made by the Government Negotiations Team at the Joint Negotiations Forum with the PSA. Although the report was ready, and there had been a commitment to release it by 25 October, the government claimed the unions could not see it because it had not been submitted to Cabinet. The unions felt the government was treating them and the negotiating process with contempt.</p> <p>Unions in the public sector are technically not allowed to join bargaining councils or conciliation and mediation boards, and therefore have to call themselves “associations”. Civil servants are not permitted to engage full-time in trade union activities and are often denied the right to travel abroad for international trade union activities.” (p. 77)</p>		
<p>Gender wage gap (in OECD countries) http://stats.oecd.org/index.aspx?queryid=54751</p>	<p>http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm Eswatini is not a member of the OECD</p>	Country	-
<p>World Economic Forum: Global Gender Gap Index http://reports.weforum.org/global-gender-gap-report-2016/ Search for country rankings for the adjusted and the unadjusted pay gap</p>	<p>http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=SWZ <i>Global Gender Gap Report 2016 – Swaziland</i> Eswatini ranks no. 107 out of 144 countries with a score of 0.665 (The highest possible score is 1 (most equal) and the lowest possible score is 0 (most unequal)). On the more specific sub-index on Economic participation and opportunity Eswatini ranks no. 109 with a score of 0.595 Within that index, the most specific and relevant indicator is the Wage equality for similar work. Here Eswatini ranks nr. 63 with a score of 0.653.</p>	Country	Low risk for wage equality for similar work
<p>use, if applicable: http://www.ilo.org/global/research/global-reports/global-wage-report/lang--en/index.htm <i>Global Wage Report</i> (Use latest version)</p>	<p>http://www.ilo.org/global/research/global-reports/global-wage-report/2016/WCMS_537846/lang--en/index.htm <i>Global Wage Report 2016-2017 – 15 December 2016</i> This report contains no specific country information on Swaziland.</p>	Country	-

	<p>However, the Swazi Correctional Services did not grant the delegation permission in violation of the UN Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The delegation tried to engage the Minister of Labour and Social Security over long-standing issues and systematic violations of workers' rights. The Minister of Labour and Social Security first agreed to meet the delegation but then failed to attend the meeting because of "other commitments." The meeting was attended by senior government officials, including the Legal Advisor, the Principal Secretary and the Commissioner of Labour.</p> <p>The main findings of the delegation:</p> <ul style="list-style-type: none"> - TUCOSWA was finally registered 3 years after its establishment. Despite this, police continue to present in intimidatory numbers, even for internal trade union meetings as it was the case one day after the formal registration. - ITUC is seriously disturbed by the fact that the Ministry of Labour and Social Security was not able to give a political assurance that trade union meetings would not be interfered with by police in the future, despite the registration of TUCOSWA. - Repressive legislation used by police against legitimate trade union activities has still not been addressed by Parliament. - Activists continue to be imprisoned for exercising their right to freedom of speech and are facing harsh conditions depriving them of their most fundamental rights. - The government is tolerating the use of labour brokers without restrictions." <p>https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland</p> <p><i>United States Department of Labour – Bureau of International Labour Affairs - Child Labour and Forced Labour Reports – Swaziland</i></p> <p>Although the Government has coordinating mechanisms that focus on Trafficking in Persons, there are no coordination bodies that focus on child labour issues such as children working in agriculture and domestic work. The Government's National Task Team developed a draft Action Program on the Elimination of Child Labour (APEC) in 2008, but it has yet to be approved. A new draft APEC was developed in 2014, but the MLSS has yet to present it to the tripartite body, the Labour Advisory Board, for consultations. Child labour elimination and</p>	Country	Specified risk for labour rights
	<p>Country</p>	Country	Specified risk for child labour and forced labour

prevention strategies are not included in the Education Sector Policy and National Social Development Policy.

Table 2. Statistics on Children’s Work and Education (UNESCO Institute for Statistics, 2016)

Children	Age	Percent
Working (% and population)	5 to 14	11.7 (35,368)
Attending School (%)	5 to 14	92.5
Combining Work and School (%)	7 to 14	13.0
Primary Completion Rate (%)		79.0

Overview of Children’s Work by Sector and Activity

Sector/ Industry:Activity

Agriculture: Growing corn, picking cotton, and harvesting sugarcane; Herding cattle* and other livestock

Services: Domestic work, Serving alcohol; Street work, including as vendors, bus attendants, taxi conductors, portering, and washing
Categorical Worst Forms of Child Labour: Forced labour in livestock herding, domestic work,* farming,* and market vending,* each sometimes as a result of human trafficking; Commercial sexual exploitation sometimes as a result of human trafficking; Use in illicit activities, including growing, manufacturing, and selling drugs”*

<https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243540.htm>

Office To Monitor and Combat Trafficking in Persons - 2015 Trafficking in Persons Report

“SWAZILAND: Tier 2

Eswatini is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labour. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude, primarily in Eswatini and South Africa. Swazi chiefs may coerce children and adults—through threats and intimidation—to work for the king. **Swazi boys and foreign children are forced to labour in commercial agriculture, including cattle herding, and market vending within the country.** Traffickers reportedly force Mozambican women

Country

Low risk for child labour in forestry

Country

Low risk for child labour and forced labour in forestry

	into prostitution in Eswatini, or transit Eswatini en route to South Africa. Mozambican boys migrate to Eswatini for work washing cars, herding livestock, and portering; some of these boys subsequently become victims of forced labour. Reports suggest labour brokers fraudulently recruit and charge excessive fees to Swazi nationals for work in South African mines—means often used to facilitate trafficking crimes. Swazi men in border communities are recruited for forced labour in South Africa’s timber industry. Traffickers utilize Eswatini as a transit country for transporting foreign victims from beyond the region to South Africa for forced labour. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work.”		
Additional general sources	Additional specific sources		
Feedback from International Consultation	Some of the conclusions reached on some issues, with due respect, show a lack of understanding of Eswatini. For instance, the impression is that in the rural communities women play a subservient role when in fact there are women in leadership positions and some are even chiefs or acting chiefs. Consultant response: The comment is helpful for better understanding but does not provide any referenced evidence that shows that this takes away the risks identified in this analysis and is therefore not convincing enough to change the conclusions below on indicator 2.2.		
From national CW RA	Not available	Country	-
Conclusion on Indicator 2.2:		Country	Specified risk for TDL and CL for Right to Collectively Bargain and Freedom of Association , Child labour, forced labour and
<ul style="list-style-type: none"> • Eswatini ratified all 8 ILO Core conventions and the status of these ratified Conventions is: “in force”. Not all social rights are covered by the relevant legislation in Eswatini. Eswatini is in a process of amending the 1963 Public Order Act following the work of an ILO consultant as well as the Suppression of Terrorism Act, in consultation with the social partners, to bring them into compliance with the ILO Freedom of Association and Protection of the Right to Organise Convention (no. 87), adopting the Code of Good Practice for protest and industrial action, and addressing issues in relation to the Public Services Bill and the Correctional Services Bill in consultation with the social partners. The Industrial Relations Act, as amended in November 2014 by Parliament, according to ITUC, did not reflect the tripartite consensus reached in the Labour Advisory Board of Eswatini with respect to section 32bis which vests the Commissioner of Labour with unrestricted discretion in deciding over the registration of a trade union. The government further has yet to repeal, or amend as appropriate, the 1938 Sedition and Subversive Activities Act that restricts basic rights guaranteed in Eswatini’s 2005 constitution, including freedom of association and assembly. The Employment Bill has been reviewed again by the Labour Advisory Board and has now been forwarded to the Attorney-General’s Office for 			

<p>alignment, while a copy of the Bill has been sent to the ILO for comments and guidance and needs to contain a prohibition of direct and indirect discrimination based on at least all the grounds set out in the ILO Discrimination (Employment and Occupation) Convention (no. 111) concerning all stages of the employment process and needs to explicitly define and prohibit quid pro quo and hostile environment sexual harassment in employment and occupation and address the elimination of the worst forms of child labour and include all workers, even those working in the informal economy. Section 20 of the Constitution provides that all persons are equal before the law and prohibits discrimination on specific grounds, but those grounds do not include sex and marital status.</p> <ul style="list-style-type: none"> • The right to freedom of association and collective bargaining is not upheld; the Industrial Relations (Amendment) Act No. 6 of 2010, which modified section 42 of the Industrial Relations Act (IRA) by requiring employers with more than two unrecognized unions to give collective bargaining rights to such unions to negotiate on behalf of their members has not been resorted to, and there are therefore no recorded cases of collective bargaining pursuant to the amendment; the police continues to present in intimidating numbers, even for internal trade union meetings, while the Ministry of Labour and Social Security was not able to give a political assurance that trade union meetings would not be interfered with by police in the future. In the ITUC Global Rights Index 2016 Eswatini is labelled category 5 which indicates that there is: “No guarantee of rights.” Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices. • There is evidence confirming compulsory and/or forced labour in Eswatini. On the Global Slavery Index 2016 Eswatini ranks 17 out of 167 countries. (nr. 1 having the highest percentage of people in modern slavery, with an estimated 8,700 people or 0.674% percent of the total population living in conditions of modern slavery in Eswatini; The customary practice of Kulehla (rendering services to the local chief or king) is still practiced and enforced with punitive measures for refusal to attend. In 2015, the Minister of Education and Training closed schools for 7 days and forced more than 30,000 children and adults to carry out national duties, including weeding the King’s fields. In addition, local chiefs forced children to engage in agricultural work throughout the year. Penalties for refusing to perform this work included evicting families from their village, confiscating livestock, and withholding family wages. It is reported that Swazi men in border communities are recruited for forced labour in South Africa’s timber industry, which indicates a risk that they may be recruited for forced labour in the forestry sector in Eswatini as well according to the precautionary approach. • There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender; There is a high gender pay gap in industries with higher compensation while measures to analyse the underlying causes of the gender wage gap have not been initiated. There are structural inequalities and there is occupational segregation, both horizontal and vertical; women are concentrated in low-paid jobs in the informal economy; special attention is needed in the design or adjustment of sectoral minimum wage schemes to ensure that the rates fixed are free from gender bias, and in particular that certain skills considered to be “female” are not undervalued. The Government states that its role in promoting objective job evaluation in the private sector is limited to ensure that fairness prevails when conducting job evaluations; no complaints have been reported related to the principle of equal remuneration for work of equal value and no reported cases of discrimination have been filed which is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in or absence of practical access to procedures, or fear of reprisals. Statistical information disaggregated by sex on the number of men and women respectively employed in the different industries and occupations in the public and private sectors, and their earnings, is not available. There is 		<p>discrimination.</p> <p>Low Risk for SNL</p>
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<p>no legal aid or assistance scheme in the State party, and complex legal procedures, exorbitant legal fees and the geographical inaccessibility of courts impede women's access to justice. There is absence of enabling legislation for the Human Rights Commission, which would legally grant it a mandate to undertake activities as a national human rights institution and provide legal services to women and the Commission has inadequate financial and human resources. The national machinery for the advancement of women is extremely under-resourced in both human and financial terms and there is a lack of systematic gender mainstreaming and gender budgeting Non-compliance by the private sector with the provisions of the Employment Act that provide for 12 weeks of maternity leave has been reported. On the sub-index on economic participation and opportunity of the Global Gender Gap Report 2016 Eswatini ranks no. 109 (of 144 countries) with a score of 0.595, but on the sub-index wage equality for similar work. Eswatini ranks much better (nr. 63 with a score of 0.653).</p> <ul style="list-style-type: none"> • There is evidence confirming significant child labour; Eswatini is labelled "Extreme Risk" in the Child Labour Index 2014; according to the joint ILO–IPEC, UNICEF and World Bank report on Understanding Children's Work in Swaziland, 9.3 per cent of children between the ages of 5 and 14 years were engaged in child labour. Primary schooling finishes at the age of 12 years, while the minimum age for admission to employment is 15 years in Eswatini. According to the World Data on Education – Swaziland, seventh edition, 2010–11, compiled and published by UNESCO, of those who entered the education system, only about half of them completed the primary education. The number of children under the age of 17 years orphaned due to HIV/AIDS has risen to 78,000, according to the UNAIDS estimates for 2012 and these are at an increased risk of being engaged in the worst forms of child labour. , The United States Department of Labour's overview of children's work by sector and activity shows that within the sector agriculture children are engaged in growing corn, picking cotton, harvesting sugarcane, and herding cattle and other livestock. • There is evidence that any groups (including women) do not feel adequately protected related to the rights mentioned above: see information on discrimination in respect of employment and/or occupation, and/or gender above. Violations of labour rights are not limited to specific sectors. <p>The following specified risk thresholds apply:</p> <p>Low risk for SNL (11) Applicable legislation for the area under assessment does not cover all ILO Fundamental Principles and Rights at Work but other regulations and/or evidence of their implementation exist. Reports do not lead to conclusions of systematic violations of rights. When labour laws are broken, cases are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities. SLIMF: Applicable legislation for the area under assessment does not cover the ILO Fundamental Principles and Rights at Work but there is negligible evidence of violation of ILO Fundamental Principles and Rights at Work; AND (12) Other available evidence does not challenge a 'low risk' designation. Specified Risk for CL and TDL (13) Applicable legislation for the area under assessment covers all ILO Fundamental Principles and Rights at Work but the risk assessment for relevant indicators of Category 1 confirms 'specified risk';</p>		
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Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.

Guidance:

- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)
- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169 Or use: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103336 Eswatini did not ratify ILO Convention 169	Country	Specified risk
Survival International: http://www.survivalinternational.org/	No information found on indigenous peoples in Eswatini	Country	Low risk
Human Rights Watch: http://www.hrw.org/	No information found on indigenous peoples in Eswatini	Country	Low risk
Amnesty International http://amnesty.org	No information found on indigenous peoples in Eswatini	Country	Low risk
The Indigenous World http://www.iwgia.org/regions	http://www.iwgia.org/publications/search-pubs?publication_id=740 <i>The Indigenous world 2016</i> http://www.iwgia.org/iwgia_files_publications_files/0716_THE_INDIGENOUS_ORLD_2015_eb.pdf <i>The Indigenous world 2015</i> http://www.iwgia.org/iwgia_files_publications_files/0671_I2014eb.pdf <i>The Indigenous world 2014</i> Eswatini is not mentioned in the Indigenous World 2014-2016.	Country	Low risk

United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenoupeoples/pages/sripeoplesindex.aspx	http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx There is no country report on Eswatini Other reports of the United Nations Special Rapporteur on the rights of indigenous peoples do not mention Eswatini.	Country	Low risk
UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx	http://www.refworld.org/country..UNHRC..SWZ..57cd691f4.0.html <i>Report of the Working Group on the Universal Periodic Review* Swaziland - 13 July 2016</i> This report does not mention indigenous peoples	Country	Low risk
UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx	http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SWZ&Lang=EN No report on Eswatini available of the UN Human Rights Committee http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SWZ&Lang=EN No report on Eswatini available of the UN Committee on the Elimination of All Forms of Racial Discrimination	Country	-
Intercontinental Cry http://intercontinentalcry.org/	http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013 <i>Indigenous struggles 2013</i> Eswatini is not mentioned in this report http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf <i>Indigenous struggles 2012</i> Eswatini is not mentioned in this report	Country	Low risk
Forest Peoples Programme: www.forestpeoples.org FPP's focus is on Africa, Asia/Pacific and South and Central America.	http://www.forestpeoples.org/location/africa Eswatini is not mentioned on this website	Country	Low risk
Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english	https://www.gfbv.de/index.php?id=73&L=0&tx_kesearch_pi1%5Bsword%5D=Swaziland&tx_kesearch_pi1%5Bpage%5D=1&tx_kesearch_pi1%5BresetFilters%5D=0&tx_kesearch_pi1%5BsortByField%5D=sortdate&tx_kesearch_pi1%5BsortByDir%5D=asc no information found on indigenous peoples in Eswatini	Country	Low risk
Regional human rights courts and commissions:	http://www.achpr.org/press/2016/03/d291/	Country	Low risk

<ul style="list-style-type: none"> - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights http://www.achpr.org/mechanisms/indigenous-populations/ - African Court on Human and Peoples' Rights - European Court of Human Rights 	<p><i>Press Statement at the Conclusion of the Promotion Mission of the African Commission on Human and Peoples' Rights to the Kingdom of Swaziland – 14 March 2016</i></p> <p>Indigenous peoples not mentioned in this press statement.</p> <p>http://www.achpr.org/mechanisms/indigenous-populations/</p> <p>no information found on indigenous peoples in Eswatini</p>		
<p>Data provided by National Indigenous Peoples', Traditional Peoples organizations;</p>	<p>http://www.refworld.org/docid/4954ce45c.html <i>World Directory of Minorities and Indigenous Peoples - Swaziland</i> "Minority groups include Zulus, Shangaan, Europeans and Asians.[...]. There are no up-to-date figures for different groups [...] Minorities - None listed."</p>	Country	Low risk
<p>Data provided by Governmental institutions in charge of Indigenous Peoples affairs;</p>			
<p>Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);</p>	<p>http://www.iwgia.org/regions/africa/indigenous-peoples-in-africa <i>Indigenous peoples in Africa - a general overview</i> Eswatini not mentioned in this overview</p>	Country	Low risk
<p>National land bureau tenure records, maps, titles and registration (Google)</p>	<p>http://www.everyculture.com/Sa-Th/Swaziland.html</p>		
<p>Relevant census data</p> <ul style="list-style-type: none"> - Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.); 	<p>History and Ethnic Relations Emergence of the Nation. The Nguni clans, which originated in East Africa, moved into southern Mozambique and then into present-day Swaziland in the 18th century; the term abakwaNgwane ("Ngwane's people") is still used as an alternative to emaSwati. Sobhuza I ruled during a period of chaos, resulting from the expansion of the Zulu state under Shaka. Under Sobhuza's leadership, the Nguni and Sotho peoples as well as remnant San groups were integrated into the Swazi nation. "Swazi" eventually was applied to all the peoples who gave allegiance to the Ngwenyama. [...]</p>		
<p>National/regional records of claims on lands, negotiations in progress or concluded etc.</p>	<p>About three-quarters of the clan groups are Nguni; the remainder are Sotho, Tsonga, others North East African and San descendants. These groups have intermarried freely. The Swati language and culture are factors that unify Swazis as a nation since there is no other language spoken except for English. There are no Indigenous identified in Eswatini as per UNDRIP or the FSC Glossary of Terms. Residents and Chiefs of SNL identify as Traditional People as per the FSC Glossary</p>	Country	Low risk
<p>Cases of IP and TP conflicts (historic or ongoing). Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)</p>			
<p>Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available</p>			
<p>Google the terms '[country]' and one of following terms 'indigenous people's organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'</p>			

of terms. Traditional administration and culture are regulated by an uncodified Swazi Law and Custom, which is recognized both constitutionally and judicially. The Swazis constitute more than four-fifths of the population, the remainder being immigrants from Mozambique, South Africa, and the rest of the world. Included among these are a few thousand Europeans and Asians and their families engaged in business activities.

<http://www.nyulawglobal.org/globalex/Swaziland1.html#thejusticesysteminswaziland>

The chiefs, as local representatives of the king, exercise administrative and judicial authorities on SNL.

<https://europa.eu/capacity4dev/file/69707/download?token=MeU1B75E>

When disputes arise, as they have done and increasingly still do, there are well-established means for resolving these, in either the 'western' courts or 'traditional' systems. Swazi law and custom expect that land disputes between family members are dealt with at family / homestead level, disputes between chiefdom subjects at chiefdom level and disputes between chiefs at national or traditional 'central authority' level. Appeals are permissible up the hierarchy but not across into 'western' courts, although the courts will entertain a civil matter relating to an SNL dispute. Appeals are referred first to the Regional Administrator, who may refer a matter to the 'King's liaison officer' (Ndabazabantu) who is the president of the regional Swazi Court. Customary forms of dispute resolution exhibit facets of modern 'alternative' dispute resolution methods. These modern forms comprise:

- Negotiation, where the disputing parties come together without any outside help and resolve their difference by compromise or conciliation.
- Mediation, where a neutral third party engages in the negotiation to improve communication between the parties to help them reach a mutually acceptable resolution or to reconcile their differences.
- Arbitration, where a qualified and neutral person or panel, acceptable to both parties, listens to the facts and arguments of the dispute and makes a decision that may or may not be binding.

	<ul style="list-style-type: none"> Adjudication, where evidence presented to a court, council or qualified person, is assessed, then weighed and used to reach a decision, usually favouring one party over the other. <p>Although there may be some variation and overlap in these methods, adjudication and arbitration are considered more formal or legal in approach whereas mediation and negotiation are less formal, alternative methods</p> <p>Stakeholder consultations in 2018 with several Chiefs confirmed implementation of customary law and no significant issues being disputed. The Chiefs employ and adhere to the Appeals process via the Regional Administrators.</p> <p>Ethnic Relations. Relations among the Swazi peoples have generally been peaceful. Relations with Europeans historically were strained as a result of land concessions and tension caused by the administrative domination of Great Britain.</p>		
Additional general sources for 2.3	Additional specific sources	scale of risk assessment	risk indication
	No other sources found		
From national CW RA	Not available	Country	-
<p>Conclusion on Indicator 2.3:</p> <ul style="list-style-type: none"> There are traditional peoples living in Eswatini, but indigenous peoples are not present. <p>Based on the evidence reviewed, customary law is well enforced by local Chiefs and Regional Administrators. Traditional People in Eswatini respect and abide by customary law. The customary system is closely linked to western systems of dispute resolution. No evidence of significant disputes was reported.</p> <p>Therefore the following 'low risk' thresholds apply:</p> <p>(18) The presence of indigenous and/or traditional peoples is confirmed or likely within the area under assessment. The applicable legislation for the area where indigenous or traditional peoples are present does not cover all basic principles of ILO governing identification and rights of indigenous and/or traditional peoples and UNDRIP but other regulations and/or evidence of their implementation exist. Cases when rights are broken are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities;</p> <p>(19) There is no evidence of conflict(s) of substantial magnitude pertaining to rights of indigenous and/or traditional peoples;</p> <p>AND</p> <p>(21) Other available evidence does not challenge 'low risk' designation.</p>		Country	Low risk

Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

FSC International facilitated the preparation of the CNRA for Category 3 (HCV) in 2016 with the finalization and approval in 2018.

The NRA Working Group has used some of the elements of the CNRA for the purposes of the NRA for Category 3 (HCV). The assessment provided the starting point for the national risk assessment for Category 3 (HCV) for Eswatini (formerly known as Swaziland).

The elements used are as follows:

1. Geographical scope: Eswatini Towns

2. Scale of analysis:

- Functional Scale: ownership (state, communal or private, commercial or small growers), forest type (natural vs. plantation) and agro-ecological zones
- Potential Threats: Invasive Alien Plants categorized according to risk of invasion. These were deemed to be a correct categorization for the main threats to HCVs within and near plantation forestry areas.

There are three biomes represented in Eswatini: grassland in the western highlands, savanna in the central and eastern lowlands, and indigenous forest associated with the steep river valleys and cliff lines throughout the savanna. Within these biomes more detailed vegetation types can be differentiated (Mucina & Rutherford, 2006):

Grassland: Barberton Montane grassland, Ithala Quartzite grassland and KaNgwane Montane grassland.

Forest: Northern Mistbelt forest, Scarp forest, Lowveld Riverine forest and Ironwood Dry forest.

Savannah: Tshokwane-Hlane Basalt Lowveld, Zululand Lowveld, Delagoa Lowveld, Granite Lowveld, Lebombo Summit Sourveld, Northern Zululand Sourveld, Kaalrug Mountain Bushveld, Southern Lebombo Bushveld and Swaziland Sour Bushveld.

Eswatini has internationally-recognised and important biodiversity, which has led to the eastern portion of the country being included in the Maputaland-Pondoland-Albany global biodiversity “hotspot” (one of the world’s hotspots of floral, as well as faunal, species richness and endemism), while the western region falls within two areas of global significance: Drakensberg Escarpment Endemic Bird Area and the Barberton Centre of Plant Endemism.

Indigenous forests and indigenous vegetation are highly unlikely to be a source of commercial wood in Eswatini as it is illegal to harvest or sell indigenous timber, and there are no indigenous species that have commercial value. Commercially available material is entirely non-indigenous timber sourced from plantations that have been in existence for decades (some from the 1930’s), or from small woodlots and invasive jungles. Wattle jungles currently occupy ca. 30,000 ha, mostly on Swazi National Land in the highlands along the western half of Eswatini. There is considerable potential to convert the jungles into active plantations, and there is a pilot project underway in the Usuthu area through the Montigny Company investigating this opportunity. Importantly, in the local context ‘jungle’ refers to areas where alien invasive trees such as wattle and eucalyptus have established themselves outside of the plantations in which they were originally planted, often on previously disturbed sites or abandoned woodlots. The term ‘jungle’ has no reference to indigenous forest or woodland, and wattle and gum tree jungles are considered a high risk to biodiversity and ecosystem integrity due to their invasive nature and alteration of ecosystem functioning, especially along water courses and in indigenous grasslands.

Possible threats:

- The threats identified and assessed in the CNRA have been used by the NRA-WG.

The interpretations not adopted by the NRA Working Group are as follows:

- Interpretation of HCV Components for Eswatini

1. The approach utilised by the NRA-WG:

The NRA-WG identified and assessed HCVs in Eswatini. Information sources evaluated included Land cover maps, national biodiversity assessment (SNPAS), vegetation maps, National list of invasive species and informal consultations with key experts involved in the CNRA workshop and NRA working group. This information was assessed in relation to the geographic location of commercial tree plantations in the country.

The NRA-WG decided not to include mapping and zoning of risk with the development of category 3. It was determined that approximately 91% of afforested land is already certified under FSC Forest Management in Eswatini (as of March 2018), these certified areas have carried out extensive HCV and environmental assessments, where relevant and is representative of the uncertified area due to conditions, context and best available information being similar within afforested land in each District. The remaining 9% of afforested land, 4.5% of which is managed by the State (CL), medium sized companies or farmers, and the remaining 4.5% is under Communal land tenure (SNL) with minimal impact. Based on the discussions with stakeholders from the CNRA workshop conducted by FSC Africa and the International Consultant, the NRA Working Group agreed that the CNRA recommendations for HCV proxies (national expert consultation) will be supported. However, the data set utilized in the CNRA was too broad and did not assess conditions infield at city/municipality council level, where 9% of uncertified afforested area is located in varying scales and locations across the districts in the Highveld agro-ecological zone in Eswatini.

This is an approach that is particularly useful to plantation forestry in the country where plantations were introduced into non-forest habitats (grasslands), it is therefore assumed that commercial tree plantations are not a habitat for HCVs, provided the plantations are authorized by all relevant authorities. New plantations have only been established on degraded land, outside of areas established in the 1930 -1950 periods. Forest management activities that involve potential damage to HCVs such as harvesting, occurs away from potential HCV habitats. The risk of threats to non-forest habitats adjacent to plantations was included in this assessment.

Sub-quaternary catchments were found to be a finer scale than the FSC thresholds. There are approximately 250 sub-quaternary catchments in Eswatini, with areas ranging from 1,000 to 10,000 ha. Depending on the need and data resolution, the catchments can be delineated at a finer or coarser scale in certain areas.

This was used as a starting point in the evaluation, after which an agro-ecological zone approach was adopted and was found to be more suitable, as provided in the Table below. Located west to east is the Highveld, the Middleveld, the Lowveld and Lubombo Plateau to the extreme east of the country.

Indigenous (natural) forests are protected from large scale commercial activity in Eswatini via Legislation. Section 3 of the Forest Preservation Act requires that no person shall cut down, damage, remove, sell or purchase indigenous or government timber without the permission of the Minister or of a district officer or other person authorised by the Minister to grant such permission. Threats to the Indigenous (natural) forests in the country was assessed and found to be negligible from Commercial Plantation activities. It is important to note that Indigenous forests (Protected Areas) are predominately located in the Eastern areas of the Country. Monitoring and Evaluation is carried out by the Eswatini Environmental Authority and Ministry of Forestry on an ad-hoc basis. This includes an evaluation of spread of invasive species against weeding plans/ programs carried out. For government timber and Swazi Nation timber, Eswatini does not use natural forests and woodlands for commercial timber production. Sources of information checked also show no evidence of the current legislation in Eswatini being abused (For example, ELDIS 2017, Mongobay.com 2011, Expert consultation 2016

and 2018. IFAD and UN-Habitat, 2012). Natural timber species do not enter the FSC supply chain (FSC info website). Monitoring of areas of significance is carried out by Eswatini Environmental Authority and Eswatini National Trust Commission. The chances of negative impact from commercial plantations are minimal based on the percentage of uncertified land in Eswatini and with half being with community ownership, where there is low impact/ intensity from operations.

The methodology adopted by the NRA-WG does not use quantitative thresholds.

2. Application of Risk Assessment Methodology

Step 1: Determining a scale for homogenous risk designation

Geographical scale – Eswatini Towns

Eswatini has 16 towns – Big Bend, Ezulwini Valley, Lavumisa, Lobamba, Malkerns, Mankanyane, Manzini, Matsapha, Mbabane, Mhlambanyatsi, Mhume, Nhlanguano, Piggs Peak, Simunye, Siteki, Tshaneni.

Functional scale

The NRA has adopted the functional scale designations identified in the CNRA which were

- (i) Plantation forestry vs. natural forests, and
- (ii) Types of plantation timber species in terms of their invasive qualities.
- (iii) Geographical location under the Agro-ecological zone classification

1. Plantations vs Natural Forests

- The NRA provides different risk designations for plantations and for natural forests.

2. Types of plantation timber species

- Different groups of threats were identified relative to the different invasive potential of different timber species in different parts of Eswatini
- Commercial timber species used in Eswatini were divided up into non-invasive species and invasive species: defined as the subset of timber species on the National List of Invasive Species (SNTC database). This subset of commercially important species was agreed by the NRA working group and key governmental stakeholders.

(i) Threat Group 1: non-invasive species

Commercial plantation species that are not on the National List of Invasive Species are considered to be low risk of invasive spread, and hence controlled wood sourced from these species is considered Low Risk.

(ii) Threat group 2: invasive Acacia species

Species of Acacia that are considered a Major problem species - *Acacia mearnsii*; *Acacia decurrens*

(iii) Threat group 3: invasive Acacia, Eucalyptus and Pinus species

Species of Commercial timber species considered a problem - *Acacia dealbata*; *Acacia melanoxylon*; *Eucalyptus grandis*; *Pinus patula*; *Pinus elliottii*

Steps 2 & 3: Identification of potential HCVs and areas of potential HCV occurrence.

The NRA has adopted a precautionary approach to identifying and mapping HCVs in Eswatini. Approximately 91% of the afforested land currently certified under FSC FM certification, and the remaining 9% of afforested land is in known geographic areas. The HCV assessments carried out by FSC certified companies would be representative of the Highveld agro-ecological zone in the country. Due to only 9% of the area being uncertified, the NRA working group felt additional mapping of HCVs would not add value, if present. Only 4% of the country's total land area is under legal protection. The existing protected area network does not adequately protect all species in the country and for this reason and that the area under protection is small, there have been a number of efforts to increase the network. These efforts have brought to the fore a number of areas that have been deemed protection-worthy (PWAs).

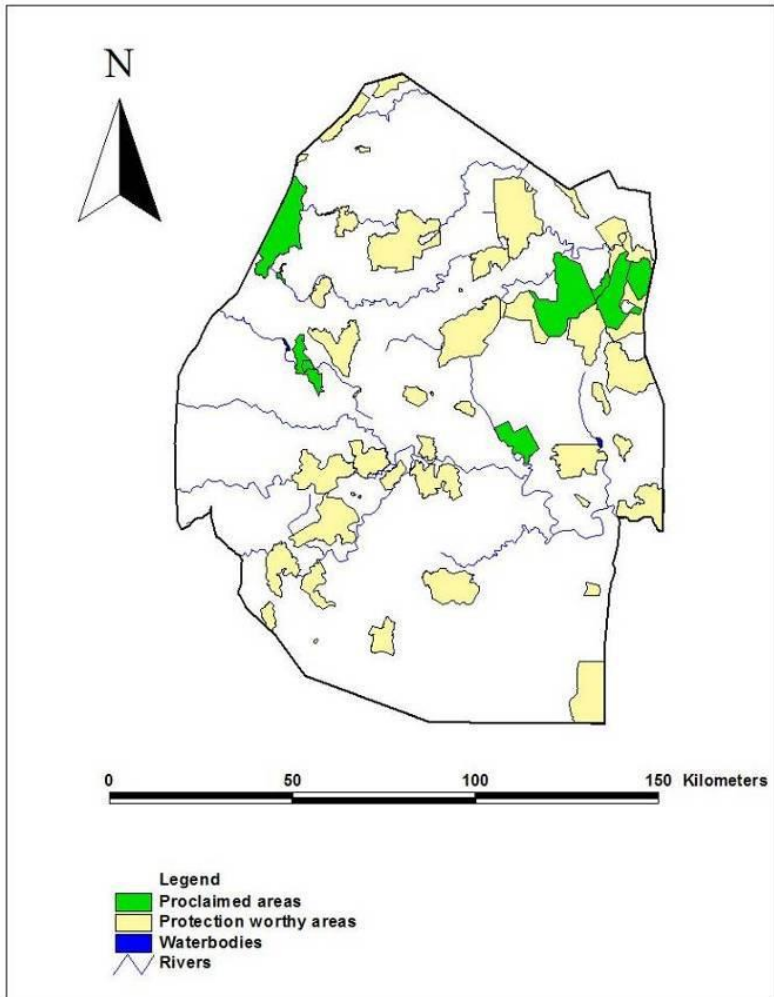


Figure 3: Protected Areas and Protection worthy areas in Eswatini (CEP Swaziland, 2006)

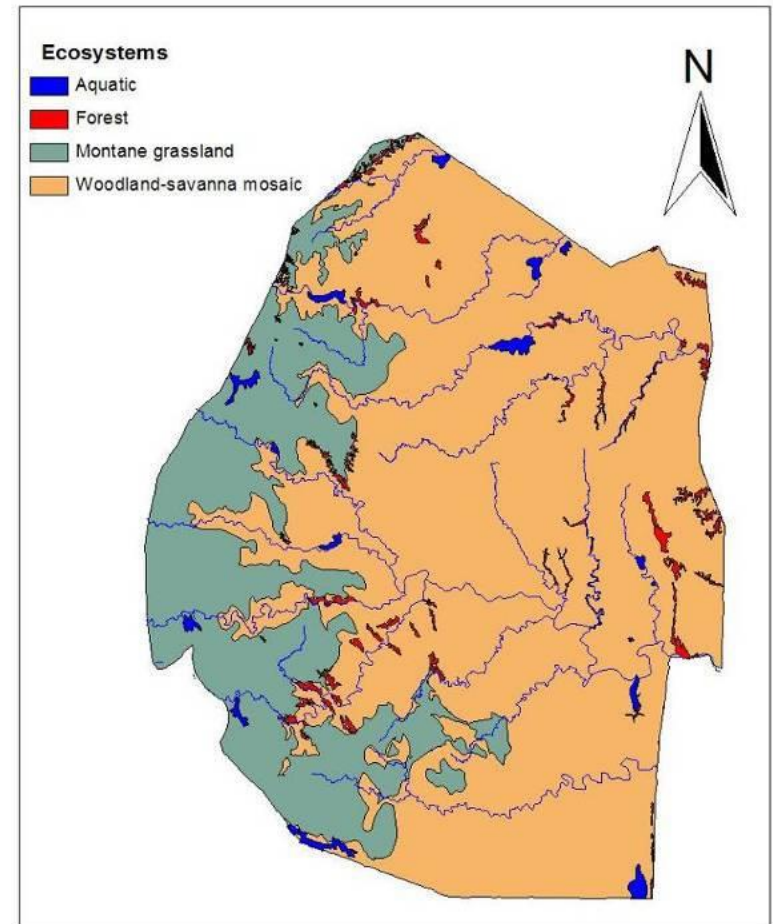


Figure 4: Remnants of Natural Forests in Eswatini (CEP Swaziland, 2006)

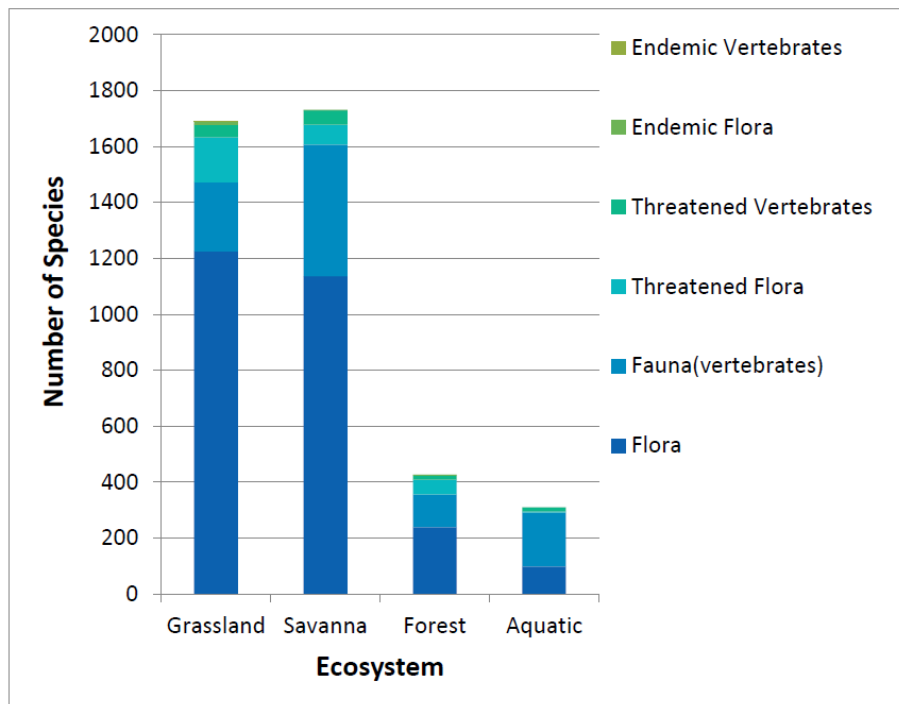


Figure 5: Number of species in each of the ecosystems (Eswatini's second national biodiversity strategy & action plan)

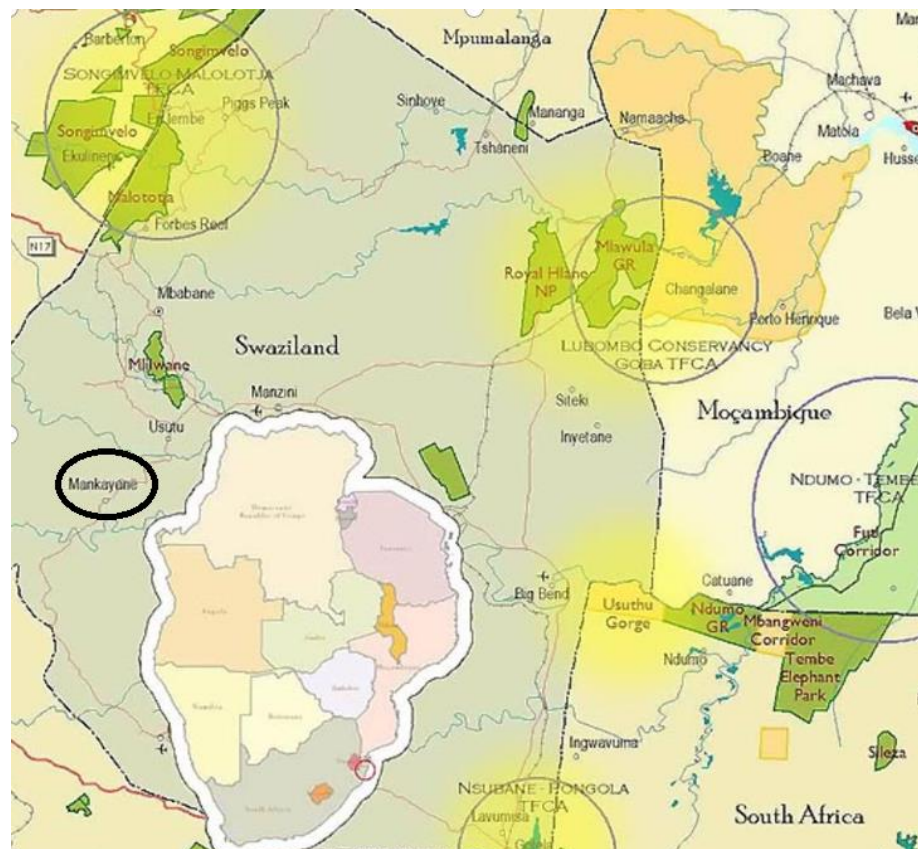


Figure 6: Trans-frontier Conservation Areas (TFCAs) (SNTC, 2017)

Agro Ecological Zones of Swaziland

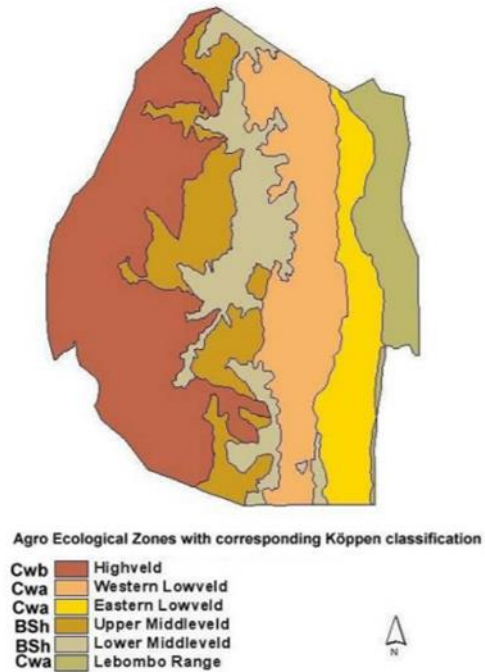


Figure 7: Agro-Ecological Zones of Swaziland (Brown, 2011)

The Kingdom of Eswatini, through the Eswatini National Trust Commission (SNTC) is involved in various Transfrontier Conservation Areas (TFCAs) together with the governments of South Africa and Mozambique. The General Transfrontier Conservation and Resource Area Protocol was signed between the Governments of the Republic of South Africa, Republic of Mozambique, and Kingdom of Swaziland in 2000. The Transfrontier Conservation Areas (TFCA) projects aims at improving the quality of life of the people of the participating countries by means of the interstate collaboration and promoting sustainable use of natural resources, whilst at the same time managing for the conservation of trans-boundary ecosystems and associated biodiversity.

Step 4: Threat assessment

The threat assessment focuses on the relevant threats that are posed to HCVs by plantation forestry management activities. Category 3 (HCV) in the NRA considers both the mandatory list of threats as defined by the FSC NRA Framework (FSC-PRO-60-002a) from forest management activities and additional threats identified as relevant in Eswatini.

International Conventions ratified/acceded to by Eswatini, implemented by the Eswatini Environmental Authority:

- Convention on Biodiversity ratified in 1994;
- Convention to Combat Desertification, ratified in 1996;
- Framework Convention on Climate Change, ratified in 1996;
- Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction (1996)
- Convention on the International Trade in Endangered Species of Wild Fauna and Flora (1997)
- Vienna Convention for the Protection of the Ozone Layer (2005)
- Montreal Protocol on Substances that Deplete the Ozone Layer (2005)
- Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal (2005)
- Stockholm Convention on Persistent Organic Pollutants (2006)
- Cartagena Protocol on Biosafety to Convention on Biological Diversity (2006)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (2006)
- Kyoto Protocol (2006)

Other important international conventions and treaties signed but not ratified by Eswatini include:

- Convention on Wetlands of International Importance especially as Waterfowl Habitat – Ramsar Convention
- Convention on the Conservation of Migratory Species of Wild Animals

Eswatini has also entered into several regional environmental conventions and agreements:

- African Convention on the Conservation of Nature and Natural Resources (1968)
- Cooperation Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (the Lusaka Agreement) (1996)
- The General Transfrontier Conservation and Resource Area Protocol (2000)
- The Lubombo Conservancy-Goba Transfrontier Conservation Area Protocol (2000).

Eswatini has also signed several SADC environmental protocols:

- Protocol on Shared Watercourse Systems (1998)
- Protocol on Energy (1998)
- Protocol on Mining (2000)
- Protocol on Wildlife Conservation and Law Enforcement MOU on Cooperation in Standardisation, Quality (2003)
- Revised Protocol on Shared Watercourses (2003)
- Protocol on Fisheries (2003)

- Protocol on Forestry (2002)
- Declaration on Agriculture and Food Security (2004)

Risk designation: In Step 4, the methodology firstly considered whether there is a tangible, potential threat from forestry activities to HCVs. IF there is a potential threat then the NRA Working Group assessed the risk of these potential threats occurring.

Steps 5 & 6: Threat mitigation

If potential threats to HCVs from forestry activities are identified under Step 4, then the methodology considers whether these potential threats are adequately controlled in reality by existing statutory and non-statutory protection measures.

If protection measures are deemed to be inadequate, then the potential threats are deemed to pose a real threat in the Eswatini context. In the event of this occurrence, the process of identifying the geographic area would be included into the review of the NRA for stakeholders to easily identify.

Adequate Protection measures considered were:

- Relevant legislation and its enforcement
- Voluntary mitigation measures (e.g. Industry Guidelines).

Legislation and other voluntary measures considered were typically specific to each HCV and so are outlined in full in Section 5 below.

Step 7: Risk designation

The final risk designation is informed by all preceding steps in the methodology and are detailed in the assessment table in accordance with the Thresholds identified in FSC-PRO-60-002a

Plantations

Plantation forestry is limited to the Highveld and sporadic areas within the Upper Middleveld agro-ecological regions of Eswatini. The vast majority of commercial forestry operations and some of the non-certified operations in Eswatini are regulated. Commercial forestry is based exclusively on plantation forestry, with self-regulation within the industry. There is a high percentage of FSC-certified plantations in the country today with approximately 91% of the total commercial forestry area being FSC-certified. Of the remaining 9% that constitutes uncertified forestry area, 4.5% are owned or managed by Government (CL), medium sized organizations or private farmers. The remaining 4.5% of uncertified forestry area lies with Traditional authority areas (SNL). There has not been any enrichment planting of indigenous forests. However, the new National Forestry Action Program put emphasis on enrichment planting as means of sustainable forest management. The forestry section has tried to address soil degradation by planting exotic tree species in communal land.

An example of the high management standards includes the following voluntary guidelines: Forest Engineering Guidelines of South Africa, Environmental Guidelines of South Africa, all of which have been adopted to some degree on the uncertified land.

Although there is no enforcement of adherence to the above mentioned guidelines, it is approximated that the 4.5% of afforested land owned by medium scale organizations, Government and private farmers do implement all or some of these guidelines (FSA). Notably, the Montigny investments project on SNL extends the use of best practice to Smallgrowers who supply uncertified timber to the FSC supply chain.

Risk designation for the plantation forestry operations is covered in the HCV Assessment table below.

Natural forests

Montane and highland Afromontane forest covered 11 920 ha (0,69 per cent of the country), and Riparian forest or forest confined to river courses covered 2 344 ha (0,13 per cent). Natural mixed evergreen forest covers a very small area of Eswatini and is often not shown on the maps. These forests are generally found at higher altitudes in the west of the country, although relict patches are also found on the lower, eastern boundary on the Lubombo Mountains. Four categories of semi tropical secondary forests are recognized in Eswatini: post extraction, post fire, post abandonment and post grazing. Government policies related to forestry are not addressing the issues of secondary forest per-se but categorize them as natural forests and woodlands. The majority of these forests are on Swazi Nation Land and managed by the communities to some extent. They are managed for various purposes, as most of the natural resources are multi-functional. There are examples of sustainable management, but more often there is a lack of proper management.

The Natural forest succession process is managed with a four-step forest rehabilitation action process (Geldenhuys, 2008). The rehabilitation is applicable to stands of both natural pioneer and invasive alien plant species.

Step 1: Zone the rehabilitation area broadly in terms of end-points which are to be achieved by alien tree removal

Step 2: Zone 'forest' and riparian rehabilitation sites according to the stand development stages

Step 3: Stand manipulation. The intensity of rehabilitation activities will vary according to development stage, defined by canopy and understory, of each nurse stand.

Selective thinning of unwanted trees in the nurse stand, by cutting or ring-barking selected trees, will enable natural regeneration of forest species.

Step 4: Transplant forest seedlings from seedling clusters on site into spots without tree seedlings. Do this during misty or rainy weather to ensure successful rehabilitation effort

Currently and for the foreseeable future, no CW is sourced from natural forests (FSC certificate database, stakeholder consultation, Ministry of Forestry and SEA in CL and TDL consultation 2018). Overall, although all-natural forests are considered HCV in Eswatini, they are legally protected and any harvesting is managed by the Traditional Chief in SNL and SEA.

As indicated in the FSC National Risk Assessment Framework (FSC-PRO-60-002a), the scope of Controlled Wood Category 3 covers risk assessment of high conservation values (HCVs), including:

- The assessment of HCV presence; and
- The assessment of threats to HCVs caused by forest management activities.

The presence of Natural forests as a HCV has been determined in relation to the impact from management from Plantation forestry management activities in the table below. The presence of Natural forests in protected areas and protection worthy areas (figure 4) within the Highveld area has been assessed per Category in the table below. The presence of HCVs in the Lowveld and Lubombo agro-ecological zones was determined with Figures 5 and 6, Figure 7 and expert consultation with the SNTC and SEA in 2018.

Experts consulted

	Organization	Area of expertise (category/sub-category)
1.	Sappi Forests	Biodiversity in Eswatini
2.	Mpumalanga Parks and Tourism Authority	Biodiversity in Eswatini
3.	Eswatini National Trust Commission	Biodiversity in Eswatini
4.	Eswatini National Trust Commission	Biodiversity in Eswatini
5.	All Out Africa, Eswatini	Biodiversity in Eswatini
6.	University of Eswatini	Biodiversity in Eswatini
7.	Montigny Forestry, Eswatini	Communal Small-growers
8.	Eswatini National Trust Commission	Eswatini GIS data
9.	Eswatini Department of Forestry	Eswatini GIS data
10.	TWK Timbers	Plantation and small-growers
11.	Earth Science Consultants	HCV Concepts
12.	Shiselweni Forestry Company Limited	Plantation and small-growers
13.	Peak Timbers Limited	Plantation and small-growers
14.	Montigny Group	Plantation and small-growers
15.	Montigny Group	Plantation and small-growers
16.	Private plantation owner	Private small growers/ farmers
17.	Eswatini Environment Authority	Biodiversity in Eswatini

Risk assessment

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0 Data availability	See separate table of Information Sources below	<p>There is no national interpretation of HCVs in Eswatini, but there is sufficient data on proxies to enable some conclusions to be drawn on HCV occurrence. The proxies used were determined by the available data and expert opinion.</p> <p>All commercial timber is sourced from exotic timber plantations and sufficient information exists to identify the key threats this form of forest management presents to HCVs. The threats are primarily associated with impacts of existing timber plantations and jungles on the ecosystem functionality and ecological services provided by the areas under the timber.</p>	Country	<p>Low risk.</p> <p>The following thresholds are met:</p> <p>(1) Data available are sufficient for determining HCV presence within the area under assessment;</p> <p>AND</p> <p>(2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>
3.1 HCV 1 Species diversity	References as per Source List: SNTC. 2017. Listed species of Swaziland 2016. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/biodiversity/)	<p>HCV Occurrence</p> <p>Eswatini supports a diverse assemblage of habitats and contains a significant portion of southern Africa's plant and animal species. The eastern part of Eswatini forms part of the</p>	Mankayane District (middleveld portion)	Commercial Plantation - Specified Risk

	<p>SNTC. 2017. Protected areas. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/reserves/reserves.asp)</p> <p>SNTC. 2017. Protection Worthy Areas. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/reserves/proposed.asp)</p> <p>SNTC Project title: "Upgrade of Swaziland's Biodiversity Baseline Data" which forms part of the broader project "Strengthening National Protected Areas Systems (SNPAS) in Swaziland", with the data component due to be completed by June 2017.</p> <p>Government of Swaziland 1997. Swaziland Environment Action Plan (SEAP). Unpublished report downloaded from www.sea.org.sz/documents/seap.pdf in March 2017.</p> <p>Swaziland. In: Handbook on Environmental Assessment Legislation in the SADC Region.</p> <p>Swaziland's Alien Plants Database http://www.sntc.org.sz/alienplants/speciesstatus.asp</p> <p>Braun, K. 2011. Database of Alien Plants of Swaziland. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/biodiversity/alienplants.asp)</p> <p>van Wyk, A.E. & Smith, G.F. (2001). Regions of floristic endemism in Southern Africa. Umdaus Press, South Africa.</p> <p>Birdlife 2017. The Drakensberg Escarpment Endemic Bird Area. Webpage accessed March 2017.</p>	<p>Maputaland Centre of Plant Diversity (one of the world's hotspots of floral, as well as faunal, species richness and endemism), while the western part falls within another area of global significance, the Drakensberg Escarpment Endemic Bird Area. There is no single spatial database of listed species locations, although many individual FSC certified forestry companies have knowledge of where listed species occur on their properties and their HCV assessments are considered representative of the Highveld agro-ecological zone in the Country.</p> <p>In the interim, there are two proxies that can be used to identify this HCV in Eswatini: i) Protected areas, and Protection Worthy Areas (Figure 4), and ii) Location of Plantation Forestry in the Highveld agro-regional zone (Figure 7).</p> <p>These are more fully described in the overview section.</p> <p>The published literature makes no mention of areas important for seasonal migration or as refugia at a national scale.</p> <p>Threats and Safeguards Identification and Evaluation The main threats to HCV1 in Eswatini are habitat fragmentation and introduction of invasive alien species.</p> <p>Introduction of invasive alien plants (IAPs)</p> <p>The preliminary results of the survey and mapping exercise of 2009 revealed that IAPS cover approximately 47% of the country; Chromolaena odorata, Lantana camara,</p>	<p>Rest of Country</p>	<p>Mankayane District (middleveld portion)</p> <p>The following threshold is met: (8) HCV 1 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Rest of Country Low Risk</p> <p>The following threshold is met: (6) There is low/negligible threat to HCV 1 caused by management activities in the area under assessment;</p> <p>Indigenous Timber - Specified Risk</p>
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	<p>http://www.birdlife.org.za/conservation/important-bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve.</p> <p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</p> <p>Deall, G.B, Dobson, L., Masson, P.H., Mlangeni, N.J., Murdoch, G., Roques, K.G. & Shirley, H.O.A. (2000) Assessment of the protection value of remaining indigenous forests and woodlands in Swaziland. Forestry Policy and Legislation Project, Ministry of Agriculture/DANCED, Mbabane, Swaziland.</p> <p>FSC 2017. Public Summary Certification Reports for all certified companies in Swaziland 2017. Reports accessed from the FSC website in March 2017. https://info.fsc.org/certificate.php</p> <p>MTEA 2009. Landcover 2009 GIS data for Swaziland. Swaziland Ministry of Tourism & Environmental Affairs, Department of Forestry.</p> <p>Rogues, K (2002). A preliminary field assessment of protection worthy areas of Swaziland. Ministry of Tourism, Environment & Communication, Swaziland</p> <p>ROUGET, M., RICHARDSON, D M., NEL, J.L., LE MAITRE, D.C., EGOH. B. & MGIDI, T. 2004. Mapping the potential spread of major plant</p>	<p>Solanum mauritianum and Ceasalpinia decapetala which are the subject of this strategy cover about 44%. The other twelve Invasive Alien Plant Species cover about 3%.</p> <p>IAPs that spread from exotic timber areas are a threat to natural areas. The three primary genera used in plantation forestry in Eswatini (Acacia, Eucalyptus and Pinus) are recognised as Invasive Alien Species and are considered problem plants. As per the IAP Survey, 2010, Threat Group 2 indicated a 7% spread across the Country with Threat Group 3 indicating a 14% spread in Pinus and Eucalyptus species. Although, it is important to note that the indication provided for Threat Group 2 and 3 included commercial afforested areas.</p> <p>Invasive species rapidly spread from source areas by wind and water vectors, and are known to invade into surrounding indigenous vegetation, especially if it is disturbed to some degree. If the areas surrounding the plantations or jungles are not actively managed for escaping trees, using a combination of mechanical, chemical and ecological means, then there is a risk that the areas containing HCV 1 will be compromised. The SNTC has trained personnel and communities, mapped and implemented projects on control and management of invasive species.</p> <p>Outcomes include:</p> <ol style="list-style-type: none"> 1. Over 4000 hectares cleared of alien and invasive plant species (AIPS) in the country 2. Creation of an online database of Eswatini's alien/non - indigenous plants, with 	<p>(8) HCV 1 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>
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	<p>invaders in South Africa using climatic suitability. Diversity and Distributions 10: 475-484.</p> <p>Traynor, C., Hill, T., Ndela, Z. & Tshabalala, P. 2008. What'll We Do with Wattle? The Dualistic Nature of <i>Acacia mearnsii</i> as both a Resource and an Alien Invasive Species, Swaziland. <i>Alternation</i> 15,1, pp. 180 – 205.</p> <p>van Wilgen, B. et al. 2007. A biome-scale assessment of the impact of invasive alien plants on ecosystem services in South Africa. <i>Journal of Environmental Management</i> 89(4):336-49.</p> <p>van Wyk, A.E. & Smith, G.F. (2001). <i>Regions of floristic endemism in Southern Africa</i>. Umdaus Press, South Africa.</p>	<p>distribution maps and photographs or illustrations.</p> <ol style="list-style-type: none"> 3. Preparation of a booklet on alien invasive plant species. 4. Training of extension staff on plant identification, eradication and control in rural areas (Eswatini Environment Authority; 2001). 5. Alien plant species management and control in communities and within protected areas 6. Elements of environmental education are now included in primary school curricula and at the tertiary level. 7. Journalists and broadcasters are invited (often as participants and not just for publicity) to all biodiversity-related workshops and events (e.g. the World Environment Week commemoration). Consequently, they disseminate the relevant information to the public through the printed press, radio and television. 8. Ecosystem management funds supporting rural communities 9. Support to farmers for conservation agriculture, Agroforestry and climate resilient landrace crop varieties 10. Taxation, issuance of permits and designation of appropriate sites for fishing (artisanal and sport), hunting, livestock trade and tree extraction 11. Food for work programmes in the eradication of alien and invasive plant species (AIPS) <p>Notably, the Montigny investments project on SNL extends the use of best practice to Smallgrowers who supply uncertified timber to the FSC supply chain.</p> <p>The National Forest Policy (2002) and Action</p>		
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		<p>Programme for example encourages community-based resource management through the formation of Natural Resource Management Committees at community level. Community Based Natural Resources Management (CBRNM) recognizes the heavy reliance of rural communities on and their use of natural resources, the need to enhance the income generation potential of these resources thus contributing towards addressing poverty in line with the PRSAP and the Millennium Development Goals (UNU-IAS, 2008). The Government has encouraged the planting of exotic commercial timber species on SNL to assist with income generation, stabilise soil and meet the fuel needs of communities (SNTC). Afforesting land with exotic, fast growing species is contributing to restoration on degraded land (previous conversion of grassland to agriculture) and is contributing to the protection of the natural forests and the biodiversity within protected areas.</p> <p>According the NRA-WG members, who are local experts (SEA and SNTC) – outcomes have positively contributed to the control of invasive species. Experts (SEA, SNTC 2018) noted that negative impacts from Threat Group 3 (Pinus and Eucalyptus) is actively managed on SNL. The species from Threat Group 3 is utilised for construction and fencing material by community members and the trees does not reach maturity. These experts acknowledge that funding and a greater commitment from Government is required to consistently apply combative measures. Experts confirmed that the spread of AIPs does not originate from the forestry sector and does not exclusively apply to areas within the forestry sector but is a concern at national level. SNPAS biodiversity</p>		
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		<p>assessments carried out in 2016 -2018 indicated that the spread of tree species from Threat Group 2 (Acacia spp.) and Threat Group 3 (Eucalyptus and Pinus spp.) is not problematic and does not impact on HCV 1 except in the Mankayane District (middlelevel portion). Mankayane District was determined to be Specified Risk based on internal audit reports from the SEA and stakeholder consultations with the SNTC in 2018. Impacts from SNL bordering the protected areas are threatening species diversity, with poor management controls. The SNPAS assessment report revealed encroachment of wattle species (Threat Group 2) into Protection Worthy Area within the Natural Corridor bordering the SNL in Mankanyane.</p> <p>Habitat fragmentation</p> <p>In some instances, management activities associated with timber, such as fire protection, can alter ecosystem functioning and thus threaten the HCV. With approximately 9% of the afforested land being uncertified – of which 4.5% being on SNL, the impacts for fragmentation from Plantation Forestry is seen to be minimal by the NRA-WG. It is important to note that the average size of a Smallgrowers in SNL is 2 ha. The remaining 4.5% of afforested land owners (Government and private companies/ farmers) manage their land according to legislative requirements and best practice. Stakeholders (SNTC and SEA) agreed that the minimal impacts from the Plantation Forestry Sector did not warrant a specified risk designation.</p>		
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		<p>In 2011, the Government of Eswatini initiated the Lower Usuthu Sustainable Land Management Project (LUSLMP), coordinated by the Ministry of Agriculture with collaboration with SWADE. The pilot project worked with rural communities neighbouring the LUSIP project development area, in farming projects that will restore their land, mitigate against the loss of biodiversity, and provide them with steady food supply through catalysing development of a range of alternative livelihood opportunities. There are plans for the Project to be up-scaled nationally to other communal areas of Eswatini with land degradation hotspots. The project emphasises optimal environmental management and community empowerment as critical for a sustained improved quality of life.</p> <p>SNPAS biodiversity assessments carried out in 2016 -2018 indicated that the spread of tree species from Threat Group 2 (Wattle spp.) and Threat Group 3 (Eucalyptus and Pinus spp.) is not problematic and does not impact on HCV 1.</p>		
<p>3.2 HCV 2 Intact forest landscapes and landscape-level ecosystems and mosaics.</p>	<p>References as per Source List: Intact Forests 2017. Website accessed March 2017. http://www.intactforests.org/index.html</p> <p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>Birdlife 2017. Somgimvelo Nature Reserve important bird area. Website accessed March 2017. http://www.birdlife.org.za/conservation/important-</p>	<p>HCV Occurrence Intact Forest Landscape, as defined by the Intact Forests and Global Forest Watch websites does not occur in Eswatini, and neither are there any unaffected forests (according to the published literature and expert workshop, 2016). The very high density of settlement across the country means that there are no large road-less areas that can be considered as intact forest landscape under HCV 2.</p> <p>However, Forests that provide regionally significant habitat connectivity between larger</p>	<p>Mankayane District (middlelevel portion)</p>	<p>Commercial Plantations: Specified Risk Mankayane District (middlelevel portion) Specified Risk The following threshold is met:</p>

	<p>bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve</p> <p>Birdlife 2017. The Drakensberg Escarpment Endemic Bird Area. Webpage accessed March 2017. http://www.birdlife.org/conservation/important-bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve</p> <p>Global Forest Watch 2017. Website accessed March 2017. http://www.globalforestwatch.org.</p> <p>SANBI. 2012. Vegetation of South Africa, Lesotho and Swaziland. South African National Biodiversity Institute. Downloaded from the SANBI Biodiversity GIS website. (http://bgis.sanbi.org/SpatialDataset/Detail/18)</p> <p>SNTC 2017. Eswatini National Trust Committee Transfrontier Conservation Areas reports. Downloaded March 2017.</p> <p>SNTC Project title: "Upgrade of Eswatini's Biodiversity Baseline Data" which forms part of the broader project "Strengthening National Protected Areas Systems (SNPAS) in Swaziland", with the data component due to be completed by June 2017.</p> <p>CEPF 2010. Maputaland-Pondoland-Albany Biodiversity Hotspot. Ecosystem Profile. Internal report. http://www.cepf.net</p> <p>SNTC. 2017. Swaziland National Trust Commission Website accessed March 2017. http://www.sntc.org.sz/programs/tfcas.asp</p> <p>van Wilgen, B. et al. 2007. A biome-scale assessment of the impact of invasive alien plants on</p>	<p>forest areas or between refugia and mosaics does occur in the Country:</p> <p>This was identified in the following proxies:</p> <ul style="list-style-type: none"> Protected and Protection Worth Areas Natural areas providing habitat connectivity in the internationally-recognised trans-frontier conservation areas have been identified along the borders of Eswatini, South Africa and Mozambique. <p>These proxies are described more fully in the overview</p> <p>Threats and Safeguards Identification and Evaluation</p> <p>The key threat is the potential for further loss of natural ecosystems in the HCV, which not only causes species and habitat loss, but also further fragments the remnant areas and disrupts connectivity between them.</p> <p>The impacts from IAPs is discussed in HCV1.</p> <p>The Songimvelo-Malolotja TFCA straddling the northern border of Eswatini with the south eastern border of Mpumalanga province (South Africa) is the only TFCA within the Highveld area of Eswatini (commercial forestry plantation zone). The TFCA areas cover Nature Reserves, State Forests, Communal Land and Privately Owned Land. The total Songimvelo-Malolotja Transfrontier Conservation Area (SMTFCA Rare, Threatened and Endangered ecosystems, habitats and refugia.</p> <p>There are no areas associated with Old Growth forests or those with important or distinct</p>	<p>Rest of Country</p>	<p>(17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities</p> <p>Rest of the Country</p> <p>Low Risk The following threshold is met: (14) There is low/negligible threat to HCV 3 caused by management activities in the area under assessment;</p> <p>Natural Timber: Specified Risk (17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by</p>
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	<p>ecosystem services in South Africa. <i>Journal of Environmental Management</i> 89(4):336-49.</p> <p>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</p> <p>Cure, K. (2016). Sustainable Swaziland Wattle Program. Montigny Internal Report. Montigny Investments Limited, Mbabane, Swaziland. http://www.montigny.co.sz/comm_forestry.html</p> <p>de Vletter, R. (2015). Program for the Ecosystem Management of the Swaziland Lubombo. CEPF Final Project Completion Report.</p> <p>Deall, G.B, Dobson, L., Masson, P.H., Mlangeni, N.J., Murdoch, G., Roques, K.G. & Shirley, H.O.A. (2000) Assessment of the protection value of remaining indigenous forests and woodlands in Swaziland. Forestry Policy and Legislation Project, Ministry of Agriculture/DANCED, Mbabane, Swaziland.</p> <p>Dobson, L., T Mahlaba, A Monadjem and K Roques. 2010. Ecological survey of Hlezane conservation area with guidelines for its management. Internal Report. Ministry of Tourism, Environment & Communication, Swaziland.</p> <p>FSC 2017. Public Summary Certification Reports for all certified companies in Swaziland 2017. Reports accessed from the FSC website in March 2017. https://info.fsc.org/certificate.php</p> <p>NFEPA 2011. Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. 1801/2/11.</p> <p>Rogues, K (2002). A preliminary field assessment of protection worthy areas of Swaziland. Ministry of</p>	<p>genetics described in the published literature or by the relevant experts consulted. This is because Eswatini is a small country surrounded by other countries with very similar ecosystems, reducing its distinctiveness. A low level of endemism (only 39 species across all taxa) is evidence of this.</p> <p>Threats and Safeguards Identification and Evaluation</p> <p>Areas with this HCV are not within Protected Areas but are contained within Protection worthy areas. Natural habitats could be compromised by escaping alien invasive plants from the existing timber areas. Where there is a lack of effective management of alien invasive plants within and adjacent to the exotic timber, then a threat exists to the HCV. The management and extent of the threat is discussed in HCV 1.</p> <p>A recent study showed that there has been little or no progress for the majority of the goals outlined in the National Biodiversity Strategy & Action Plan (NBSAP) 2011-2022 (Eswatini's Second National Biodiversity Strategy & Action Plan, 2016). The second NBSAP reformulated the national goals so that they are in line with the Aichi Targets and creates new strategies or refines those in the first NBSAP to make them more effective and achievable. Of the twenty Aichi targets, 20% have been substantially achieved, 35% achieved to a limited extent and 40% not yet achieved (CBD, 2014). The Government of Eswatini is in the process of generating an updated report on the progress of the Aichi Targets.</p>	<p>forest management activities;</p>
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	<p>Tourism, Environment & Communication, Swaziland</p> <p>SANBI. 2012. Vegetation of South Africa, Lesotho and Swaziland. South African National Biodiversity Institute. Downloaded from the SANBI Biodiversity GIS website. (http://bgis.sanbi.org/SpatialDataset/Detail/18)</p>	<p>Target 1: Substantially achieved Target 3: Achieved to limited extent Target 4: Achieved to limited extent Target 5: Achieved to limited extent Target 7: Achieved to limited extent Target 9: Achieved to limited extent Target 11: Substantially achieved Target 12: Achieved to limited extent Target 14: Achieved to limited extent Target 17: Substantially achieved</p>		
<p>3.3 HCV 3 Ecosystems and habitats.</p>	<p>References as per Source List:</p> <p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>SNTC. 2017. Protection Worthy Areas. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/reserves/proposed.asp)</p> <p>SANBI. 2012. Vegetation of South Africa, Lesotho and Swaziland. South African National Biodiversity Institute. Downloaded from the SANBI Biodiversity GIS website. (http://bgis.sanbi.org/SpatialDataset/Detail/18)</p> <p>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</p> <p>Birdlife 2017. Somgimvelo Nature Reserve important bird area. Website accessed March 2017. http://www.birdlife.org.za/conservation/important-</p>	<p>HCV Occurrence HCV Occurrence HCV 3 occurs in the country as defined by the following proxies:</p> <p>i) Ecotypes and regionally depleted or poorly protected ecosystems occur in the Protection Worthy Areas in Swaziland. ii) Any remnant natural vegetation identified in the Swaziland's Second National Biodiversity Strategy & Action Plan.</p> <p>There are no areas associated with Old Growth forests or those with important or distinct genetics described in the published literature or by the relevant experts consulted. This is because Swaziland is a small country surrounded by other countries with very similar ecosystems, reducing its distinctiveness. A low level of endemism (only 39 species across all taxa) is evidence of this.</p> <p>Threats and Safeguards Identification and Evaluation Areas with this HCV are not within Protected Areas but are contained within Protection worthy areas. Natural habitats could be compromised by escaping alien invasive plants</p>	<p>Mankayane District (middleveld portion)</p> <p>Rest of Country</p>	<p>Commercial Plantations:</p> <p>Specified Risk Mankayane District (middleveld portion)</p> <p>Specified Risk The following threshold is met: (17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities</p> <p>Rest of the Country</p>

	<p>bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve</p> <p>Cure, K. (2016). Sustainable Swaziland Wattle Program. Montigny Internal Report. Montigny Investments Limited, Mbabane, Swaziland. http://www.montigny.co.sz/comm_forestry.html</p> <p>MTEA 2009. Landcover 2009 GIS data for Swaziland. Swaziland Ministry of Tourism & Environmental Affairs, Department of Forestry.</p> <p>Rogues, K (2002). A preliminary field assessment of protection worthy areas of Swaziland. Ministry of Tourism, Environment & Communication, Swaziland</p> <p>Swaziland's Second National Biodiversity Strategy & Action Plan, 2016. https://www.cbd.int/doc/world/sz/sz-nbsap-v2-en.pdf</p>	<p>from the existing timber areas. Where there is a lack of effective management of alien invasive plants within and adjacent to the exotic timber, then a threat exists to the HCV. The management and extent of the threat is discussed in HCV 1.</p> <p>A recent study showed that there has been little or no progress for the majority of the goals outlined in the National Biodiversity Strategy & Action Plan (NBSAP) 2011 -2022. The second NBSAP reformulated the national goals so that they are in line with the Aichi Targets and creates new strategies or refines those in the first NBSAP to make them more effective and achievable. Of the twenty Aichi targets, 20% have been substantially achieved, 35% achieved to a limited extent and 40% not yet achieved (CBD, 2014). The Government of Swaziland is in the process of generating an updated report on the progress of the Aichi Targets.</p> <p>Target 1: Substantially achieved Target 3: Achieved to limited extent Target 4: Achieved to limited extent Target 5: Achieved to limited extent Target 7: Achieved to limited extent Target 9: Achieved to limited extent Target 11: Substantially achieved Target 12: Achieved to limited extent Target 14: Achieved to limited extent Target 17: Substantially achieved</p>		<p>Low Risk The following threshold is met: (14) There is low/negligible threat to HCV 3 caused by management activities in the area under assessment;</p> <p>Natural Timber: Specified Risk (17) HCV 3 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities;</p>
<p>3.4 HCV 4 Critical ecosystem services</p>	<p>References as per Source List: Albaugh, J.M., Dye, P.J. & King, J.S. 2013. Eucalyptus and water use in South Africa. A review. International Journal of Forestry Research.</p>	<p>HCV Occurrence</p> <p>HCV 4 occurs in the country as defined by the following proxies:</p>	<p>Mankayane District (middleveld portion)</p>	<p>Commercial Plantations: Specified Risk</p>

	<p>Volume2013, Article ID 852540, 11pages http://dx.doi.org/10.1155/2013/852540</p> <p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>Eswatini Ministry of Tourism & Environmental Affairs, Department of Forestry. 2009. Landcover GIS data for Swaziland. Unpublished GIS dataset.</p> <p>Shuttle Radar Topography Mission (SRTM) digital elevation model 30m. Downloaded 2017. https://lta.cr.usgs.gov/SRTM1Arc</p> <p>Swaziland climate data. 2017. Downloaded March 2017 from http://www7.ncdc.noaa.gov/CDO/</p> <p>DEFRA 2005. Controlling Soil Erosion: Risk Assessment Field Guide for Farmers & Consultants (PB4092). Department of Environment, Food and Rural Affairs, London.</p> <p>Ellery, W., S Grenfell, M Grenfell, C Jaganath, H Malan & D Kotze (2009) A method for assessing cumulative impacts on wetland functions at the catchment or landscape scale. SA Water Research Commission report, TT437/09.</p> <p>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</p> <p>Forestry Industry Environmental Committee. 2002. Environmental Guidelines for Commercial Forestry Plantations in South Africa. Unpublished report, Forestry South Africa, Pretoria.</p>	<p>i) Sub-quaternary catchments that have a high risk of flooding and catastrophic erosion</p> <p>The Risks from Commercial Plantation Forestry areas were evaluated by the NRA working group based on geographical location to Protection Areas and Protection Worthy Areas (Landcover GIS data for Swaziland, 2009).</p> <p>Although natural ecosystems provide considerably more protection from localized flooding and erosion than do exotic timber areas, standing timber in plantations does provide some measure of protection from flooding, soil erosion, and loss of water quality. The Montane grassland, the dominant ecosystem in Eswatini on which Plantations were established, is prone to soil erosion. The biggest risk of flooding and erosion in the timber plantation areas occurs during the period immediately following harvesting, when the soil is exposed, and there is no vegetation to reduce rainfall impact and surface flows. Poor management and overgrazing have caused severe human-induced erosion and generally moderate to poor grazing conditions.</p> <p>Threat Assessment</p> <p>Any increased flood frequency associated with elevated soil erosion leads to a downstream decrease in water quality (DEFRA, 2002).</p> <p>If catchments are planted to exotic timber plantations, then there is a risk that the quality and quantity of the water may be affected.</p> <p>Negative changes quality, quantity and flow regimes of rivers and wetlands can be expected</p>	<p>Rest of Country</p>	<p>Mankayane District (middleveld portion)</p> <p>The following threshold is met: (22) HCV 4 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities</p> <p>Rest of the Country</p> <p>Low Risk The following threshold is met: (20) There is low/negligible threat to HCV 4 caused by management activities in the area under assessment;</p> <p>Natural Timber: Specified Risk</p>
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	<p>Macfarlane, D.M. and Bredin, I.P. 2016. Buffer zone guidelines for rivers, wetlands and estuaries. Part 2: Practical Guide. WRC Report No (tbc), Water Research Commission, Pretoria.</p> <p>MTEA 2009. Landcover 2009 GIS data for Swaziland. Eswatini Ministry of Tourism & Environmental Affairs, Department of Forestry.</p> <p>NFEPA 2011. Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. 1801/2/11.</p> <p>Rogues, K (2002). A preliminary field assessment of protection worthy areas of Swaziland. Ministry of Tourism, Environment & Communication, Swaziland</p> <p>SANBI. 2014. Grazing and Burning Guidelines: Managing Grasslands for Biodiversity and Livestock Production. Compiled by Lechmere-Oertel, R.G. South African National Biodiversity Institute, Pretoria.</p> <p>Swaziland rural population GIS data Central Statistics Office, Tel. (+268) 2404 2151/2/3/4, admin@swazistats.org.sz http://www.swazistats.org.sz/index.php/statistical-services/geographical-information-systems-gis</p>	<p>in areas where management practices do not mitigate against these. Timber management activities can either reduce or exacerbate the risks of flood and erosion (Forestry Industry Environmental Committee, 2002). Afforested landowners in Eswatini follow best practice, in the implementation of harvesting practices. The Public Stream Banks Regulation, 1954 is implemented by SNL, CL and TDL, and is monitored by the SEA. The Regulation requires that a 33m buffer between Plantations and the river flood lines. This reduces impacts on the catchment in terms of water quantity and quality (NEFPA, 2011). Notably, 91% of afforested land is under FSC FM certification, the remaining 9% is seen to have a minimal impact due to the size and scale of operations. Experts (SEA and SNTC, 2018) on the working group noted that community members in SNL do not harvest timber simultaneously but rather phased according to financial needs of the family. Experts indicated that the forestry has an insignificant impact on water quality and quantity and has a negligible effect on flooding impacts.</p> <p>Based on internal audit reports from the SEA and SNPAS (SNTC) and stakeholder consultations, Mankayane District was designated as Specified risk die to poor management controls and threatening impacts on the Protected Area bordering the SNL community (Stakeholder consultation, 2018; Rogues, 2002). The spread of IAPs impacts available water quantity in the water scarce country.</p>		<p>(22) HCV 4 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>
3.5 HCV 5	Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common	HCV Occurrence	Country	Low Risk

<p>Fundamental needs of indigenous peoples and local communities</p>	<p>guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>Forestry Industry Environmental Committee. 2002. Environmental Guidelines for Commercial Forestry Plantations in South Africa. Unpublished report, Forestry South Africa, Pretoria.</p> <p>Albaugh, J.M., Dye, P.J. & King, J.S. 2013. <i>Eucalyptus and water use in South Africa. A review</i>. International Journal of Forestry Research. Volume 2013, Article ID 852540, 11 pages http://dx.doi.org/10.1155/2013/852540.</p> <p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013 (October). Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>Cure, K. (2016). Sustainable Swaziland Wattle Program. Montigny Internal Report. Montigny Investments Limited, Mbabane, Swaziland. http://www.montigny.co.sz/comm_forestry.html</p> <p>Expert consultation with SNTC and SEA, 2018</p> <p>SANBI. 2014. Grazing and Burning Guidelines: Managing Grasslands for Biodiversity and Livestock Production. Compiled by Lechmere-Oertel, R.G. South African National Biodiversity Institute, Pretoria.</p> <p>Swaziland rural population GIS data Central Statistics Office, Tel. (+268) 2404 2151/2/3/4, admin@swazistats.org.sz</p>	<p>HCV 5 occurs in the country as indicated by the following proxy:</p> <p>i) Potable and irrigation water sources that are fundamental to the needs of local communities</p> <p>A key indicator will be those areas that do not enjoy adequate water reticulation infrastructure and thus rely on natural water sources.</p> <p>There are no areas that are under exotic timber in Eswatini that are fundamental for the provision of food, medicines or fuel, according to the published literature or the relevant experts consulted in the CNRA in 2016 or the NRA process in 2018.</p> <p>Threat Assessment</p> <p>The draft SADC Water Policy is serving as a guide for water management in Eswatini. Forest cover has contributed to economic development, food security, income generation, water, health, and helps in soil conservation to sustain socioeconomic livelihoods (CBD, 2014).</p> <p>A community or people group whose water supply is primarily dependent on a heavily afforested catchment stands is potentially threatened by poor timber management practices (including planting too close to the edge of streams and wetlands, and poor harvesting practices) that may result in reduced water supply, especially during the dry season, or from poor water quality if there is elevated erosion and increased sedimentation.</p> <p>Approximately 52% of the total population have access to improved sanitation and clean water</p>	<p>The following thresholds are met:</p> <p>(24) There is low/negligible threat to HCV 5 caused by management activities in the area under assessment;</p>
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	<p>http://www.swazistats.org.sz/index.php/statistical-services/geographical-information-systems-gis</p>	<p>supply, with the rural areas having about 10% less access. Rural water supply and environmental health services jointly implement programmes where safe water supply, sanitation and hygiene education are integrated.</p> <p>Traditional and informal human settlements in Commercial Forestry Zones may face negative impacts in water quantity if trees are planted within 33m of flood lines of rivers (Public Stream banks Regulation, 1954). Best Practices requires 20m away for other riparian zones. Approximately 91% of afforested land is under FSC FM certification. The remaining 9% employs best practice. 4,5% of uncertified afforested area is managed and/or owned by South African organisations which adhere to the South African best practice guidelines, the remainder of uncertified land (4,5%) occurs in Traditional Authority land (SNL) is seen to have a minimal impact on the available water quantity (SEA stakeholder consultation, 2018).</p>		
3.6 HCV 6 Cultural values	<p>Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification</p> <p>UNESCO 2017. Website reviewed in March 2017. https://en.unesco.org/countries/swaziland</p> <p>Experts consulted during the national HCV workshop, 2016.</p>	<p>HCV Occurrence</p> <p>HCV 6 does occur in the country, areas containing significant concentrations include natural forests. Spiritual values, social values and historic values were identified as being relevant to HCV 6 in Eswatini. The people of Eswatini originated from central Africa and migrated to Eswatini in the 18th century. The Swazi nation is an amalgamation of more than 70 clans. The minority population of San intermarried with the Bantu people and do not fall under the UNDRIP or FSC definition of Indigenous People. The Swazis constitute more than four-fifths of the population, the</p>	Country	<p>Low risk</p> <p>The following threshold is met: (28) There is low/negligible threat to HCV 6 caused by management activities in the area under assessment.</p>

		<p>remainder being immigrants from Mozambique, South Africa, and the rest of the world. The Chiefs and residents of SNL fall under the definition of Traditional People and utilise existing customary law provided for in the Legislation of Eswatini. SNL occupies ¾ of land in Eswatini. Christianity is the predominant religion. In addition to the traditional Western forms, there are numerous syncretistic churches, and indigenous beliefs about the supernatural, particularly regarding ancestors, are still important. Many people consult <i>tinyanga</i> (traditional healers), who employ natural medicine and ritual in their cures.</p> <p>Read more: https://www.everyculture.com/Sa-Th/Swaziland.html#ixzz5XrqlKdx</p> <p>Threat assessment</p> <p>Indigenous forests and indigenous vegetation are highly unlikely to be a source of commercial wood in Swaziland as it is illegal to harvest or sell indigenous timber. As exotic timber plantations are a relatively recent addition to the landscape, and land tenure is governed by traditional rights held communities who need to provide their consent before any change of land use, there are no areas under exotic timber plantations in Eswatini that have been identified as fundamental for the maintenance of cultural identity, according to the published literature or the relevant experts consulted (please see the overview for more details).</p>		
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Control measures

Indicator	Control measures (M – mandatory / R – recommended)
3.0	N/A
3.1 HCV 1	Recommended Control Measures: <ol style="list-style-type: none"> 1. Implementation of or Use of Government awareness program on invasive tree species for sources of timber. 2. Annual Field Verification to confirm there is no negative impact on RTE species from the spread of invasive commercial timber species. If confirmed threats exist, timber cannot be sourced. 3. Use of Satellite technology to monitor negative impacts from Invasive tree species.
3.2 HCV 2	Recommended Control Measures: <ol style="list-style-type: none"> 1. Stakeholder engagement with SNTC to confirm compliance, with an official statement and/or report provided from the Commission. 2. Annual Field Verification to confirm no negatives impacts to landscape level ecosystems and mosaics. Negative impacts include spread of IAPs and poor fire management. If confirmed threats exist, timber cannot be sourced.
3.3 HCV 3	Recommended Control Measures: <ol style="list-style-type: none"> 1. Stakeholder engagement with SNTC to confirm compliance, with an official statement and/or report provided from the Commission. 2. Annual Field Verification to verify no negative impact on Rare, threatened, or endangered ecosystems, habitats or refugia. Negative impacts include spread of IAPs, erosion and overgrazing. If confirmed threats exist, timber cannot be sourced.
3.4 HCV 4	Recommended Control Measures: <ol style="list-style-type: none"> 1. Implementation of or Use of Government awareness program on invasive tree species for sources of timber. 2. Annual Field Verification to measure distances to riparian zones are adhered to. If confirmed threats exist, timber cannot be sourced. 3. Use of Satellite technology to monitor negative impacts from Harvesting.
3.5 HCV 5	N/A
3.6 HCV 6	N/A

Information sources

No	Source of information	Relevant indicator(s) or CW category
1.	Albaugh, J.M., Dye, P.J. & King, J.S. 2013. Eucalyptus and water use in South Africa. A review. International Journal of Forestry Research. Volume 2013, Article ID 852540, 11 pages http://dx.doi.org/10.1155/2013/852540	HCV 4,5
2.	Birdlife 2017. Songimvelo Nature Reserve important bird area. Website accessed March 2017. http://www.birdlife.org.za/conservation/important-bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve	HCV 2,3
3.	Birdlife 2017. The Drakensberg Escarpment Endemic Bird Area. Webpage accessed March 2017. http://www.birdlife.org.za/conservation/important-bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve	HCV 2

No	Source of information	Relevant indicator(s) or CW category
4.	Braun, K. 2011. Database of Alien Plants of Swaziland. Downloaded from the SNTC website March 2017. http://www.sntc.org.sz/biodiversity/alienplants.asp	HCV 1, 2
5.	Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart, and T. Synnott (eds.). 2013. Common guidance for the identification of High Conservation Values. HCV Resource Network. https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415/cg-for-hcv-identification	All HCVs
6.	Cure, K. (2016). Sustainable Swaziland Wattle Program. Montigny Internal Report. Montigny Investments Limited, Mbabane, Swaziland. http://www.montigny.co.sz/comm_forestry.html	HCV 1, 4
7.	de Vletter, R. (2015). Program for the Ecosystem Management of the Swaziland Lubombo. CEPF Final Project Completion Report.	HCV 2
8.	Deall, G.B, Dobson, L., Masson, P.H., Mlangeni, N.J., Murdoch, G., Roques, K.G. & Shirley, H.O.A. (2000) Assessment of the protection value of remaining indigenous forests and woodlands in Swaziland. Forestry Policy and Legislation Project, Ministry of Agriculture/DANCED, Mbabane, Swaziland.	All HCVs
9.	DEFRA 2005. Controlling Soil Erosion: Risk Assessment Field Guide for Farmers & Consultants (PB4092). Department of Environment, Food and Rural Affairs, London.	HCV 4
10.	Dobson, L., T Mahlaba, A Monadjem and K Roques. 2010. Ecological survey of Hlezane conservation area with guidelines for its management. Internal Report. Ministry of Tourism, Environment & Communication, Swaziland.	HCV 2
11.	Ellery, W., S Grenfell, M Grenfell, C Jaganath, H Malan & D Kotze (2009) A method for assessing cumulative impacts on wetland functions at the catchment or landscape scale. SA Water Research Commission report, TT437/09.	HCV 4
12.	Europe Aid 2006. Swaziland: Country Environment Profile. Commission of the European Communities Report 119860/c/sv/multi. https://europa.eu/capacity4dev/file/33009/download?token=Ms3jx-f-	HCV 4
13.	Forest Resources Assessment. 2010. Country Report Swaziland. Forestry Department, Food and Agriculture Organization of the United Nations, Rome. Click here for document download	All HCVs
14.	Forestry Industry Environmental Committee. 2002. Environmental Guidelines for Commercial Forestry Plantations in South Africa. Unpublished report, Forestry South Africa, Pretoria.	HCV 4
15.	FSC 2016. Methodology for conducting the CNRA for controlled wood category 3 – High Conservation Values. Practical implementation of FSC-PRO-60-002a FSC National Risk Assessment Framework. Internal report, February 2016.	All HCVs
16.	FSC 2017. Approved national / regional standards. Downloaded March 2017. https://ic.fsc.org/national-standards.247.htm	All HCVs
17.	FSC 2017. Public Summary Certification Reports for all certified companies in Swaziland 2017. Reports accessed from the FSC website in March 2017. https://info.fsc.org/certificate.php	All HCVs
18.	Global Forest Watch 2017. Website accessed March 2017. http://www.globalforestwatch.org .	HCV 2

No	Source of information	Relevant indicator(s) or CW category
19.	Government of Swaziland 1997. Swaziland Environment Action Plan (SEAP). Unpublished report downloaded from www.sea.org.sz/documents/seap.pdf in March 2017.	HCV 4
20.	HCV national interpretations https://www.hcvnetwork.org/resources/global-hcv-toolkits	All HCVs
21.	Intact Forests 2017. Website accessed March 2017. http://www.intactforests.org/index.html/	HCV 2
22.	Macfarlane, D.M. and Bredin, I.P. 2016. Buffer zone guidelines for rivers, wetlands and estuaries. Part 2: Practical Guide. WRC Report No (tbc), Water Research Commission, Pretoria.	HCV 4
23.	MTEA 2009. Landcover 2009 GIS data for Swaziland. Swaziland Ministry of Tourism & Environmental Affairs, Department of Forestry.	HCV 3, 4
24.	NATIONAL WATER POLICY: Final Draft 2009. Swaziland Ministry of Natural Resources and Energy Swaziland National Water Policy 2009	HCV 4, 5
25.	NFEPA 2011. Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. 1801/2/11.	HCV 1,2
26.	Rommelzwaal, A. 2006. Swaziland: Country Environment Profile. EUROPEAID/ 119860/C/SV/multi, Lot 6: Environment. Click here	All HCVs
27.	Rogues, K (2002). A preliminary field assessment of protection worthy areas of Swaziland. Ministry of Tourism, Environment & Communication, Swaziland. Download here	HCV 1,2
28.	ROUGET, M., RICHARDSON, D M., NEL, J.L., LE MAITRE, D.C., EGOH. B. & MGIDI, T. 2004. Mapping the potential spread of major plant invaders in South Africa using climatic suitability. Diversity and Distributions 10: 475-484.	HCV 1
29.	SANBI. 2012. Vegetation of South Africa, Lesotho and Swaziland. South African National Biodiversity Institute. Downloaded from the SANBI Biodiversity GIS website. (http://bgis.sanbi.org/SpatialDataset/Detail/18)	HCV 1,2
30.	SANBI. 2014. Grazing and Burning Guidelines: Managing Grasslands for Biodiversity and Livestock Production. Compiled by Lechmere-Oertel, R.G. South African National Biodiversity Institute, Pretoria.	HCV 4
31.	Shuttle Radar Topography Mission (SRTM) digital elevation model 30m. Downloaded 2017. https://lta.cr.usgs.gov/SRTM1Arc	HCV 4, 5
32.	SNTC 2017. Swaziland National Trust Committee Transfrontier Conservation Areas reports. Downloaded March 2017. Lubombo-Goba: http://www.sntc.org.sz/programs/lubombogoba.asp Nsubane-Pongola: http://www.sntc.org.sz/programs/nsubanepongola.asp Songimvelo-Malolotja: http://www.sntc.org.sz/programs/songimvelomalolotja.asp Usutu-Embefuti: http://www.sntc.org.sz/programs/usututembefuti.asp	HCV 2

No	Source of information	Relevant indicator(s) or CW category
33.	SNTC Project title: "Upgrade of Swaziland's Biodiversity Baseline Data" which forms part of the broader project "Strengthening National Protected Areas Systems (SNPAS) in Swaziland", with the data component due to be completed by June 2017.	HCV 1
34.	SNTC. 2017. Listed species of Swaziland 2016. Downloaded from the SNTC website March 2017. http://www.sntc.org.sz/biodiversity/	HCV 1
35.	SNTC. 2017. Protected areas. Downloaded from the SNTC website March 2017. http://www.sntc.org.sz/reserves/reserves.asp	HCV 1, 2
36.	SNTC. 2017. Protection Worthy Areas. Downloaded from the SNTC website March 2017. http://www.sntc.org.sz/reserves/proposed.asp	HCV 1, 2
37.	SNTC. 2017. Swaziland National Trust Commission Website accessed March 2017. http://www.sntc.org.sz/programs/tfcas.asp	HCV 2
38.	Strengthening the National Protected Areas System of Swaziland. Baseline Compilation Report: Kingdom of Swaziland. United Nations Development Programme, Global Environment Facility. Click here.	HCV 1, 2
39.	Swaziland climate data. 2017. Downloaded March 2017 from http://www7.ncdc.noaa.gov/CDO/	HCV 4, 5
40.	Swaziland Ministry of Tourism & Environmental Affairs, Department of Forestry. 2009. Landcover GIS data for Swaziland. Unpublished GIS dataset.	HCV 4
41.	Swaziland rural population GIS data Central Statistics Office, Tel. (+268) 2404 2151/2/3/4, admin@swazistats.org.sz http://www.swazistats.org.sz/index.php/statistical-services/geographical-information-systems-gis	HCV 4, 5
42.	Swaziland. In: Handbook on Environmental Assessment Legislation in the SADC Region. Click here	HCV 1
43.	Swaziland's Alien Plants Database http://www.sntc.org.sz/alienplants/speciesstatus.asp	HCV 1,2,3
44.	Traynor, C., Hill, T., Ndela, Z. & Tshabalala, P. 2008. What'll We Do with Wattle? The Dualistic Nature of Acacia mearnsii as both a Resource and an Alien Invasive Species, Swaziland. <i>Alternation</i> 15,1, pp. 180 – 205.	HCV 1-4
45.	Tripartite interim agreement between the republic of Mozambique and the republic of South Africa and the kingdom of Swaziland for co-operation on the protection and sustainable utilisation of the water resources of the Incomati and Maputo watercourses. 2002. Click here to download	HCV 4
46.	UNESCO 2017. Website reviewed in March 2017. https://en.unesco.org/countries/swaziland	HCV 6
47.	van Wilgen, B. et al. 2007. A biome-scale assessment of the impact of invasive alien plants on ecosystem services in South Africa. <i>Journal of Environmental Management</i> 89(4):336-49.	HCV 1
48.	van Wyk, A.E. & Smith, G.F. (2001). <i>Regions of floristic endemism in Southern Africa</i> . Umdaus Press, South Africa.	HCV 1

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Overview:

The scope of Controlled Wood Category 4 covers risk assessment of conversion of natural forests to plantations or non-forest use.

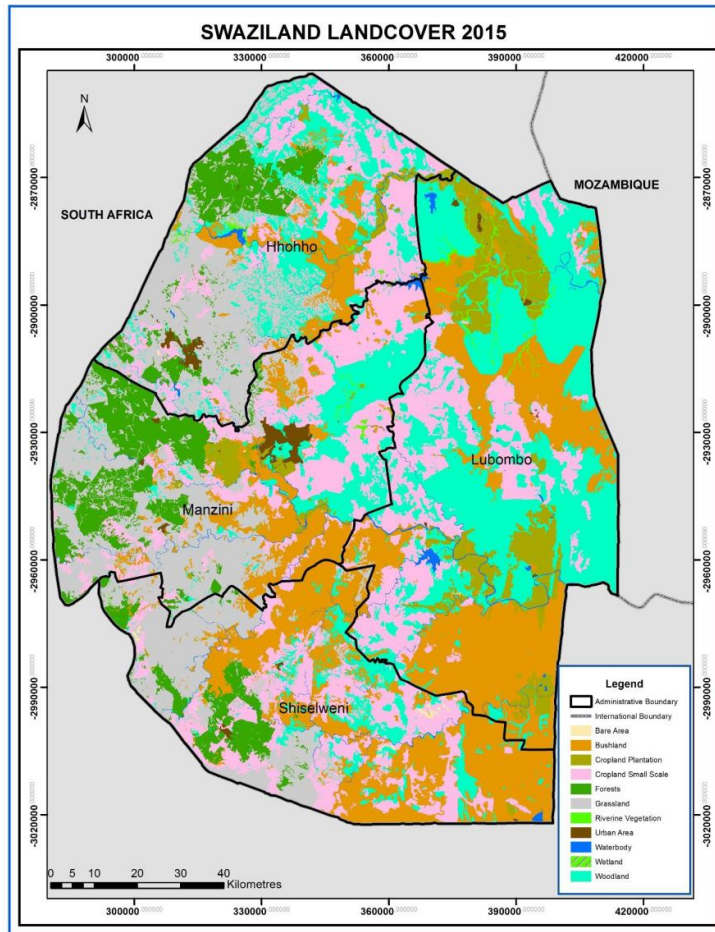


Figure 8: Land Use Map of EsEswatini (SNPAS Project, 2015)

Agro Ecological Zones of Swaziland

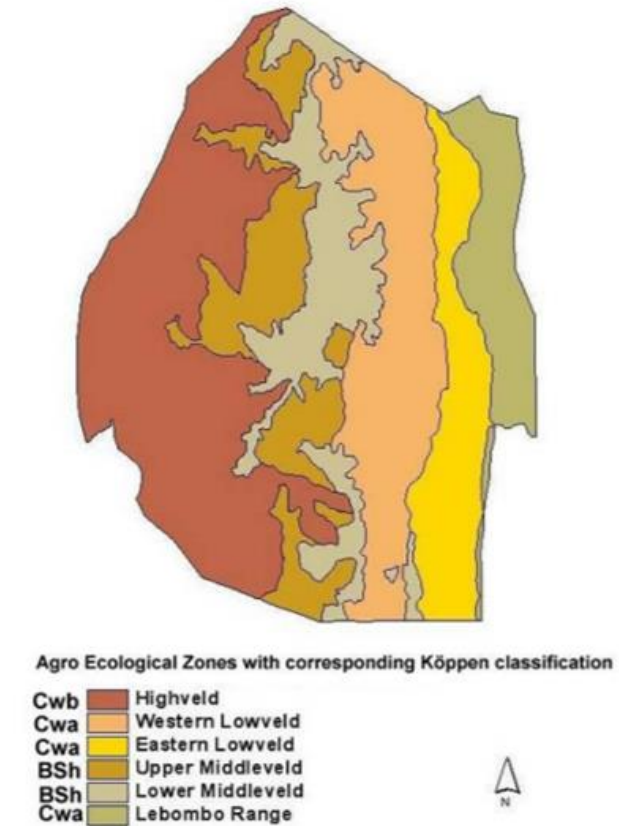


Figure 9: Agro-ecological Zones of Eswatini (Brown, 2011)

The NRA working group assessed the risk according to functional scale via agro-ecological zones in Eswatini, as reflected in Figure 9

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<ul style="list-style-type: none"> • Flora Protection Action, 2000, section 16. http://www.sea.org.sz/categdocs.asp?id=3 • The Forest Preservation Act, section 3, 4, 5. http://www.sea.org.sz/categdocs.asp?id=3 • The Private Forests Act 1951, sections 3 & 4. http://www.sea.org.sz/categdocs.asp?id=3 <p>Government sources</p> <ul style="list-style-type: none"> • Swaziland Environmental Authority http://www.sea.org.sz/index.asp • Swaziland National Trust Commission http://www.sntc.org.sz/legislation/legislation.asp <p>Non-Government sources</p> <ul style="list-style-type: none"> • ELDIS, 2017. Regional and country profiles – Swaziland. http://www.eldis.org/go/country-profiles&country=1207&theme=0 • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. 	<p>Highveld agro-ecological zone;</p> <p>Middleveld; Lowveld and Lubombo Agro-ecological zones</p>	<p>Content of law</p> <p>The Flora Protection Act requires any organization, public or private, or owner of land wishing to implement any activity that would impact indigenous flora to assess indigenous flora that would be affected, and such organization or owner shall ensure that proper mitigation measures are followed.</p> <p>The Forest Preservation Act, section 3 prohibits the cutting down, damage, removal, selling, purchasing, damaging indigenous timber without permission from the ministry, however it does not prevent people living on Swazi nation land from cutting brushwood or taking decayed or deadwood for fuel use. Section 4 prohibits the cleaning, breaking up or cultivation of Government land or Swazi nation land within 30 yards of where indigenous timber is growing without permission from a district officer or person designated by the Minister. Section 5 prohibits any person from maliciously or by wilful neglect or recklessly setting fire to or allowing fire to spread to any indigenous timber area.</p> <p>The Private Forest Act, section 4 prohibits a person from clearing, breaking or cultivating land in a private forest.</p> <p>Nothing in the legislation limits the size of the area that may be converted legally.</p> <p>Is the law enforced?</p> <p>The law seems to be followed, but it does not prohibit conversion. However, conversion is allowed in limited circumstances with authorization of the responsible organizations.</p> <p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met?</p> <p>No.</p> <p>Plantations of Commercial timber species was established in 1947, with funding from the UK's Colonial Development Corporation. Timber Plantations were established on former montane grasslands and did not involve conversion from Natural Forests. The timber plantations were established to alleviate pressure on the limited volumes of Indigenous timber in Southern Africa and to assist with the reducing supply from New Zealand and Australia.</p>

<p>http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy</p> <ul style="list-style-type: none"> • Transparency International, 2018 Corruption Perception Index 2018 - Swaziland. https://www.transparency.org/country/SWZ • R.M. Hassan, P. Mbuli and C. Dlamini, 2002. Natural Resource Accounts for the State and Economic Contribution of Forests and Woodland Resources in Swaziland. http://ageconsearch.umn.edu/bitstream/18020/1/dp020004.pdf • World Bank, 2017 Worldwide Governance Indicators – Swaziland http://info.worldbank.org/governance/wgi/pdf/wgidataset.xlsx • Alfred Mndzebele, 2001. A presentation on Land Issues and Land Reform in Swaziland Paper presented at the SARPAN conference on Land Reform and Poverty Alleviation in Southern Africa. http://www.sarpan.org/EventPapers/Land/20010604Mndzebele.pdf • International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012. Land and Natural Resources in Swaziland. https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6 • Transparency International, 2017. People and Corruption: Africa Survey 		<p>In 1990, the country was generally covered by natural vegetation. Woodland, Bushland and Grassland formed the major land cover in the area. Wetlands, Urban areas and bare areas covered a minimal area compared to the trend in the next epochs. There is a visible increment in the size of the urban areas as witnessed in the expansion of the 2000 urban areas, due to the increase in population. In 2000, Woodlands dominated the Eswatini landcover followed by grasslands and bushland. In 2015, bushland, cropland small scale, woodland and grassland dominated the Landcover. There was a massive increase in cropland areas in both the pre-existing areas and new regions. The urban areas have increased significantly which indicates an increase in population. Riverine vegetation has reduced unlike water bodies which have cropped up in the entire region. As much as the vegetation types remain constant over the 1990 and 2000, 2010 and 2015 years, the various species within the categories keep on changing. The vegetation type changes are minor and were mainly observed in 1990 and 2015. There were slight changes from sour bushveld to grassland and vice versa. The changes were seen to take place along the boundary of transition.</p> <p>In Landcover change analysis of 2010-2015 Statistics indicate that 71.25% of the total landcover remain unchanged while 6.07% of the landcover changed from woodland to bushland an indication of degradation, 2.71% of the landcover changed from bushland to woodland an indication of regeneration and 1.59% Landcover changed from bushland to grassland. Landcover change from woodland to small-scale cropland was 0.75% and woodland/bushland to cropland plantation being 0.15% (SNPAS, 2016). The landcover change map for 2011 – 2015 indicates the conversion of land from natural to non-forest use occurring in the Lubombo area. Conversion in Eswatini is related to subsistence farming in SNL areas and where authorized by the SEA, to commercial cropland (cotton, sugarcane).</p> <p>The SNPAS 2016 report did indicate issues with the quality of imaging and distinctions between woodland, bushland and grassland species.</p> <p>Global Forest Watch overall analysis shows a tree cover loss of 76,709 hectares between 2001 and 2014 and a gain of 60,298 hectares between 2001 and 2012, analysis of this loss and gain indicates that most of this loss and gain is within commercial forest plantations.</p> <p>The average net annual loss for the past 5 years is 3.941 ha and most of this loss is within existing commercial forest plantations, and therefore would be the rotational felling and re-establishment of commercial plantations and not related to conversion of Natural Forests (SEA, SNTC, Ministry of Forestry, 2018) There has been no conversion of Natural Forests to Timber Plantations to date in Eswatini.</p> <p>The 2002 report from Hassan et al states that “despite their significant economic contribution, there are indications that these valuable forest and woodland resources are not sustainably utilised and face threats of depletion from over exploitation by communities and conversion into</p>
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	<p>2017 - Global Corruption Barometer. https://www.transparency.org/files/content/feature/Global_Corruption_Barometer_FAQs.pdfFAO, 2014. Global Forest Resources Assessment 2015 Country Report: Swaziland. http://www.fao.org/3/a-az345e.pdf</p> <ul style="list-style-type: none"> Swaziland Landcover and Landcover Change and Vegetation types.... Available from: https://www.researchgate.net/publication/315670729_Swaziland_Landcover_and_Landcover_Change_and_Vegetation_types_mapping_using_Landsat_Satellite_Imagery W. Dlamini, 2017. Mapping forest and woodland loss in Swaziland: 1990 - 2015. https://kundoc.com/pdf-mapping-forest-and-woodland-loss-in-swaziland-19902015-.html 	<p>other land uses. This study estimated that natural forest and woodland resources in Eswatini are being depleted at a net national annual depletion rate of 201,000 m³ (0.3 m³ /ha) of timber stocks. All vegetation types were facing depletion at varying degree except wattle, open montane and open mixed woodlands, where there is net accumulation of timber (gain)."</p> <p>According to that same report, "about 18,000 ha of indigenous forests and woodlands have been converted to other land uses between 1985 and 2000. Those include clearings for sugar cane and cotton growing, business and residential structures and water supply projects." This is an estimated 1200 ha per year.</p> <p>Carnegie Landsat Analysis System-lite (CLASlite) software and Landsat imagery was compared with deforestation data derived from the Global Forest Change (GFC) dataset. The CLASlite analysis identified an estimated 46,620ha of forest and woodland lost between 1990 and 2015 resulting in a mean deforestation rate of 1,704ha yr⁻¹. The GFC dataset, on the other hand, indicates a mean deforestation rate 1,563ha yr⁻¹ when excluding forest regrowth.</p> <p>The FAO (2014) shows an increase in all classes of forest excluding "moister savannah". Furthermore, there is a decrease in the total area of man-made forests, even while "wattle forest" increased slightly.</p> <p>As per the SNPAS, 2016 landcover analysis report:</p> <p>Conversion of natural forests to large-medium scale cropland plantation (i.e. sugar cane, beef and maize) occurred in the lower Lubombo and the upper and lower middleveld regions.</p> <p>Small-scale cropland (i.e. sugarcane and maize) conversion from woodland and grassland increased in the lower and western Lowveld areas.</p> <p>Less significant conversion of land occurred in the Highveld during 2010- 2015, with conversion related to small scale conversion (i.e. sugarcane and maize) to cropland on SNL.</p> <p>Notably, the conversion is due to drivers in subsistence farming and commercial farming in the Eswatini. Conversion to Plantation forestry is not a driver of change in landcover.</p> <p>Risk designation: Specified Risk (4) There is more than 5000 ha net average annual loss or there is more than 0.02% net average annual loss of natural forest in the assessment area in the past 5 years; (6) The applicable legislation for the area under assessment covers laws that prevent conversion, but the risk assessment for relevant indicators of Category 1 confirms 'specified risk'; AND/OR (7) There are significant economic drivers for conversion. Data yield evidence that conversion is occurring on a widespread or systematic basis.</p>
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Control measures

Indicator	Control measures (M – mandatory / R – recommended)
4.1	<p>Recommended Control Measures: Sourcing of timber from Commercial Forestry</p> <ul style="list-style-type: none">• Details of the farm name, district and timber species to be included on Delivery notes. Indigenous species of timber shall not be sourced as controlled wood.• Annual field verification per commercial farmer/ organisation or at community level for SNL to ensure no conversion of natural forests to plantation forests. Confirmation of conversion of land will result in no sourcing of timber as Controlled Wood.

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	<ul style="list-style-type: none"> • African Centre for Biodiversity, 2007 https://acbio.org.za/en/swaziland-gmo-legislation • Biosafety Act, 2012 https://bch.cbd.int/database/record.shtml?documentid=106001 • Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095 • Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz • FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=SWZ • In person consultation with the Eswatini Ministry of Forestry (Mr Gamedze, April 2018) • Mbono Mdluli for the Swazi Observer, 28 Feb 2017. MPs want GMOs in Eswatini. Available: https://www.pressreader.com/swaziland/swazi-observer/20170228/281900182988953 • Nomthandazo Nkambule for the Swazi Observer, 23 Nov 2016. GM Crops An Answer To Food Security-Indian Entrepreneur. Available: 	-	<p>There is legislation covering GMO (trees) in Eswatini:</p> <ul style="list-style-type: none"> • The Seeds and Plant Varieties Act, 2000 • Plant Control Act, 1981 • Biosafety Act, 2012 <p>According to the FAO (2016), Eswatini has passed the Biosafety Act of 2012, which came into force on 2 December 2013. Currently the country is at the stage of finalizing the Regulations under the Act. The National Biosafety Advisory Committee (composed of people with various expertise) and the Biosafety Registrar's office have been put in place. The custodian of the Act is the Eswatini Environment Authority, under the Ministry of Tourism and Environmental Affairs.</p> <p>According to the Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015 the “Draft Regulation in place but in the process of being approved by Parliament.” According to that same report, the country has no bi-lateral agreement. However, it has endorsed both the Southern African Development Community (SADC) and COMESA Guidelines on Biotechnology and Biosafety. Both guidelines cover the handling of LMO food aid, policy and regulations, public awareness and participation and capacity building.</p> <p>The applicable legislation for the area under assessment does not include a ban for commercial use of GMO (trees)</p> <p>There is no evidence of unauthorized use of GM trees. The Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015, states that “The Biosafety Act, 2012 provides measures to prevent and penalize illegal transboundary movement of LMOs. There is urgent need to strengthen monitoring of illegal transboundary movement” and “there is need for strengthening monitoring and enforcement.”</p>

	<p>https://www.pressreader.com/swaziland/swazi-observer/20161123/281762743853629</p> <ul style="list-style-type: none"> Plant Control Act, 1981 Swaziland Environment Authority 2016. Biosafety in Swaziland - Applications / Notifications Received. Available: http://www.sea.org.sz/biosafety/index.php/applications-received/ Eswatini Environment Authority 2016. Decision to conduct BT cotton Confined Field Trials by the Eswatini Cotton Board. Available: http://www.sea.org.sz/biosafety/wp-content/uploads/2017/01/Decision-to-Conduct-Bt-Cotton-CTFs.pdf The Seeds and Plant Varieties Act, 2000 		<p>There is no commercial use of GM trees in Eswatini.</p> <p>According to the FAO (2016), Eswatini does not produce any GM food or feed. According to the Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015, transit and contained use [of GMOs are regulated by the Biosafety Act, 2012. To date, the country has not handled transit and contained use LMOs. Only one application for release to the environment has been forwarded to the Competent Authority but it was turned back to the applicant as it did not meet the application standard. Much of the focus in Eswatini is on GM crops and food security, and GM cotton. Debates in the country are ongoing.</p> <p>There are no trials of GM Trees in Eswatini (FAO 2016), but there are trials ongoing in South Africa. According to the Eswatini Environment Authority (2016), only two applications for GM trials have been lodged in Eswatini to date, both for cotton in 2014 and 2015. One decision has been issued – an approval for Confined Field Trials of GM Cotton.</p> <p>Licenses are required for commercial use of GM trees under the Biosafety Act. No licenses have been issued for GM trees relevant for the area under assessment (FAO 2016, Biosafety Clearing House 2015).</p> <p>Low risk. Thresholds 2 and 3 have been met. (2) There is no commercial use of GMO (tree) species in the area under assessment, AND (3) Other available evidence does not challenge a ‘low risk’ designation.</p>
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	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	<ul style="list-style-type: none"> The Seeds and Plant Varieties Act, 2000 Plant Control Act, 1981 Biosafety Act, 2012 	<ul style="list-style-type: none"> African Centre for Biodiversity http://acbio.org.za/swaziland-gmo-legislation/

		<p>According to the FAO (2016), Eswatini has passed the Biosafety Act of 2012, which came into force on the 2 December 2013. Currently the country is at the stage of finalizing the Regulations under the Act. The National Biosafety Advisory Committee (composed of people with various expertise) and the Biosafety Registrar's office have been put in place. The custodian of the Act is the Eswatini Environment Authority, under the Ministry of Tourism and Environmental Affairs.</p> <p>According to the Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015 the "Draft Regulation in place but in the process of being approved by Parliament."</p> <p>According to that same report, the country has no bi-lateral agreement. However, it has endorsed both the Southern African Development (SADC) and COMESA Guidelines on Biotechnology and Biosafety. Both guidelines cover the handling of LMO food aid, policy and regulations, public awareness and participation and capacity building.</p>	<ul style="list-style-type: none"> • FAO, 2016.FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=SWZ • Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz • Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	No. The applicable legislation for the area under assessment does not include a ban for commercial use of GMO (trees).	In person consultation with the Eswatini Department of Forestry
3	Is there evidence of unauthorized use of GM trees?	<p>No, there is no evidence of unauthorized use of GM trees.</p> <p>The <i>Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015</i>, states that "The Biosafety Act, 2012 provides measures to prevent and penalize illegal transboundary movement of LMOs. There is urgent need to strengthen monitoring of illegal transboundary movement" and "there is need for strengthening monitoring and enforcement."</p>	<p>In person consultation with the Eswatini Department of Forestry</p> <p>Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095</p>

4	Is there any commercial use of GM trees in the country or region?	<p>Not in Eswatini, but trials are being done in South Africa.</p> <p>According to the FAO (2016), Eswatini does not produce any GM food or feed.</p> <p>According to the <i>Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015</i>, transit and contained use [of GMOs] are regulated by the Biosafety Act, 2012. To date, the country has not handled transit and contained use LMOs. Only one application for release to the environment has been forwarded to the Competent Authority but it was turned back to the applicant as it did not meet the application standard.</p> <p>Much of the focus in Eswatini is on GM crops and food security, and GM cotton. Debates in the country are ongoing.</p>	<p>In person consultation with the Eswatini Department of Forestry.</p> <ul style="list-style-type: none"> • FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=SWZ • Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz • Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095 • Nomthandazo Nkambule for the Swazi Observer, 23 Nov 2016. GM Crops An Answer To Food Security-Indian Entrepreneur. Available: https://www.pressreader.com/swaziland/swazi-observer/20161123/281762743853629 • Mbono Mdluli for the Swazi Observer, 28 Feb 2017. MPs want GMOs in Swaziland. Available: https://www.pressreader.com/swaziland/swazi-observer/20170228/281900182988953
5	Are there any trials of GM trees in the country or region?	<p>There are no trials of GM Trees in Eswatini (FAO 2016), there are trials ongoing in South Africa.</p> <p>According to the Eswatini Environment Authority (2016), only two applications for GM trials have been lodged in Eswatini to date, both for cotton in 2014 and 2015 respectively. One decision has been issued – an approval for Confined Field Trials of GM Cotton.</p>	<ul style="list-style-type: none"> • In-person consultation with the Eswatini Department of Forestry • FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=SWZ • Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz • Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095 • Eswatini Environment Authority 2016. Biosafety in Swaziland - Applications / Notifications Received. Available: http://www.sea.org.sz/biosafety/index.php/applications-received/

			<ul style="list-style-type: none"> Eswatini Environment Authority 2016. Decision to conduct BT cotton Confined Field Trials by the Swaziland Cotton Board. Available: http://www.sea.org.sz/biosafety/wp-content/uploads/2017/01/Decision-to-Conduct-Bt-Cotton-CTFs.pdf
6	Are licenses required for commercial use of GM trees?	Yes, covered under the Biosafety safety Act	In person consultation with the Eswatini Department of Forestry
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	No, there are no licenses issued for GM trees relevant for the area under assessment (FAO 2016, Biosafety Clearing House 2015).	<p>In person consultation with the Eswatini Department of Forestry</p> <ul style="list-style-type: none"> FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=SWZ Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz Biosafety Clearing House, 2015. Third National Report on the implementation of the Cartagena Protocol on Biosafety 2015. Available: http://bch.cbd.int/database/record.shtml?documentid=109095
8	What GM 'species' are used?	N/A	
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
5.1	N/A