

FSC National Risk Assessment

For the Kingdom of eSwatini (Swaziland)

DEVELOPED ACCORDING TO PROCEDURE FSC-PRO-60-002 V 3-0

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Risk designations in finalized risk assessments for eSwatini

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Low risk
1.2	N/A
1.3	N/A
1.4	Low risk
1.5	N/A
1.6	Low risk
1.7	Low risk
1.8	N/A
1.9	Low risk
1.10	Low risk
1.11	Low risk
1.12	Low risk for Swazi Nation Land (SNL), Specified Risk for Crown or State Land (CL) and Title Deed Land (TDL).
1.13	N/A
1.14	N/A
1.15	N/A
1.16	N/A
1.17	Low risk for Private Freehold or Title Deed Land (TDL) and Crown or State Land. N/A for Swazi Nation Land (SNL).
1.18	N/A
1.19	Low risk
1.20	Low risk for all sources.
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Low Risk for Swazi Nation Land (SNL) Specified risk for Crown or State Land (CL) and Title Deed Land (TDL)
2.3	Low risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low Risk
3.1	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country
3.2	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country
3.3	Specified Risk for the Mankayane District (Middleveld portion) Low Risk for the rest of the Country
3.4	Specified Risk for the Mankayane District (Middleveld portion)

	Low Risk for the rest of the Country
3.5	Low Risk
3.6	Low Risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low risk for the Highveld agro-ecological zone Specified Risk for Middleveld; Lowveld and Lubombo agro-ecological zones
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	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 – Siphso Matsebula and Cliff Dlamini
3. Economic Chamber – Justice Mahlalela and Nwabisa Langa

List of experts involved in the risk assessment and their contact details

	Name	Organization
1.	Ms Peta Hardy	SAPPI
2.	Dr Mervyn Lotter	Mpumalanga Parks and Tourism Authority
3.	Ms Linda Loffler	Swaziland National Trust Commission
4.	Ms Kate Braun	Swaziland National Trust Commission
5.	Mr Kim Rogues	All Out Africa, Swaziland
6.	Dr Ara Monadjem	University of Swaziland
7.	Ms Kelly Cure	Montigny Forestry, Swaziland
8.	Dr Wisdom Dlamini	Swaziland National Trust Commission

9.	Mr Solomon Gamedze	Swaziland Department of Forestry
10	Mr Johan Nel	TWK Timbers
11	Mr Phil Patton	Earth Science Consultants
12	Mr Bob Tumber	Shiselweni Forestry Company Limited
13	Mr Nhlanhla Nxumalo	Peak Timbers Limited
14	Mr Justice Mahlalela	Montigny Group
15	Ms Patience Mamba	Montigny Group
16	Mr Anton Roberts	Private
17	Ms Gcina Dladla	Swaziland Environment Authority
18	Mr Jele	Ministry of Tourism & Environmental Affairs

NRA Working Group members who qualify as experts		
Name	Organization and Qualification	Contact details
Mr Mashumi Shongwe	Swaziland Economic Improvement Workers Union	chairman@seiwu.net
Mr Danger Nhlabatsi	Baphalali Swaziland Red Cross Society	thabsile@redcross.org.sz
Mr Sipho Matsebula	Swaziland Environmental Authority	smatsebula@sea.org.sz
Mr Cliff Dlamini	Swaziland National Trust Commission	ceo@sntc.org.sz
Mr Justice Mahlalela	Montigny Investments (Pty) Ltd	justice.mahlalela@montigny.co.sz

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

Interest	Organisation /Individual	Contact details
a) Economic interests of:		
Owners/managers of large and medium sized forests	Montigny Group	Patience Mamba
Owners/managers of medium scale plantations	Peak Timbers	Nhlanhla Nxumalo
Owners/managers of small scale plantations	Ministry of Tourism & Environmental Affairs	Mr Solomon Gamedze
Owners/managers of operations where there is a low intensity of timber harvesting	Ministry of Tourism & Environmental Affairs	Mr Jele
Forest contractors		
Timber producers associations	Makhunguta Timber Association	
b) Social interests of:		
Forest workers	SAPWU	Manqoba Dlamini
	BWI	Crecentia Mofokeng crecentia.mofokeng@bwint.org
Local communities	Various Chiefdoms	Traditional Authority
Forest recreation		
c) Environmental interests relating to:		
Biological diversity	SEA	Sipho Matsebula
Water	Ministry of Tourism and Environmental Affairs	
Soils	Ministry of Tourism and Environmental Affairs	
Ecosystems and Landscapes	Ministry of Tourism and Environmental Affairs	
Biological diversity	MPTA	mervyn@mtpa.co.za

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 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) claims the following distribution which was confirmed during Stakeholder engagement with the Ministry of Tourism & Environmental Affairs (Department of Forestry) in 2018:

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

SNL distributions estimates range from 55-75 per cent, depending on the publication.

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), Swaziland 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 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 *Dycrhostachys 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 Swaziland.

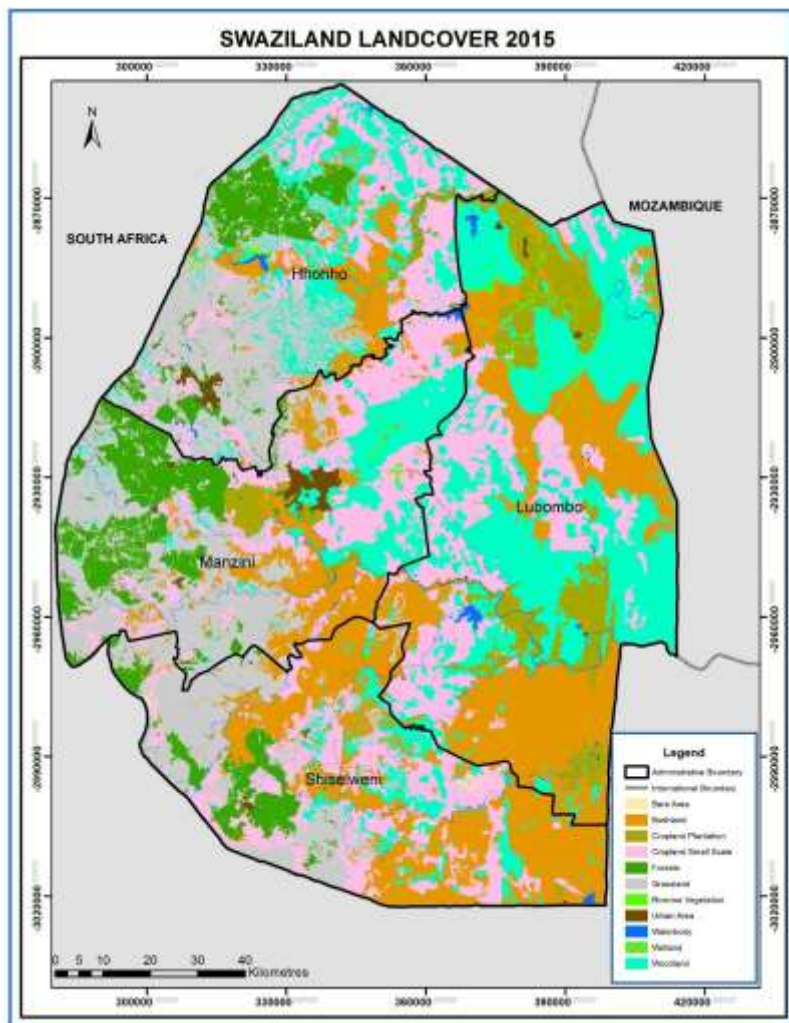


Figure 1: Land Use Map of eSwatini (SNPAS Project, 2015)

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 Tourism & Environmental Affairs (Department 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 Tourism & Environmental Affairs (Department 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). 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). This traditional use is mainly for herbs, traditional medicines, local crafts and housing structures. The NRA will only include timber products from Plantation forests (9% of uncertified land) and not from Natural Forests. The NRA Working has assessed Natural Forests within the NRA as required by the FSC National Risk Assessment Framework (FSC-PRO-60-002a).

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 wood with a total value of about 650 million Euros, 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 Swaziland 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 Swaziland, 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 Swaziland 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 Swaziland Environment Authority and all plants within these protected areas would be considered protected. This same Act also has schedules of flora considered protected in Swaziland.

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 Swaziland, with pockets occurring in central Swaziland. Impacts on Natural timber was assessed as part of Category 3, but does not impact the other Category Assessments. The NRA working opted to remove the risks associated with the commercialization of natural timber, as it has no relevance to the FSC value chain, in exception to protection and assessments in Category 3. Should the Legislation in the Kingdom of eSwatini change and the commercialization of Natural timber is allowable, the NRA working group will include this within the risk designation process in the revision of the NRA.

References

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance in regards 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 –
- h) <http://www.sntc.org.sz/legislation/legislation.asp>
- i) FAO Country Profile - <http://www.fao.org/countryprofiles/index/en/?iso3=SWZ>
- j) International Environmental Law Research Centre - <http://www.ielrc.org/content/e0309.pdf>

- k) The Environmental Law Alliance Worldwide (ELAW) - <https://www.elaw.org/content/swaziland-water-pollution-control-regulations>
- l) The Swaziland Forest Policy 2002.
- m) FAO, 2015. Global Forest Resources Assessment 2015 – Swaziland. <http://www.fao.org/3/a-az345e.pdf>
- n) UN FAO, 2004. Swaziland - nfp UPDATE - information as of 2004. Available: <http://www.fao.org/forestry/14894-04b1eabab01bbbc399f145620d2b4f410.pdf>, accessed 15 January 2017.
- o) 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.
- p) 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.
- q) 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.
- r) 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 Swaziland 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.

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 - 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 The Concessions Partition Act No 28 of 1907. The Land Control Act, 1972, section 8, 10, 12, 13, 14, 19 and 20. The Acquisition of Property Act, 10 of 1961, section 3 Deeds Registry Act, 32 of 1995 The Forest Preservation Act, section 4 and 5. http://www.sea.org.sz/categdocs.asp?cid=3 The Private Forests Act 1951, sections 3 and 4. http://www.sea.org.sz/categdocs.asp?cid=3 The Control of Tree Planting Act, 7 of 1972, The Companies Act, 2009, sections 43, 48, 52 and 53. http://www.swazilii.org/sz/legislation/act/2009/5 The Swazi Administration Order 6/1998 The Forest Policy, 2002 <p>Legal Authority</p>	<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"> 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 - Proceedings of Sub- 	<p>Overview of Legal Requirements</p> <p>There are three main groups of land tenure or land ownership in Swaziland:</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 customary requirements for forest use apply, and are not readily identifiable by external parties. Tribal chiefs monitor the compliance with the customary laws, and issue punishments where</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"> Ministry of Agriculture, officers in the department of agriculture (forestry department) Land Control Board Deeds Registry Chiefs and Tindiyuna <p>Legally required documents or records</p> <ul style="list-style-type: none"> Letter of permission from the Minister of Agriculture or the land owner in the case of private ownership. Title Deed Lease Agreement Concession Agreement Letters of approval to harvest from Chiefs and Tindiyuna <p>For Companies, a certificate of incorporation is required.</p>	<p>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. report titled Swaziland: The Myth of Sustainable Plantations, on Eldis (http://www.eldis.org/go/country-profiles&id=35384&type=Document#.V_u5C_VOLIU)</p> <ul style="list-style-type: none"> Expert consultation conducted in Swaziland, December 2016. FAO. Dual tenure systems and multiple livelihoods: a comparison of communal and private land tenure in Swaziland http://www.fao.org/docrep/x1372t/x1372t08.htm IFAD and UN-Habitat, 2012. Land and Natural Resources in 	<p>requirements are not complied with. Essentially, the SNL is managed as chiefdoms of the tribal chiefs, and the Monarchical government that oversees the privately held land has very limited jurisdiction over this land. This traditional leadership model is recognized in the Swaziland Constitution under <i>Chapter XIV Traditional Institutions</i> as a legitimate authority by both the Swaziland Government and the monarchy in Swaziland.</p> <p>SNL is leased to single unit households from the King directly through the Chief of a Chiefdom (UN FAO 2004):</p> <ul style="list-style-type: none"> Chiefdom (led by a Chief): A group of communities. Some 350 chiefdoms are currently estimated in Swaziland. Size varies, but usually counts up to 200-300 homesteads, grouped in different communities. Community: A sparsely distributed group of homesteads. The land space within the community is used for various purposes (agriculture, agroforestry, cattle grazing). Homestead: Estates belonging to a single male or female household and occupied by families (Chief Malunge of Nyangeni, http://africa.peacelink.org/newsfromafrica/articles/art_7884.html) <p>Article 19(1) of the Constitution of Swaziland of 2005 provides that 'a person has a right to own property either alone or in association with others.' The Constitution guarantees equality before the law. The Constitution also regulates the ownership of land. All land vests in the King (iNgwenyama) in trust for the Swazi nation (known as Swazi Nation Land) save privately held Title Deed Land. The Constitution guarantees that women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. The Constitution further guarantees that a surviving spouse is entitled to a reasonable provision out of the estate of the other spouse whether the other spouse died having made a valid will or not and whether they were married by civil or customary rites. The Constitution places the obligation on Parliament to enact legislation regulating the property</p>

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		<p>Swaziland. Available: : https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6, Accessed 24 July 2017.</p> <ul style="list-style-type: none"> • 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, 2014. Corruption Perception Index 2014 - Swaziland. Available online at 	<p>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 the Ministry of Tourism & Environmental Affairs (Department of Forestry), SNTC and Community leadership in March 2018 verified the above.</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 plantation land that is leased in terms of this Act. These would</p>

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		<p>http://www.transparency.org/country#SWhttp://www.transparency.org/country#SW, Z and < http://www.theglobaleconomy.com/Swaziland/transparency_corruption/, accessed 30 January 2017. Note, Swaziland has not been included in the annual CPI reporting for 2015 and 2016.</p> <ul style="list-style-type: none"> World Bank, 2015. Worldwide Governance Indicators – Swaziland 1996–2015. Accessed 11 January 2017 at 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, accessed 24 July 2017. Mocheudi Martinus Selepe, 2009. The Role of Traditional Leaders in the Promotion of Municipal Service Delivery in South 	<p>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 "indigenous timber" as forest trees or their saplings growing on CL or SNL, not planted by human agency.</p>

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		<p>Africa. Available: http://repository.up.ac.za/bitstream/handle/2263/28229/Complete.pdf?sequence=6, accessed 24 July 2017..</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, accessed 24 July 2017. <p>UN FAO, 2004. Swaziland - nfp UPDATE - information as of 2004. Available: http://www.fao.org/forestry/14894-04b1eabab01bbbc399f145</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 Swaziland (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> <p>Description of risk</p> <p><i>State or Crown Land (CL)</i></p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		620d2b4f410.pdf , accessed 15 January 2017.	<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 Swaziland. 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 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 Swaziland, 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 (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</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>to day operation of the area and enforcement is strict.' There is no indigenous tree species being traded commercially in Swaziland 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 91per cent of the plantations in Swaziland are FSC FM certified. According to the stakeholder feedback for this risk assessment, less than 6 per cent of the timber exported from Swaziland is sources 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>Swaziland scored 39 points out of 100 on the 2017 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 Government Effectiveness (from 37% in 2010 to 34% in 2016), an improvement in Regulatory Quality (from 29% in 2010 to 30% in</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>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</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>
1.2 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>Legal Authority</p> <p>N/A</p>	<p>Government sources</p> <ul style="list-style-type: none"> - Swaziland Environmental Authority - http://www.sea.org.sz/index.asp http://www.sea.org.sz/index.asp 	<p>Risk Conclusion:</p> <p>N/A</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> <p>N/A</p>	<p>- Swaziland National Trust Commission - http://www.sntc.org.sz/legislation/legislation.asp</p> <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, accessed 30 January 2017. • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at http://rainforests.mongobay.com/deforestation/2000/Swaziland.htm#13-policy, accessed 30 January 2017. <p>Expert consultation conducted in Swaziland, December 2016.</p>	
1.3 Management and harvesting planning	<p>Applicable laws and regulations</p> <p>There is currently no legislation covering these aspects.</p> <p>Legal Authority</p>	<p>Government sources</p> <ul style="list-style-type: none"> • Swaziland Environmental Authority - http://www.sea.org.sz/index.asp 	<p>N/A</p> <p>There are no legal requirements relating to this indicator.</p>

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	<p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	<ul style="list-style-type: none"> 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. Available http://www.eldis.org/go/country-profiles&country=1207&theme=0>, accessed 30 January 2017. Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy, accessed 30 January 2017. Expert consultation conducted in Swaziland, December 2016. 	
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> The Forest Preservation Act, 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>Government sources</p> <ul style="list-style-type: none"> Swaziland Environmental Authority - http://www.sea.org.sz/index.asp. Swaziland National Trust Commission - 	<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. 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 Swaziland, in obtaining harvesting and transport permits. As part of the tender</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<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>Authority from the land owner for harvesting of timber on private (title-deed) land.</p>	<p>http://www.sntc.org.sz/legislation/legislation.asp</p> <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>, accessed 30 January 2017. • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at <http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy>, accessed 30 January 2017. • Expert consultation conducted in Swaziland, 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.countrySu 	<p>process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated.</p> <p><i>Swazi Nation Land (SNL)</i></p> <p>The Swazi Administration Order 6/1998 provides Chiefs and Tindunya with the power to:</p> <ol style="list-style-type: none"> a) prohibit, restrict and regulate the cutting of trees, 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. "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,</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>bjects?p_lang=en&p_country=SWZ</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 IFAD and UN-Habitat, 2012. Land and Natural Resources in Swaziland. Available: : https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6, Accessed 24 July 2017. Expert consultation, April 2018 Swaziland's Fifth National Report to CBD, 2014 https://www.cbd.int/doc/world/sz/sz-nr-05-en.pdf 	<p>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 are selected by the Ministry of Tourism & Environmental Affairs (Department of Forestry). They are subject to the application of legislation and are monitored by 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 Tourism & Environmental Affairs (Department of Forestry) etc. being carried out on a regular basis. The Ministry of Tourism & Environmental Affairs (Department 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 and review of publically available information did not reveal corruption associated to the Forestry administration. There is Low risk on CL.</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</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>documentary evidence for this. Stakeholder consultations with Chiefs in April 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 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 follow up on by law enforcement (Expert consultation, Swaziland 2016).</p> <p>Sources of information checked also show no evidence of the current legislation in Swaziland being abused (For example, ELDIS 2017, Mongobay.com 2011, Expert consultation 2016. IFAD and UN-Habitat, 2012).</p> <p>Approximately 91per cent 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>

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>Risk conclusion</p> <p>Low risk for Private Freehold or Title Deed Land (TDL); Crown or State Land; and non-indigenous species (e.g. wattle, pine and eucalyptus) from Swazi Nation Land (SNL).</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>
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)	<p>N/A</p> <p>Experts consulted within the Ministry of Tourism & Environmental Affairs (Department of Forestry) confirmed there is no payment of fees or royalties required for commercial plantation forestry activities in Swaziland.</p>
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>	<p>Non-Government sources</p> <ul style="list-style-type: none"> Alfred Mndzebele, 2001. A presentation on Land Issues and Land Reform in Swaziland Paper presented at the SARP conference on Land Reform and 	<p>Overview of Legal Requirements</p> <p>VAT is payable on 'every taxable supply in Swaziland 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</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Minister responsible for Finance</p> <p>Legally required documents or records</p> <ul style="list-style-type: none"> VAT Registration certificate. <p>VAT returns</p>	<p>Poverty Alleviation in Southern Africa. Available online at <http://www.sarpn.org/EventPapers/Land/20010604Mndzebele.pdf>, accessed 30 January 2017.</p> <ul style="list-style-type: none"> Doingbusiness.org, 2016. The World Bank Group - Doing Business – Paying taxes in Swaziland. Available online at http://www.doingbusiness.org/data/exploreeconomies/swaziland/paying-taxes, accessed 30 January 2017. Expert consultation conducted in Swaziland, December 2016. International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012. Land and Natural Resources in Swaziland. Available online at <https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6>. 	<p>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> <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 Swaziland. 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. The World Bank Group "Doing Business" website for Swaziland indicates a high level of compliance with tax laws in Swaziland for 2015.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>accessed 30 January 2017.</p> <ul style="list-style-type: none"> • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at <http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy>, accessed 30 January 2017. • South African Tax Guide, 2014. Swaziland Taxes Overview. Available online at <http://www.sataxguide.co.za/swaziland-taxes-overview/>, accessed 30 January 2017. <p>Transparency International, 2015. People and Corruption: Africa Survey 2015 - Global Corruption Barometer. Available online at <http://files.transparency.org/content/download/1941/12775/file/2015_GCB_SubSaharanAfrica_EN.pdf>, accessed 30 January 2017..</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> <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 Swaziland.</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 low risk.</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.'</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.</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 Swaziland in December 2016, it appears that the Finance Ministry regularly audits organizations and enforces compliance to tax laws. No</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>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 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 designation.</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> <p>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> <p>Legal Authority</p> <p>Minister of Finance and Economic Planning</p> <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. 	<p>Non-Government sources</p> <ul style="list-style-type: none"> Alfred Mndzebele, 2001. A presentation on Land Issues and Land Reform in Swaziland Paper presented at the SARPN conference on Land Reform and Poverty Alleviation in Southern Africa. Available online at http://www.sarpn.org/EventPapers/Land/20010604Mndzebele.pdf, 	<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,

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"> IT13 – Companies tax return – persons employed, payments made, income received. <p>Income Tax Clearance Certificates</p>	<p>accessed 30 January 2017.</p> <ul style="list-style-type: none"> Doingbusiness.org, 2016. The World Bank Group - Doing Business – Paying taxes in Swaziland. Available online at http://www.doingbusiness.org/data/exploreeconomies/swaziland/paying-taxes, accessed 30 January 2017. ELDIS, 2017. Regional and country profiles – Swaziland. Available online at http://www.eldis.org/gocountry-profiles&country=1207&theme=0, accessed 30 January 2017. Expert consultation conducted in Swaziland, December 2016. International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012. Land and Natural Resources in Swaziland. Available online at 	<ul style="list-style-type: none"> 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. 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 Swaziland, 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>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p data-bbox="1025 165 1303 344"><https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6>, accessed 30 January 2017.</p> <ul data-bbox="981 368 1303 1182" style="list-style-type: none"> <li data-bbox="981 368 1303 639">• South African Tax Guide, 2014. Swaziland Taxes Overview. Available online at <http://www.sataxguide.co.za/swaziland-taxes-overview/>, accessed 30 January 2017. <li data-bbox="981 663 1303 1182">• Transparency International, 2014. Corruption Perception Index 2014 - Swaziland. Available online at http://www.transparency.org/country#SWZ and <http://www.theglobaleconomy.com/Swaziland/transparency_corruption/>, accessed 30 January 2017. Note, Swaziland has not been included in the annual CPI reporting for 2015 and 2016. 	<p data-bbox="1335 165 2107 469">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 Swaziland. As part of the tender process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated. Stakeholder consultations in 2018 stated that this was not a risk in Swaziland. The World Bank Group “Doing Business” website for Swaziland indicates a high level of compliance with tax laws in Swaziland for 2015.</p> <p data-bbox="1335 485 1559 517"><i>Swazi Nation Land</i></p> <p data-bbox="1335 533 2085 692">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 data-bbox="1335 708 2119 828">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 data-bbox="1335 844 2119 995">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 data-bbox="1335 1011 2119 1291">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.’</p> <p data-bbox="1335 1299 2085 1315">Stakeholders recommended that, based on an evaluation of the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>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. 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 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>
Timber harvesting activities			

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <p>Not applicable. No legislation exists covering these aspects,</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.	<p>N/A</p> <p>There is no legislation covering harvesting of commercial plantation species in Swaziland. The industry utilizes Best Practice for South Africa, but this is not legally binding.</p>
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 Forest Policy 2002 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"> Swaziland Environmental Authority and SEA officers enforce compliance. Department of Forestry <p>Legally required documents or records</p> <p>Permit to Protected Flora (Schedule D)</p>	<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. Available online at <http://www.eldis.org/go/country-profiles&country=1207&theme=0>, accessed 30 January 2017. Mongobay.com. 2011. Swaziland Forest 	<p>Overview of Legal Requirements</p> <p>Swaziland 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, Swaziland 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 Swaziland'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.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>Information and Data 2011. Available online at <http://rainforests.mongabay.com/deforestation/2000/Swaziland.htm#13-policy>, accessed 30 January 2017.</p> <ul style="list-style-type: none"> Transparency International, 2014. Corruption Perception Index 2014 - Swaziland. Available online at http://www.transparency.org/country#SWZ and <http://www.theglobaleconomy.com/Swaziland/transparency_corruption/>, accessed 30 January 2017. Note, Swaziland has not been included in the annual CPI reporting for 2015 and 2016. World Bank, 2015. Worldwide Governance Indicators – Swaziland 1996–2015. Accessed 11 January 2017 at http://info.worldbank.org/governance/wgi/index.aspx#reports Expert consultation conducted in 	<ul style="list-style-type: none"> 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. <p>The Forestry Policy requires that commercial forest companies and individual growers have to introduce and further develop forest management practices that maintain biodiversity at acceptable levels. The policy is not legally binding.</p> <p>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 Swaziland 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). It is unlikely that these species would enter</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>Swaziland, December 2016.</p> <p>USAID, 2007. Swaziland: 118/119 Biodiversity and Forest Assessment. aVAILABLE: http://www.encapafrica.org/documents/biofor/Swaziland2007.pdf, Accessed 24 July 2017.</p>	<p>an FSC-certified supply chain and is therefore considered a low risk.</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 Swaziland for approximately 2 decades and is not limited to the Forestry Sector but it is a concern on a country level (WG 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> <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 Swaziland 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>

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>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> <p>Risk conclusion</p> <p>Low risk for Private Freehold or Title Deed Land (TDL); Crown or State Land; and non-indigenous species (e.g. wattle, pine and eucalyptus) from Swazi Nation Land (SNL).</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>
1.10 Environmental requirements	<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 	<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"> Expert consultation conducted in Swaziland, December 2016. 	<p>Overview of Legal Requirements</p> <p><i>Crown / state 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. 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 Swaziland. As part of the tender process, aspects of technical competence, skilled labour, professional experience and mandatory monitoring is stipulated.</p> <p><i>Swazi Nation Land</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"> 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 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, section 3. http://www.sea.org.sz/categdocs.asp?cid=3 Grass Fire Act, 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 	<ul style="list-style-type: none"> Gush, Mark. (2018). Modelling streamflow reductions resulting from commercial afforestation in South Africa: From research to application. 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%20 	<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><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 is 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 include an expiry date, and should be verified to be valid for the period in question.</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"> 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 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> <p>Swaziland Environmental Authority and SEA officers</p> <p>Department of Forestry</p> <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 	<p>20Woodlands%20Symposium.pdf.</p> <ul style="list-style-type: none"> Bennett, B and Kruger, K. 2015. Forestry and Water Conservation in South Africa - History, Science and Policy. http://press-files.anu.edu.au/downloads/press/p328171/html/title.xhtml?referer=&page=2# 	<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 requirements 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. Section 19 prohibits the removal of plants from a natural habitat without permission from the regulating authority.

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"> Water Use Permit Effluent Control Permit 		<ul style="list-style-type: none"> 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 Swaziland, 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 requires that permits for other water extraction be acquired from the regulating authority.</p>

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			<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 Tourism & Environmental Affairs (Department 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 (SEA). <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 are discretionary, it is not possible to externally verify compliance with these requirements.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<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 (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.</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 91per cent of the plantations in Swaziland are certified are FSC FM certified.</p> <p>FSC Forest Management public certification reports, available from info.fsc.org, indicate there was no non-compliances relating to this indicator.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<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 2018, 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 Private Freehold or Title Deed Land (TDL); Crown or State Land; and non-indigenous species (e.g. wattle, pine and eucalyptus) from Swazi Nation Land (SNL).</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>
1.11 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. 	<p>Government sources</p> <ul style="list-style-type: none"> Ministry of Commerce, Industry and Trade - 	<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</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.ilo.org/dyn/natlex/docs/SERIAL/60458/51832/F775087869/SWZ60458.pdf</p> <p>Employment Act 1980, No. 5/1980 - http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=11933',550,350</p> <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>http://www.gov.sz/home.asp?pid=2673</p> <p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Swaziland, December 2016. FSC, 2017. Facts and Figures July 2017. Available: https://ic.fsc.org/file-download.facts-figures-july-2017.a-2020.pdf, accessed 25 July 2017. International Labour Organization ILO, 2013. LEGOSH – Swaziland 2013. Available: http://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_YEAR:SWZ,2013:NO. International Trade Union Confederation (ITUC) (a), 2009. Swaziland: the repressive side of an absolute monarchy. Available: https://www.ituc-csi.org/swaziland-the- 	<p>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)) The OSHA obliges an employer to ensure that there exist 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

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>repressive-side-of, accessed 25 July 2017.</p> <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. Available: https://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf, accessed 25 July 2017. International Trade Union Confederation (ITUC), 2015. Main findings of the ITUC Solidarity Visit to Swaziland. Available: https://www.ituc-csi.org/main-findings-of-the-ituc, accessed 25 July 2017. 	<p>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)</p> <ul style="list-style-type: none"> 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 employers 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)) 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." OHSA No. 9 of 2001). (S 9(6) Duty to take reasonable steps to protect their own safety and health: "No person, including employer or employee or any

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"> U.S. Department of Labor Bureau of International Labor Affairs, 2003 Findings on the Worst Forms of Child Labor, Swaziland, p. 384, 2004 in Solidarity Centre, 2006. Justice for All – The struggle for workers rights in Swaziland. Available: https://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf, accessed 24 July 2017. 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&dliid=265308, accessed 24 July 2017. • Expert consultation conducted in Swaziland, December 2016. US Department of Labor, Bureau of International Labor Affairs, 2015. Findings 	<p>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 S 8(1)</p> <ul style="list-style-type: none"> 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 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 S 28(2) Employers’ duty to notify OSH authorities of work related death and/or injuries to health – OHS 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 also requires each employer to keep and accident book in the prescribed format at the workplace.</p>

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		<p>on the Worst Forms of Child Labor, Swaziland. Available: https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland, accessed 25 July 2017.</p> <ul style="list-style-type: none"> UNICEF, 2017. The political economy of Swaziland https://www.unicef.org/esaro/UNICEF_Swaziland_2017_The_Political_Economy_of_Swaziland.pdf. 	<p>The <i>Regulation Of Wages (Forestry And Forest Industry) Order</i>, (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> <p>Description of risk</p> <p>Approximately 91 per cent of the plantations in Swaziland are FSC FM certified, via four certificates. The remaining 9% of land is owned/managed by Smallgrowers on SNL (4.5%) which a small percentage utilise contractors in harvesting and extraction activities. Activities on SNL are mostly carried out by the growers and their families/ community. The OHSA, Employment Act, Workman's Compensation Act and Regulation of Wages would not apply unless contractors are utilised with their own labour. As indicated in the Overview of the NRA, the average size of farm plots per smallholder on SNL is 2 hectares.</p> <p>The remainder of uncertified afforested land under the State (CL) and medium sized corporates and farmers (4.5%) which are monitored and evaluated by the Ministry of Labour.</p> <ul style="list-style-type: none"> The current assessment and research shows no forestry sector specific evidence of non-compliance in regards to these legal requirements. Discussions with officials from the Department of Labour and other experts consulted during the December 2016 consultation revealed that there are high levels of monitoring of private companies, and high levels of compliance seen in this monitoring. The records of this monitoring are not publically available There is no evidence that the Department of Labour conducts similar evaluations of SNL, although the legal requirements are also applicable there, where contractors are utilised. It should be noted that management operations are carried out by the

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			<p>growers, limited use of contractors (1-2% of afforested land on SNL) are utilized in the harvesting and extraction of timber.</p> <ul style="list-style-type: none"> 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. <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> <p><i>Private Freehold or Title Deed Land (TDL) and State Managed or Crown Land (CL)</i></p> <p>4.5% of forestry land 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 Swaziland relating to</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>this indicator, but no forestry specific information can be found in the public domain, but is available in discussion with the Ministry of Labour. 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>The scale and impact is 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. http://www.ilo.org/dyn/natlex/docs/SERIAL/27203/96682/F749496332/SWZ27203.pdf • 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 	<p>Government sources</p> <ul style="list-style-type: none"> • Swaziland National Provident Fund - http://www.sn timer.co.sz/index.php/legislations <p>Non-Government sources</p> <ul style="list-style-type: none"> • Expert consultation conducted in Swaziland, December 2016. • Solidarity Centre, 2006. Justice for All – The struggle for workers' rights in Swaziland. Available: https://www.solidaritycenter.org/wp-content/uploads/2015/0 	<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 act sets out the minimum requirements for an employment contract. <p><i>Discrimination and women</i></p> <ul style="list-style-type: none"> • The labor law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, religion, political 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. • Section 101 governs the employment of women, and restricts their working hours. It stipulates that women cannot work

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.ilo.org/dyn/natlex/docs/SERIAL/97396/115555/F1042164654/SWZ97396.pdf</p> <ul style="list-style-type: none"> • 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 • 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>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 Age 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 	<p>1/Swaziland-JFA.2006.pdf, accessed 24 July 2017.</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&dliid=265308, accessed 24 July 2017. • U.S. Department of Labor Bureau of International Labor Affairs, 2003 Findings on the Worst Forms of Child Labor, Swaziland, p. 384, 2004 in Solidarity Centre, 2006. Justice for All – The struggle for workers' rights in Swaziland. Available: https://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf, accessed 24 July 2017. • US Department of Labor, Bureau of International Labor Affairs, 2015. Findings on the Worst Forms of 	<p>between 10 p.m. and 6 a.m. without permission of the Labor Commissioner</p> <ul style="list-style-type: none"> • 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 wages 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 Labor 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 emalangeni (\$52) for a semiskilled worker in the forestry industry, and 1,060 emalangeni (\$71) for a skilled worker in the forestry industry. • 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

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"> • Accident Register / Book 	<p>Child Labor, Swaziland. Available: https://www.dol.gov/agencies/ilab/resources/reports/child-labor/swaziland, accessed 25 July 2017.</p> <ul style="list-style-type: none"> • International Trade Union Confederation (ITUC), 2015. Main findings of the ITUC Solidarity Visit to Swaziland. Available: https://www.ituc-csi.org/main-findings-of-the-ituc, accessed 25 July 2017. • 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. Available: https://www.ituc- 	<p>details, protective clothing requirements and general health requirements, first aid and medical aid, pension funds and housing provision.</p> <ul style="list-style-type: none"> • 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 registered and contribute towards the National Provident Fund. The Swaziland 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 labor</i></p> <ul style="list-style-type: none"> • In 2002, Swaziland ratified ILO Convention No. 138 on the Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labor. Swaziland also ratified the UN Convention on the Rights of the Child in 1995, and signed the African Charter on the Rights and Welfare of the Child in 1995, but has not yet ratified it. Swaziland has ratified ILO Convention No. 29 on Forced Labor and Convention No. 105 on the Abolition of Forced Labor.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf, accessed 25 July 2017.</p> <ul style="list-style-type: none"> International Trade Union Confederation (ITUC) (a), 2009. Swaziland: the repressive side of an absolute monarchy.. Available: https://www.ituc-csi.org/swaziland-the-repressive-side-of, accessed 25 July 2017. FSC, 2017. Facts and Figures July 2017. Available: https://ic.fsc.org/file-download/facts-figures-july-2017.a-2020.pdf, accessed 25 July 2017. 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/r 	<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 Labor, 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 labor. <p><i>Forced labor</i></p> <ul style="list-style-type: none"> Swaziland law and the new constitution prohibit forced or bonded labor, including by children. The Employment Act includes requirements relating to forced labour. The law prohibits most forms of forced or compulsory labor, but it also exempts "communal services" from the definition of forced

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		eports/child-labor/swaziland	<p>labor, 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> <p>Freedom of association and right to strike</p> <ul style="list-style-type: none"> Swaziland 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. The 2000 IRA effectively hinders the right to strike by requiring a strike application process that lasts approximately 74 days and by imposing additional barriers, including requirements for a secret-ballot vote of the workers and for exhaustion of all other avenues of negotiation. 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 labor organization as a collective employee representative if less than 50 percent of the employees are members of the organization.

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"> • 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 favorable 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 labor the power to "intervene" in labor 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 ability of workers to enforce their rights is extremely limited. For example, all labor-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 Labor and Social Security is responsible for enforcement of labor laws but faces significant resource challenges, including a lack of motor vehicles and inability to hire additional staff. There were only an estimated 20 labor inspectors serving the entire country, and while the labor commissioner's office conducted inspections in the formal sector, it did not have the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>resources to conduct inspections in the informal sector. The government also undertook an initial review of the status of labor 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. <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 labor</i></p> <ul style="list-style-type: none"> Swaziland has ratified the 8 ILO Core conventions. According to the Solidarity Centre, Violations of child labor 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.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>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><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 revealed that the gender quality and equal pay was prevalent in their operations (4,5% of afforested uncertified land). <p><i>Forced labor</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 labor practices reportedly occurred. Victims of forced labor included women and children in domestic servitude, agricultural labor, 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 labor, 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 labor, 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 labor, provides an exception for “any labour (e) reasonably required as part of reasonable and

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>normal parental, cultural, communal or other civic obligations, unless it is repugnant to the general principles of humanity," seemingly exempting tribute labor 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 labor 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 Labor 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

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<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). • 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. The 2000 IRA effectively hinders the right to strike by requiring a strike application process that lasts approximately 74 days and by imposing additional barriers, including requirements for a secret-ballot vote of the workers and for exhaustion of all other avenues of negotiation. <p><i>Right to Strike</i></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"> • 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. The 2000 IRA effectively hinders the right to strike by requiring a strike application process that lasts approximately 74 days and by imposing additional barriers, including requirements for a secret-ballot vote of the workers and for exhaustion of all other avenues of negotiation. <p>A large percentage of work on Swazi Nation land is informal and family base. Labour laws would not apply in these cases, as there is 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> <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</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>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 Swaziland, 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 0 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, 91per cent of the plantations in Swaziland were FSC FM certified, and four certificates.</p> <p>Approximately 5.5 % 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 3.5% falls under SNL, which may use contractors (1 -2%), majority utilise community or own families to carry out activities.</p> <p><i>Risk conclusion</i></p> <p>Low risk for SNL,</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<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</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 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 laws covering customary rights in Swaziland. 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, there are not legal requirements in place relevant to this indicator.</p>
1.14 Free prior and	Applicable laws and regulations	N/A	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
informed consent	N/A Legal Authority N/A Legally required documents or records N/A		There are no laws covering Free Prior Informed Consent in Swaziland. 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. 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, there are not legal requirements in place, relevant to this indicator.
1.15 Indigenous peoples rights	Applicable laws and regulations N/A Legal Authority N/A Legally required documents or records N/A	N/A	N/A There are no “indigenous people” as defined in UNDRIP recognized in Swaziland, therefore this indicator does not apply.
Trade and transport			
1.16 Classification of species, quantities, qualities	Applicable laws and regulations N/A Legal Authority N/A Legally required documents or records N/A	N/A	N/A 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	Non-Government sources	Overview of Legal Requirements

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"> Private Forest Act, section 3(a)(i) <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <ul style="list-style-type: none"> Permission from the owner of the timber. 	<p>Expert consultation conducted in Swaziland, December 2016.</p> <p>FSC, 2017. Facts and Figures July 2017. Available: https://ic.fsc.org/file-download/facts-figures-july-2017.a-2020.pdf, accessed 25 July 2017.</p>	<p>Currently the only 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.</p> <p>There are no requirements relating to the transportation of timber from SNL or CL.</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, 89 per cent of the plantations in Swaziland were FSC FM certified, and four certificates. There is no available information that would justify a finding of specified risk for the remaining 11 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>	N/A	<p>N/A</p> <p>There are no formal transfer pricing regulations in Swaziland. 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
	Legally required documents or records N/A		
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 Swaziland, December 2016. World Trade Organisation WTO, 2015. Trade Policy Review – Report by the Secretariat – South African Customs Union – Annex 5: Swaziland. Available: https://www.wto.org/english/tratop_e/tpr_e/s324-04_e.pdf, accessed 25 July 2017. World Bank, 2018. Doing Business 2018. Available: http://www.doingbusiness.org/data/exploreeconomies/swaziland?topic=trading-across-borders, accessed 15 April 2018. 	<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 Swaziland shall stop for a customs official, while section 9 defines when goods are deemed to be imported into Swaziland and section 11 defines what is meant by goods being imported or exported overland from Swaziland 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 Swaziland.</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 Swaziland, 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>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Any individual or company engaged in importing and/or exporting goods requires a trading license. In addition, any person wishing to 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 Swaziland 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 Swaziland 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 Swaziland are transshipped 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 Swaziland 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 Swaziland were FSC FM certified, and four certificates. There is no available information that would justify a finding of specified risk for the remaining 9 per cent of plantations as all uncertified timber enters the FSC supply chain in Swaziland or South Africa. • 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 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. There</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>is a low risk of Natural timber species entering the FSC supply chain.</p> <p>Risk conclusion</p> <p>Low risk for Private Freehold or Title Deed Land (TDL); Crown or State Land; and non-indigenous species (e.g. wattle, pine and eucalyptus) from Swazi Nation Land (SNL).</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>
1.20 CITES	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Swaziland 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. <p>Legal Authority</p> <ul style="list-style-type: none"> Kingdom of Swaziland's Big Game Parks Directorate of Public Prosecutions Department of Customs and Excise Royal Swaziland Police <p>Legally required documents or records</p> <ul style="list-style-type: none"> CITES Export Permit 	<p>Non-Government sources</p> <ul style="list-style-type: none"> Expert consultation conducted in Swaziland, 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, accessed 25 July 2017. 	<p>Overview of Legal Requirements</p> <p>While CITES is considered in Swaziland legislation, currently it does not affect the timber industry in Swaziland.</p> <p>There are no CITES listed tree species growing in Swaziland.</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>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>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	Applicable laws and regulations N/A Legal Authority N/A Legally required documents or records N/A	N/A	N/A There are no legal requirements relating to due diligence and due care procedures in force in Swaziland.

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
1.1 Land tenure and management rights	N/A
1.2 Concession licenses	N/A
1.3 Management and harvesting planning	N/A
1.4 Harvesting permits	N/A
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
1.8 Timber harvesting regulations	N/A
1.9 Protected sites and species	N/A
1.10 Environmental requirements	N/A
1.11 Health and safety	N/A

Indicator	Control measures (M – mandatory / R – recommended)
1.12 Legal employment	<p>For the sourcing of timber from TDL and CL</p> <p>Obtain electronic evidence of the following:</p> <ul style="list-style-type: none"> Workers have formal employment contracts with inclusions as per legislative requirements The option to collectively bargain and the right to organize is not restricted <p>Note – Sample of contracts and other forms of agreements to be carried out annually.</p>
1.13 Customary rights	N/A
1.14 Free prior and informed consent	N/A
1.15 Indigenous peoples 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	N/A
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	Specified risk for right to freedom of association and collective bargaining;
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	
2.2	For TDL and CL – Obtain evidence of formalised employment contracts which include core labour rights. There are no restrictions to bargain collectively or the right to organise.
2.3	

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: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 215 countries (most recently for 2005–2015), 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 2015 (latest available year) Swaziland scores between 11.33 (for Voice and Accountability) and 48.08 (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 Swaziland 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 Swaziland 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> "Swaziland 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	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.

	<p>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)</p> <p>Freedom of Association and Assembly</p> <p>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.</p> <p>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.</p> <p>Human Rights Defenders</p> <p>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.</p> <p>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 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</p> <p>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</p>		
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	<p>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</p> <p>Swaziland'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</p> <p>Search on website for [country] + 'human rights'</p>	<p>https://www.usaid.gov/swaziland/our-work</p> <p>Last updated: November 03, 2016</p> <p>“Democracy, Human Rights and Governance</p> <p>Although Swaziland 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 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.”</p>	Country	
<p>Global Witness: www.globalwitness.org</p> <p>Search on website for [country] + 'human rights'</p>	<p>This source contains no information on human rights violations in Swaziland after searching 'Swaziland human rights'</p>	Country	
<p>http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/</p>	<p>http://wwf.panda.org/about_our_earth/deforestation/deforestation_causes/illegal_logging/</p> <p>This source contains no information on Swaziland</p> <p>http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf</p> <p>Tackling Illegal Logging and the Related Trade - What Progress and Where Next? Chatham House Report – July 2015</p> <p>This source contains no information on Swaziland</p> <p>http://wwf.panda.org/_core/general.cfc?method=getOriginalImage&ulmgID=%26%2AR%5C%27%21%3EW5%0A</p> <p>Map Illegal Logging – Countries with high rates of illegal logging</p> <p>Swaziland is not mentioned on this map</p>	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 Swaziland	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/	http://www.transparency.org/cpi2015#map-container The Transparency International Corruption Perceptions Index has no information on Swaziland	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> "Swaziland Some prisoners of conscience and political prisoners were released but repressive legislation continued to be used to suppress dissent. Freedoms of expression, association and peaceful assembly continued to be restricted. BACKGROUND The USA ended Swaziland'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 Mhlana, 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	Country	

	<p>pressure as a consequence of their advocacy of human rights, respect for the rule of law or political reforms.[...]</p> <p>WOMEN'S RIGHTS</p> <p>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 narrow definition of rape and excludes marital rape, among other concerns.”</p> <p>(p. 345-347)</p>		
<p>Freedom House</p> <p>http://www.freedomhouse.org/</p>	<p>https://freedomhouse.org/report/freedom-world/freedom-world-2017</p> <p>The status of Swaziland 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 Swaziland 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 Swaziland 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.</p> <p>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 others 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 degree of both official censorship and self-censorship, primarily on</p>	Country	

	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> Swaziland 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> Swaziland 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 Swaziland 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: Swaziland 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 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.		Country	
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 Global Witness: www.globalwitness.org	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> There is no UN Security Council ban on timber exports from Swaziland Swaziland is not covered by any other international ban on timber export . There are no individuals or entities involved in the forest sector in Swaziland that are facing UN sanctions .	Country	Low risk
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 Swaziland.	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	This source contains no information that leads to a 'specified risk' indication after searching Swaziland + 'conflict timber'	Country	Low risk

http://www.amnesty.org World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 213 economies (most recently for 2004–2014), 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 2015 (latest available year) Swaziland scores 29.52 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 Swaziland as a source of conflict timber, and the forest sector is not associated with any violent armed conflict in Swaziland. The following low risk thresholds apply: (1) The area under assessment is not a source of conflict timber ² ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.		Country	Low risk
Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work. Guidance <ul style="list-style-type: none"> Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) Are rights like freedom of association and collective bargaining upheld? Is there evidence confirming absence of compulsory and/or forced labour? Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? Is there evidence confirming absence of child labour? 			

² "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal.

- Is the country signatory to the relevant ILO Conventions?
- Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?
- Are any violations of labour rights limited to specific sectors?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
<p>Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p> <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COU_NTRY_ID:103336</p> <p>Swaziland ratified all 8 ILO Core conventions and the status of these ratified Conventions is: "in force".</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3254514:NO <i>Observation (CEACR) - adopted 2015, published 105th ILC session (2016)</i> <i>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Swaziland (Ratification: 1978)</i> "The Committee notes the discussion which took place at the Conference Committee in June 2015. The Committee observes that the Conference Committee took note of the information provided by the Government relating to the amendment made to the Industrial Relations Act (IRA) by virtue of which the Trade Union Congress of Swaziland (TUCOSWA), the FSE&CC, and the Federation of Swaziland Business Community (FSBC) are now registered. The Conference Committee also referred to the commitment by the Government to fully ensure the full operationalization of all the tripartite structures in the country by inviting the federations to nominate their members on the various statutory bodies in order to assist in maintaining a healthy social dialogue in the country. Concerning developments in relation to pending issues, the Conference Committee, in its conclusions, urged the Government, among other things: (i) to release unconditionally Mr Thulani Maseko, TUCOSWA's lawyer, who was serving a jail term; (ii) to ensure that all workers' and employers' organizations are fully assured of their freedom of association rights in relation to the registration issue, in particular to register the Amalgamated Trade Union of Swaziland (ATUSWA) without delay; (iii) to amend section 32 of the IRA to eliminate the discretion of the Commissioner of Labour to register trade unions; (iv) to amend 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 Convention; (v) to adopt the Code of Good Practice for protest and industrial action; and (vi) to address issues in relation to the Public Services Bill and the Correctional Services Bill in consultation with the social partners. [...] The Committee further notes from the Government that another federation, the Federation of Swaziland Trade Unions (FESWATU), had been registered in</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Low Risk</p> <p>Low risk for Freedom of Association and the Right to Organise</p> <p>Specified risk for Freedom of Association and the Right to Organise</p>

	<p>June 2015. The Committee urges the Government to indicate the steps taken to register ATUSWA as requested by the Conference Committee.</p> <p>Furthermore, the Committee notes with satisfaction that TUCOSWA's lawyer, Mr Thulani Maseko, was released unconditionally on 30 June 2015 by a decision of the Supreme Court.</p> <p>Legislative issues. The Committee takes due note of the information provided by the Government on the status of its long-standing requests concerning amendments and modifications to the following legal texts:</p> <ul style="list-style-type: none"> -The Public Service Bill: The Committee notes that the Bill was approved by Cabinet and has been published in the Gazette as Legal Notice No. 16 of 2015 and is lying open for public comments before being tabled in Parliament for debate and promulgation. The Government adds that dialogue on the Bill is still ongoing on some issues. -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. -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. -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. 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>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</p>	Country	Low risk for Freedom of Association and the Right to Organise
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	<p>Commissioner of Labour is contrary to good practice. The Committee trusts that this issue will be brought to the relevant national tripartite structure for discussion and requests the Government to indicate any developments in this regard.</p> <p>Lastly, with regard to the conclusions of the Conference Committee in relation to the amendment to the Suppression of Terrorism Act, the Committee requests the Government to indicate any consultation with the social partners in this regard and its outcome."</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3254580:NO</p> <p><i>Observation (CEACR) - adopted 2015, published 105th ILC session (2016)</i> <i>Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Swaziland (Ratification: 1978)</i></p> <p>"Articles 1 and 2 of the Convention. Protection against acts of anti-union discrimination and interference. The Committee had previously requested the Government to indicate measures taken to ensure that workers and their organizations are effectively protected against acts of interference and anti-union discrimination. In its reply, the Government recalls that this was part of the agenda of the Labour Advisory Board, which acknowledged the need for a study to be undertaken especially in the textile sector which is the most affected. The Government also considers an awareness-raising campaign through radio programmes and road shows as well as on-the-ground work by the Labour Inspectorate, in order to discourage interference and anti-union discrimination behaviours. The Government adds that the ILO technical assistance will be sought. It also informs that the worker members of the Labour Advisory Board noted, in relation to the Government's report, that trade union meetings are still monitored by the police despite their registration. The Committee requests the Government to provide information on any development with regard to the measures envisaged to ensure that workers and their organizations are effectively protected against acts of interference and anti-union discrimination, in accordance with the Convention.</p> <p>Article 4. Promotion of collective bargaining mechanisms. The Committee had previously requested the Government to provide information on the status of collective bargaining in all sectors, including in export processing zones (EPZs), following the entry into force of 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. 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</p>	Country	Specified risk for Freedom of Association and the Right to Organise
		Textile sector in Country	Specified risk for Freedom of Association and the Right to Organise
		Country	Specified risk for Right to Organise and Collective Bargaining

	<p>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 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) - Swaziland (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</p>	<p>Country</p> <p>Textile sector in Country</p> <p>Public sector in country</p>	<p>Low risk for Right to Organise and Collective Bargaining</p> <p>Specified risk for Right to Organise and Collective Bargaining</p> <p>Low risk for Right to Organise and Collective Bargaining</p>
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	<p>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 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</p>	Country	Specified risk for equal remuneration
		Country	Specified risk for equal remuneration

	<p>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 indicate how it ensures concretely that job evaluation methods used in the private sector are gender bias free.</p>	Country	Specified risk for equal remuneration
	<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>	Country	Specified risk for equal remuneration
	<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</p>	Country	Specified risk for equal remuneration

	<p>employed in the different industries and occupations in the public and private sectors, and their earnings.”</p> <p>https://cangoswaziland.wordpress.com/category/gender/ Swaziland 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 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>http://www.ulandssekretariatet.dk/sites/default/files/uploads/public/PDF/LMP/lmp_swaziland_2013_final_version.pdf Swaziland 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 2006 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 <i>Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Swaziland (Ratification: 1981)</i> “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 hostile environment sexual harassment in employment and occupation, in accordance</p>	Country	Specified risk for equal remuneration
		Country	Low risk for discrimination
		Country	Low risk for discrimination
		Country	Specified risk for discrimination in the labour market

	<p>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 Swaziland, Case No. 97/2002, Thomas Maphosa USA Distillers v. Kenneth Joseph English and William De Kock (deceased) IC. The Committee notes that statement.</p>	Country	Specified risk for sexual harassment
	<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>	Country	Low Risk for sexual harassment
	<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 discrimination is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in, or the absence of, practical access to procedures, or fear of reprisals (see General Survey on the fundamental Conventions, 2012, paragraph 870). In this regard, the Committee asks the Government to provide information on the measures envisaged to ensure effective enforcement of the non-discrimination provisions in the Employment Act, for example by allowing the inspectorate unit of the Ministry of Labour and Social Security to monitor, remedy and sanction instances of discrimination in the workplace, as well as the training of labour</p>	Country	Specified risk for discrimination in the labour market

	<p>inspectors on the application of the principles of equality and non-discrimination at work so that they can carry out their primary functions in this important area.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148962:NO</p> <p><i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Forced Labour Convention, 1930 (No. 29) - Swaziland (Ratification: 1978)</i> “Articles 1(1) and 2(1) of the Convention. Legislation concerning compulsory public works or services. The Committee previously noted that the Swazi Administration Order No. 6 of 1998 provided for the duty of Swazis to obey orders requiring participation in compulsory works, such as compulsory cultivation, anti-soil erosion works and the making, maintenance and protection of roads, enforceable with severe penalties for non-compliance. The Government indicated that this Order had been declared null and void by the High Court of Swaziland (Case No. 2823/2000). The Committee noted, however, the 2011 communication of the Swaziland Federation of Trade Unions (SFTU) alleging that the High Court’s nullification of the Order did not assist in halting forced labour practices, as these practices are rooted in the well-established and institutionalized customary law through cultural activities which are largely unregulated. These allegations indicated that the customary practice of Kuhlehla (rendering services to the local chief or king) is still practiced and enforced with punitive measures for refusal to attend.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148628:NO</p> <p><i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Minimum Age Convention, 1973 (No. 138) - Swaziland (Ratification: 2002)</i> “Part V of the report form. Application of the Convention in practice. The Committee previously noted the Government’s indication that the labour inspection management system was in the process of being computerized and that the data on child labour would be compiled and kept thereafter. The Committee notes the Government’s information that, due to lack of resources, the labour inspection management system is not operational, and that data is still being compiled manually. It notes, however, the Government’s indication that the Labour Force Survey is currently being conducted and that this survey includes questions on the employment of children. In addition, the Government indicates that the Central Statistical Office is being assisted by the ILO in order to conduct a fully fledged survey on child labour. The Committee requests the Government to supply the results of the Labour Force Survey pertaining to the employment of children, as well as the results of the survey on child labour, once completed. It also requests the Government to provide a general appreciation of the manner in which the Convention is applied in</p>	Country	Specified risk for discrimination in the labour market
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	<p>practice, including extracts from inspection services reports, and information on the number and nature of contraventions reported.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148631:NO</p> <p><i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Minimum Age Convention, 1973 (No. 138) - Swaziland (Ratification: 2002)</i></p> <p>“Article 1 of the Convention. National policy. The Committee previously noted the allegations made by the Swaziland Federation of Trade Unions (SFTU) that there was no national policy or action programme for the elimination of the worst forms of child labour and that there was no political will on the part of the Government to address the legislative and policy issues concerning child labour.</p> <p>The Committee notes the Government’s indication that the redrafting of the proposed Employment Bill and of the National Action Programme on the Elimination of the Worst Forms of Child Labour (NAP–WFCL) 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. 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</p>	Country	Specified risk for forced labour
		Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>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> <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 Swaziland.</p> <p>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 Swaziland.</p>	Country	Specified risk for child labour
	<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>	Country	Low risk for child labour
		Country	Specified risk for child labour

	<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 Swaziland, 9.3 per cent of children 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> <i>Worst Forms of Child Labour Convention, 1999 (No. 182) - Swaziland (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 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</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>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.</p> <p>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.</p> <p>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 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</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>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. 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> <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 Swaziland 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 Swaziland 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</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour
		Country	

	<p>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>	Country	<p>Specified risk for child labour</p> <p>Specified risk for child labour</p>
<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>	Country	Low risk
<p>ILO Child Labour Country Dashboard: http://www.ilo.org/pec/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>	Country	Low risk
<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>	Country	Low risk
<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>	Country	-

	Swaziland's report to the Committee on Rights of the Child was due on 5 April 2011 but has not been submitted.		
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	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 10. The Committee notes that the State party has a pluralistic legal system in which customary and statutory law are applicable side by side with Roman-Dutch law. The Committee is, however, concerned that some elements of customary and statutory law are not in compliance with the Convention. The Committee is particularly concerned that the State party has yet to establish a law review commission with a mandate to review and harmonize all laws with the Convention. The Committee regrets that section 28 (2) of the Constitution states that the provision of the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement is subject to availability of resources. The Committee is also concerned that the State party has not fully incorporated the Convention into its national law and has not yet acceded to the Optional Protocol to the Convention. (p. 3) [...] Access to justice and legal complaint mechanisms 12. The Committee is concerned that there is no legal aid scheme in the State party and that complex legal procedures, exorbitant legal fees and the geographical inaccessibility of courts impede women's access to justice. The Committee is also concerned that the bill on legal aid has yet to be enacted into law. The Committee is further concerned about the 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. The Committee is concerned at reports that the Commission has inadequate financial and human resources. 9p. 3-4) [...]	Country	Specified risk for discrimination against women.
		Country	Specified risk for discrimination against women.
		Country	Specified risk for discrimination against women.

	<p>National machinery for the advancement of women</p> <p>14. The Committee notes that the Gender and Family Issues Unit, which acts as the national machinery for the advancement of women, has been elevated to a department within the Office of the Deputy Prime Minister, but is concerned that it is extremely underresourced in both human and financial terms. The Committee is also concerned that gender focal points in line ministries have multiple duties and responsibilities that affect their effectiveness as gender focal points. The Committee is further concerned at the lack of systematic gender mainstreaming and gender budgeting, in addition to the lack of sex-disaggregated data to enable adequate monitoring and evaluation of the implementation of the action plan of the national gender policy of 2010. (p. 4) [...]</p> <p>Employment</p> <p>32. The Committee is concerned about the continued occupational segregation between women and men in the labour market and the fact that women are concentrated in low-paid jobs in the informal economy. The Committee is also concerned about the non-compliance by the private sector with the provisions of the Employment Act that provide for 12 weeks of maternity leave. The Committee is further concerned at the lack of provisions in the law of the State party explicitly prohibiting sexual harassment in the workplace and that the bill on employment, which contains such a provision, is yet to be enacted into law. (p. 9) [...]</p> <p>Rural women</p> <p>36. While noting the efforts of the State party to protect equal access to land under section 211 of the Constitution, the Committee is concerned that women, especially those in rural areas, continue to face barriers to acquiring land owing to prevailing discriminatory customary laws and structures. The Committee is also concerned at reports that women are largely excluded from participating in decision-making on matters of rural development and policy owing to persisting negative social and cultural norms regarding their participation. The Committee is further concerned at the lack of income-generating opportunities for rural women." (p. 10) [...]</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fFUL%2fSWZ%2f25975&Lang=en <i>Follow up letter sent to Swaziland – 6 December 2016</i> [...] "You may recall that in paragraph 50 on follow-up on the concluding observations, the Committee requested the Kingdom of Swaziland to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9 and 21 of the concluding observations, namely: "25. The Committee calls upon the State party to adopt a comprehensive legal definition of discrimination against women in line with article 1 of the Convention, covering all prohibited grounds of discrimination, including sex</p>	Country	Specified risk for discrimination against women.
		Country	Specified risk for discrimination against women in the workplace
		Country	Specified risk for discrimination against women

	<p>and marital status, by amending section 20 of the Constitution or adopting other appropriate national legislation. The State party should urgently adopt the laws and policies that are pending, such as the bills on marriage, administration of estates, transnational crime, employment, legal aid and sexual offences and domestic violence and the land policy, and 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." [...]</p> <p>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>	Country	Specified risk for discrimination against women
Human Rights Watch: http://www.hrw.org/	<p>https://www.hrw.org/news/2016/09/22/swaziland-should-implement-past-universal-periodic-review-recommendations-ensure</p> <p><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></p> <p>"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</p> <p><i>SADC: Reverse Downward Slide on Rights – 30 August 2016</i></p> <p>"[...] The Southern African Development Community (SADC) should take concrete steps to improve respect for human rights among its 15 member countries. [...]</p> <p>In Swaziland, which takes over as SADC chair for the next 12 months, human rights conditions have deteriorated significantly. The government has imposed</p>	Country	<p>Specified risk for freedom of association</p> <p>Specified risk for Right to Organise</p>

	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/ Child Labour Index 2014 Swaziland is labeled "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 2016 LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR	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 2016 LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR "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, Swaziland, Togo, Tunisia, and Venezuela.	Country	-
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/new-ituc-global-rights-index-the?lang=en	http://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf The ITUC Global Rights Index 2016 Swaziland 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" (p. 13) "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. Civil servants held pickets every Wednesday to protest at the secrecy surrounding the pay review. Civil servants in Swaziland are banned from organising protest demonstrations and therefore resorted to more flexible and	Country	Specified risk for the rights to freedom of association, collective bargaining and strike

	<p>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 Swaziland'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:</p> <p>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 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>		
Gender wage gap (in OECD countries) http://stats.oecd.org/index.aspx?queryid=54751	http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm Swaziland is not a member of the OECD	Country	-

	<p>assembly and freedom of speech. In addition, the delegation, joined by COSATU and the AFL-CIO, intended to conduct solidarity visits to political and human rights activists imprisoned for exercising their right to free speech. 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.</p> <p>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 continues 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 <i>United States Department of Labor – Bureau of International Labor Affairs - Child Labor and Forced Labor Reports – Swaziland</i></p> <p>"In 2015, Swaziland made efforts to eliminate the worst forms of child labor, but was also complicit in the use of forced child labor. While the Government continued its Free Public Education Program by paying school fees for children to attend primary school and expanded this program to cover grade seven, Swaziland 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 Swaziland are also engaged in child labor, 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 labor in domestic work and livestock herding."</p>	Country	Specified risk for labour rights
		Country	Specified risk for child labour and forced labour

	<p>Table 1. Statistics on Children's Work and Education Working children, ages 5 to 14 (% and population): 11.7 (35,368) School attendance, ages 5 to 14 (%): 92.5 Children combining work and school, ages 7 to 14 (%): 13.0 Primary completion rate (%): 79.0 [...]</p> <p>Table 2. Overview of Children's Work by Sector and Activity <u>Sector/Industry:Activity</u> 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 Labor: Forced labor 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"</p> <p>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 Swaziland is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude, primarily in Swaziland 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 labor in commercial agriculture, including cattle herding, and market vending within the country. Traffickers reportedly force Mozambican women into prostitution in Swaziland, or transit Swaziland en route to South Africa. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and portering; some of these boys subsequently become victims of forced labor. Reports suggest labor 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 labor in South Africa's timber industry. Traffickers utilize Swaziland as a transit country for transporting foreign victims from beyond the region to South Africa for forced labor. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work."</p>	Country	Low risk for child labour in forestry
		Country	Low risk for child labour and forced labour in forestry
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 Swaziland. For instance, the impression is that in the		

	<p>rural communities women play a subservient role when in fact there are women in leadership positions and some are even chiefs or acting chiefs.</p> <p>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.</p>		
From national CW RA	Not available	Country	-
Conclusion on Indicator 2.2:		Country	Specified risk for right to freedom of association and collective bargaining;
<ul style="list-style-type: none">Not all social rights are covered by the relevant legislation in Swaziland. Swaziland 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 Swaziland 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 Swaziland'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 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.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 Swaziland 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 no evidence of discrimination in employment and wage disparity between males and females in the Forestry Sector. Within the formal sector (4.5% of afforested land), formal employment contracts stipulate working conditions and payment per job task. This does not vary for males and females. There is a significant number of women employed in the forestry sector, as opposed to sectors such as Mining in Swaziland. Stakeholder interviews with Ministry of Labor and uncertified land owners reflected that this was not a risk in forestry. This is therefore determined by the NRA-WG to be Low Risk			

<p>, The United States Department of Labor'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. Forestry is not mentioned, which is why on this issue the risk determination is low risk</p> <ul style="list-style-type: none"> Swaziland ratified all 8 ILO Core conventions and the status of these ratified Conventions is: "in force". <p>The following specified risk thresholds apply: (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>			
<p>Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.</p> <p>Guidance:</p> <ul style="list-style-type: none"> 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 Swaziland did not ratify ILO Convention 169	Country	Specified risk
Survival International: http://www.survivalinternational.org/	No information found on indigenous peoples in Swaziland	Country	Low risk
Human Rights Watch: http://www.hrw.org/	No information found on indigenous peoples in Swaziland	Country	Low risk
Amnesty International http://amnesty.org	No information found on indigenous peoples in Swaziland	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>	Country	Low risk

	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> Swaziland is not mentioned in the Indigenous World 2014-2016.		
United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx	http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx There is no country report on Swaziland Other reports of the United Nations Special Rapporteur on the rights of indigenous peoples do not mention Swaziland.	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*</i> Swaziland - 13 July 2016 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 Swaziland available of the UN Human Rights Committee http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SWZ&Lang=EN No report on Swaziland 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> Swaziland is not mentioned in this report http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf <i>Indigenous struggles 2012</i> Swaziland 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 Swaziland 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	Country	Low risk

	no information found on indigenous peoples in Swaziland		
Regional human rights courts and commissions: - 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	http://www.achpr.org/press/2016/03/d291/ <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> Indigenous peoples not mentioned in this press statement. http://www.achpr.org/mechanisms/indigenous-populations/ no information found on indigenous peoples in Swaziland	Country	Low risk
Data provided by National Indigenous Peoples', Traditional Peoples organizations;	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."	Country	Low risk
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;			
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	http://www.iwgia.org/regions/africa/indigenous-peoples-in-africa <i>Indigenous peoples in Africa - a general overview</i> Swaziland not mentioned in this overview	Country	Low risk
National land bureau tenure records, maps, titles and registration (Google)	http://www.everyculture.com/Sa-Th/Swaziland.html		
Relevant census data	History and Ethnic Relations Emergence of the Nation. The Nguni clans, which originated in East Africa in the fifteenth century, moved into southern Mozambique and then into present-day Swaziland; 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. [...]	Country	Low risk
- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.);	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.		
National/regional records of claims on lands, negotiations in progress or concluded etc.			
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)			
Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available			
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'			
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	-
Conclusion on Indicator 2.3: <ul style="list-style-type: none"> There are no indigenous peoples and no traditional peoples in Swaziland Therefore the following 'low risk' thresholds apply: <p>(16) There is no evidence leading to a conclusion of presence of indigenous and/or traditional peoples in the area under assessment;</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 do 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: Country – eSwatini
2. Scale of analysis:
 - Functional Scale: ownership (state, communal or private, commercial or small growers) or forest type (natural vs. plantation).
 - 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

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 plantations forestry in the country because 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 areas established in the 1930 -1950 period. 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 was 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 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 Swaziland Environmental Authority and Ministry of Tourism & Environmental Affairs (Department 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, Swaziland does not use natural forests and woodlands for commercial timber production. Sources of information checked also show no evidence of the current legislation in Swaziland 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 Swaziland Environmental Authority and Swaziland 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.

4.2. Application of Risk Assessment Methodology

Step 1: Determining a scale for homogenous risk designation

Spatial scale

The NRA has adopted the spatial (geographical) scale; namely quaternary catchment boundaries, for all HCV categories. This scale allowed for analyses at a much finer spatial resolution than the minimum recommended in the FSC procedure. Importantly, uncertified timber is only sourced from specific areas in the Country. The delivery note states which areas and farm details for traceability as per COC requirements.

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.
 - 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).

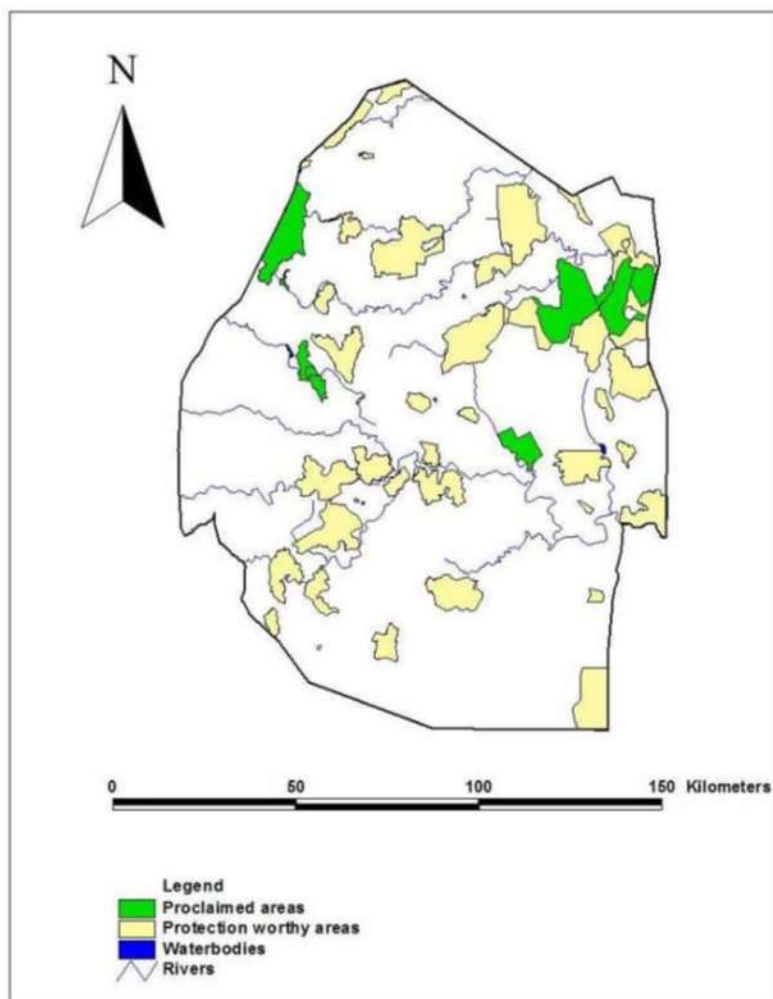


Figure 2: Protected Areas and Protection worthy areas in eSwatini (CEP Swaziland, 2006)

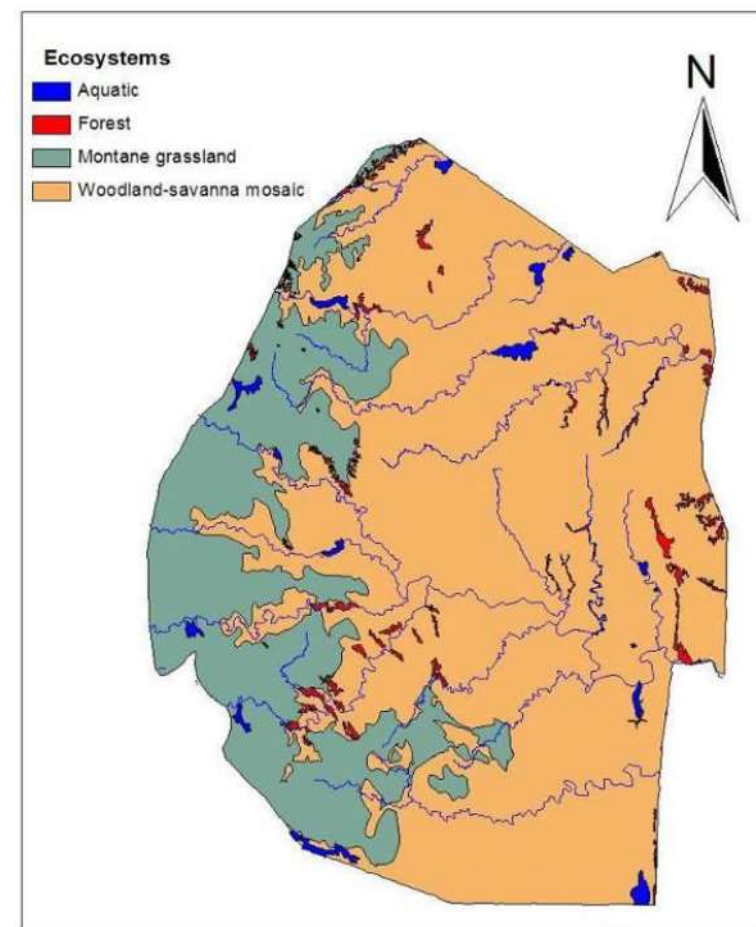


Figure 3: Remnants of Natural Forests in eSwatini (CEP Swaziland, 2006)

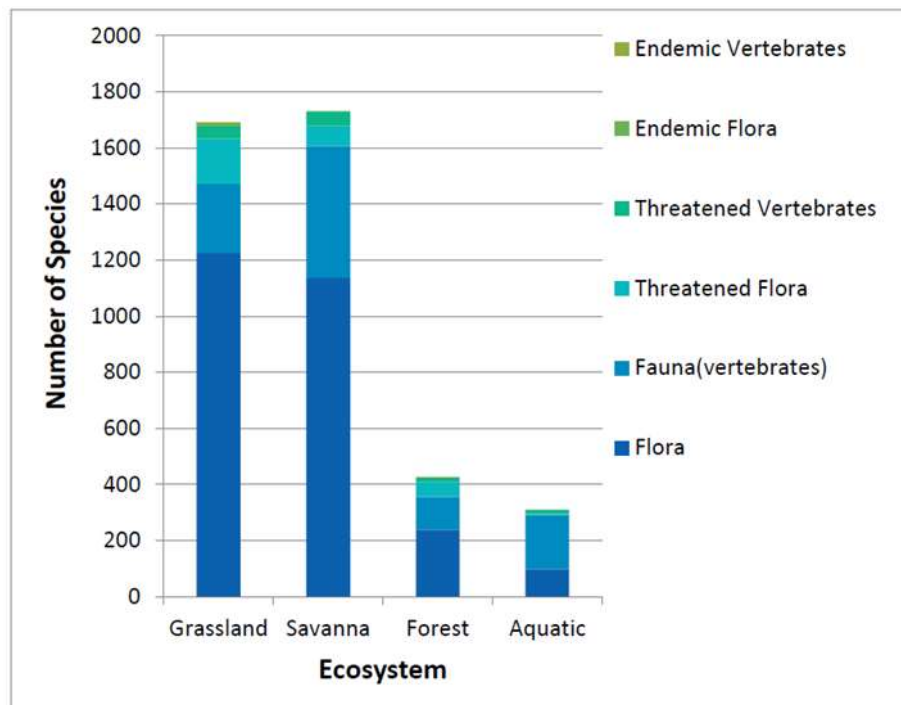


Figure 4: Number of species in each of the ecosystems (Swaziland's second national biodiversity strategy & action plan)

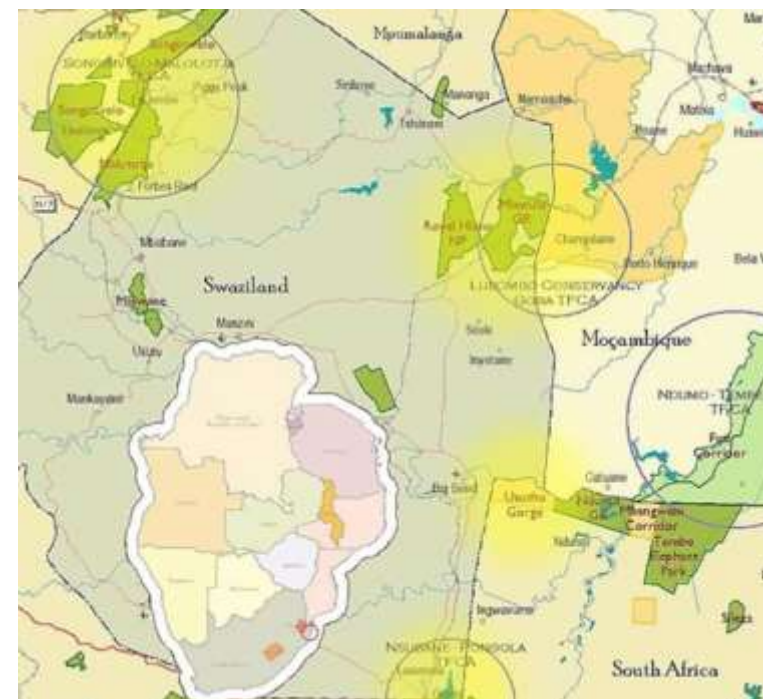


Figure 5: Trans-frontier Conservation Areas (TFCAs) (SNTC, 2017)

Agro Ecological Zones of Swaziland

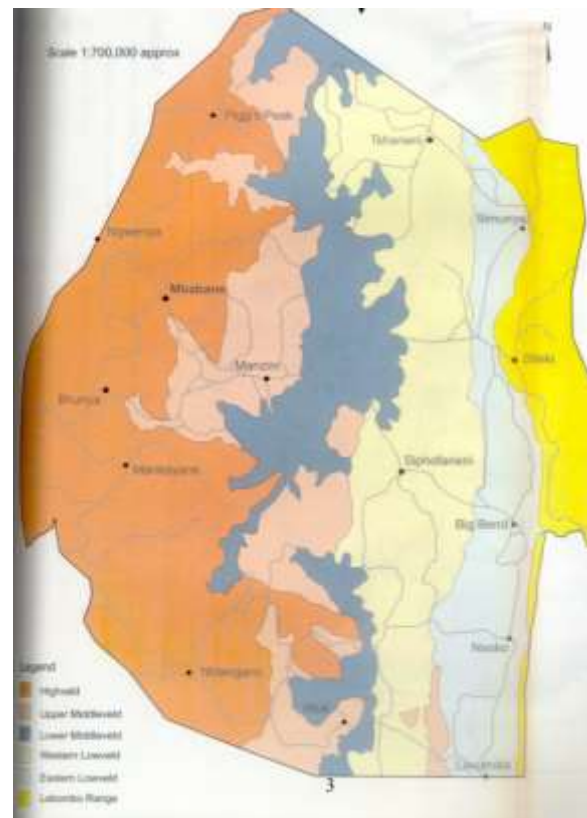
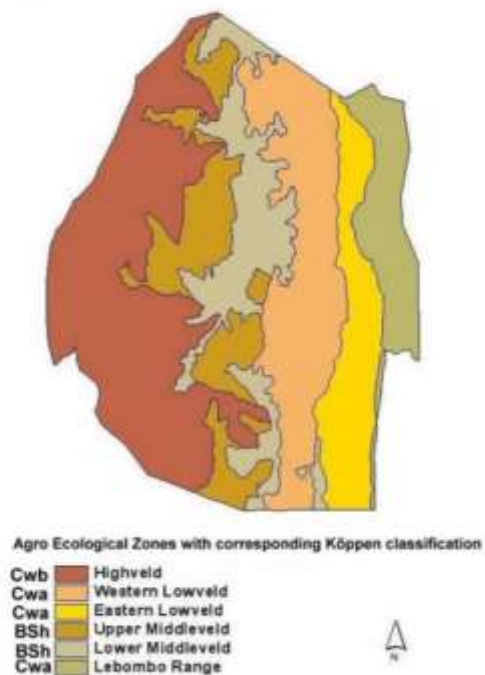


Figure 6 and 7: Agro-Ecological Zones of Swaziland (Brown, 2011)

The Kingdom of Swaziland, through the Swaziland 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 Swaziland 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 Swaziland include:

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

Swaziland 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).

Swaziland 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:

- 1) Relevant legislation and its enforcement
- 2) 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 agro-ecological region 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 Swaziland 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 Swaziland: 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 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, Ministry of Tourism & Environmental Affairs (Department of Forestry) and SEA in CL and TDL.

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 2) 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 Figure 1, Figure 2 and expert consultation with the SNTC and SEA in 2018, but as there is no impact from Plantation forestry activities, this was not included in the assessment table below. This geographical distance was considered too vast to have an impact and would add no value to the stakeholders utilizing this NRA document or sourcing timber into their FSC supply chain.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1.	Ms Peta Hardy	Sappi Forests	Biodiversity in Swaziland
2.	Dr Mervyn Lotter	Mpumalanga Parks and Tourism Authority	Biodiversity in Swaziland
3.	Ms Linda Loffler	Swaziland National Trust Commission	Biodiversity in Swaziland

4.	Ms Kate Braun	Swaziland National Trust Commission	Biodiversity in Swaziland
5.	Mr Kim Rogues	All Out Africa, Swaziland	Biodiversity in Swaziland
6.	Dr Ara Monadjem	University of Swaziland	Biodiversity in Swaziland
7.	Ms Kelly Cure	Montigny Forestry, Swaziland	Communal Small-growers
8.	Dr Wisdom Dlamini	Swaziland National Trust Commission	Swaziland GIS data
9.	Mr Solomon Gamedze	Swaziland Department of Forestry	Swaziland GIS data
10.	Mr Johan Nel	TWK Timbers	Plantation and small-growers
11.	Mr Phil Patton	Earth Science Consultants	HCV Concepts
12.	Mr Bob Tumber	Shiselweni Forestry Company Limited	Plantation and small-growers
13.	Mr Nhlanhla Nxumalo	Peak Timbers Limited	Plantation and small-growers
14.	Mr Justice Mahlalela	Montigny Group	Plantation and small-growers
15.	Ms Patience Mamba	Montigny Group	Plantation and small-growers
16.	Mr Anton Roberts	Private plantation owner	Private small growers/ farmers
17.	Ms Gcina Dladla	Swaziland Environment Authority	Biodiversity in Swaziland

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 Swaziland, 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</p>	Country	<p>Low risk.</p> <p>The following thresholds are met: (1) Data available are sufficient for</p>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		primarily associated with impacts of existing timber plantations and jungles on the ecosystem functionality and ecological services provided by the areas under the timber.		determining HCV presence within the area under assessment; AND (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.
3.1 HCV 1 Species diversity	<p>SNTC. 2017. Listed species of Swaziland 2016. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/biodiversity/)</p> <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>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>HCV Occurrence Swaziland supports a diverse assemblage of habitats and contains a significant portion of southern Africa's plant and animal species. The eastern part of Swaziland forms part of the 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. Both of these areas fall under the Protected Areas in Swaziland. 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.</p> <p>In the interim, there are two proxies that can be used to identify this HCV in Swaziland: i) Protected areas, and Protection Worthy Areas, and iv) Location of Plantation Forestry</p>	<p>Mankayane District (middleveld portion)</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</p>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
	<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. http://www.birdlife.org.za/conservation/important-bird-areas/iba-directory/item/158-sa017-songimvelo-nature-reserve.</p> <p>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</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 Swaziland 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, 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 Swaziland (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.</p>		<p>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>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>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 AIPS in the country 2. Creation of an online database of Swaziland's alien/non - indigenous plants, with distribution maps and photographs or illustrations. 3. Preparation of a booklet on alien invasive plant species 4. Training of extension staff on plant identification, eradication and control in rural areas (Swaziland 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 (National Environment Fund) 9. Support to farmers for conservation, agriculture, agroforestry and climate resilient land race 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). 		

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<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 Programme for example encourages community based resource management through the formation of Natural Resource Management Committees at community level. CBRNM recognizes the heavy reliance of rural communities on and their the 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 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</p>		

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>forestry sector but is a concern at national level. 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 except in the Mankayane District (middleveld portion). The SNPAS assessment report revealed encroachment of wattle species (Threat Group 2) into Protection Worthy Area.</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.</p> <p>In 2011, the Government of Swaziland 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 Swaziland with land degradation hotspots. The project emphasises optimal environmental management and community</p>		

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>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>		
3.2 HCV 2 Intact forest landscapes and landscape-level ecosystems and mosaics.	<p>Intact Forests 2017. Website accessed March 2017. http://www.intactforests.org/index.html/</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>CEPF 2010. <u>Maputaland-Pondoland-Albany Biodiversity Hotspot. Ecosystem Profile</u>. 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 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>HCV Occurrence</p> <p>Intact Forest Landscape, as defined by the Intact Forests and Global Forest Watch websites does not occur in Swaziland, 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 HCV 2.</p> <p>However, HCV 2 does occur in the country: Forests that provide regionally significant habitat connectivity between larger forest areas or between refugia and mosaics.</p> <p>This was identified in the following proxies: i) Protected and Protection Worth Areas ii) Natural areas providing habitat connectivity in the internationally-recognised trans-frontier conservation areas have been identified along the borders of Swaziland, South Africa and Mozambique.</p> <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>Mankayane District (middleveld portion)</p> <p>Rest of Country</p>	<p>Mankayane District (middleveld portion)</p> <p>The following threshold is met: (12) HCV 2 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities. Rest of Country</p> <p>Low Risk</p> <p>The following threshold is met: (10) There is low/negligible threat to HCV 2 caused by management activities in the</p>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>The impacts from IAPs is discussed in HCV1.</p> <p>The Songimvelo-Malolotja TFCA straddling the northern border of Swaziland 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 SMTFCA study area is about 91 215 Ha. The joint operations of the TFCA are managed by the Joint Task Group comprising of the two reserve managers (Malolotja and Songimvelo), TFCA Country Coordinators and Mpumalanga Tourism and Parks Agency (MTPA), Barberton Tourism and Biodiversity Information Corridor (BARTOBIC) as well as Conservation Law Enforcement Officers in both countries. Around the TFCA, as in many southern African nations, communities have not been fully capacitated in natural resource management and exploitation. Fire management is no exception and communities are perceived as the cause of most, if not all, occurrences of uncontrolled wildfires in the conservation areas. Community-based Fire Management (CBFiM) strategies have been established to address these fire issues. Programs usually replicate prevention and suppression policies of past decades with decentralized implementation to the communities. The Songimvelo-Malolotja TFCA is bordered by a FSC Forest Management certified company who has identified the HCV and is actively managing the HCV.</p> <p>Ngwempisi Corridor borders the Mankayane District. SNTC SNPAS biodiversity reports from 2016 -2018 indicated negative impacts on landscape-level mosaics.</p>		area under assessment;
3.3 HCV 3 Ecosystems and habitats.	SNTC. 2017. Protection Worthy Areas. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/reserves/proposed.asp)	<p>HCV Occurrence</p> <p>HCV 3 occurs in the country as defined by the following proxies:</p>	Mankayane District	Mankayane District

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
	<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>i) Protected and Protection Worthy Areas in Swaziland. ii) Any remnant natural vegetation identified in the Swaziland's Second National Biodiversity Strategy & Action Plan. iii) Commercial forestry zones (Ministry of Tourism & Environmental Affairs (Department of Forestry))</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 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</p>	<p>(middlelevel portion)</p> <p>Rest of Country</p>	<p>(middlelevel 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>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>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>process of generating an updated report on the progress of the Aichi Targets. This is due to be released in December 2018.</p> <p>2014 CBD Report: 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>		
3.4 HCV 4 Critical ecosystem services	<p>Swaziland 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>Stakeholder consultation Ministry of Tourism & Environmental Affairs, SNTC and SEA, 2018</p>	<p>HCV Occurrence</p> <p>HCV 4 occurs in the country as defined by the following proxies: i) Sub-quaternary catchments that have a high risk of flooding and catastrophic erosion ii) Commercial Plantation Forestry areas</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 has caused severe</p>	<p>Mankayane District (middleveld portion)</p> <p>Rest of Country</p>	<p>Mankayane District (middleveld portion)</p> <p>Specified Risk 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>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>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.</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. Timber management activities can either reduce or exacerbate the risks of flood and erosion. Afforested landowners in Swaziland 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. 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>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>
3.5 HCV 5 Fundamental needs of indigenous peoples and	Forestry Industry Environmental Committee. 2002. Environmental Guidelines for Commercial Forestry Plantations in South Africa. Unpublished report, Forestry South Africa, Pretoria.	<p>HCV Occurrence</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>	Country Level	<p>Low Risk</p> <p>The following thresholds are met:</p>

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
local communities	<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>Expert consultation with SNTC and SEA, 2018</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 Swaziland 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 The draft SADC Water Policy is serving as a guide for water management in Swaziland. 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 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>		(24) There is low/negligible threat to HCV 5 caused by management activities in the area under assessment;

Indicator	Sources of Information ³	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		Traditional and informal human settlements in Commercial Forestry Zones may face negative impacts in water quantity if trees are planted within 20m of riparian zones. Approximately 91% of afforested land is under FSC FM certification. The remaining 9% employs best practice, and half of which occurs in Traditional Authority land (SNL) is seen to have a minimal impact on the available water quantity.		
3.6 HCV 6 Cultural values	UNESCO 2017. Website reviewed in March 2017. https://en.unesco.org/countries/swaziland Experts consulted during the national HCV workshop, 2016.	<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 Swaziland.</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 Swaziland 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>	Country Level	<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>

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
3.0	N/A
3.1 HCV 1	Sourcing of timber from the Mankayane District (middleveld portion): Company to engage with SEA prior to sourcing of timber to confirm low risk on HCV 1
3.2 HCV 2	Sourcing of timber from the Mankayane District (middleveld portion): Company to engage with SEA prior to sourcing of timber to confirm low risk on HCV 2
3.3 HCV 3	Sourcing of timber from the Mankayane District (middleveld portion):

	Company to engage with SEA prior to sourcing of timber to confirm low risk on HCV 3
3.4 HCV 4	Sourcing of timber from the Mankayane District (middleveld portion): Company to engage with SEA prior to sourcing of timber to confirm low risk on HCV 4
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
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	All HCVs
7.	de Vletter, R. (2015). Program for the Ecosystem Management of the Swaziland Lubombo. CEPF Final Project Completion Report.	HCV 2
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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
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No	Source of information	Relevant indicator(s) or CW category
13.	Forest Resources Assessment. 2010. Country Report Swaziland. Forestry Department, Food and Agriculture Organization of the United Nations, Rome. Click here	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
19.	Government of Swaziland 1997. Swaziland Environment Action Plan (SEAP). Unpublished report downloaded from www.sea.org.sz/documents/seap.pdf in March 2017.	
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.	
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 2,3,4

No	Source of information	Relevant indicator(s) or CW category
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 2,3,4
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
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 1,2
34.	SNTC. 2017. Listed species of Swaziland 2016. Downloaded from the SNTC website March 2017. (http://www.sntc.org.sz/biodiversity/)	HCV 1, 2
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	All HCVs
43.	Swaziland's Alien Plants Database http://www.sntc.org.sz/alienplants/speciesstatus.asp	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. Alternation 15,1, pp. 180 – 205.	HCV 1-4

No	Source of information	Relevant indicator(s) or CW category
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.	
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. The NRA working group assessed the risk according to geographical scale – agro-ecological zones in eSwatini. This considers the area and type of timber being sourced within FSC supply chains from the Country.

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?cid=3 The Forest Preservation Act, section 3, 4, 5. http://www.sea.org.sz/categdocs.asp?cid=3 The Private Forests Act 1951, sections 3 & 4. http://www.sea.org.sz/categdocs.asp?cid=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. Available online 	<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 willful 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>Yes.</p>

	<p>at < http://www.eldis.org/go/country-profiles&country=1207&theme=0>, accessed 30 January 2017.</p> <ul style="list-style-type: none"> • Mongobay.com. 2011. Swaziland Forest Information and Data 2011. Available online at <http://rainforests.mongabay.com/default.asp?country=1207&theme=0>, accessed 30 January 2017. • Transparency International, 2014. Corruption Perception Index 2014 - Swaziland. Available online at http://www.transparency.org/country#SW and < http://www.theglobaleconomy.com/Swaziland/transparency_corruption/>, accessed 30 January 2017. Note, Swaziland has not been included in the annual CPI reporting for 2015 and 2016. • 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. Available: http://ageconsearch.umn.edu/bitstream/18020/1/dp020004.pdf. • World Bank, 2015. Worldwide Governance Indicators – Swaziland 1996–2015. Accessed 11 January 2017 at http://info.worldbank.org/governance/wgi/index.aspx#reports • Alfred Mndzebele, 2001. A presentation on Land Issues and Land Reform in Swaziland Paper presented at the SARP conference on Land 	<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. 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, which is located in a different geographic area from the commercial forestry operations. Conversion in Swaziland is related to subsistence farming in SNL areas and where authorized by the SEA, to commercial cropland (cotton, sugarcane). 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 it 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 Tourism & Environmental Affairs (Department of Forestry), 2018).</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 other land uses. This study estimated that natural forest and woodland resources in Swaziland</p>
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	<p>Reform and Poverty Alleviation in Southern Africa. Available online at <http://www.sarpn.org/EventPapers/Land/20010604Mndzebele.pdf>, accessed 30 January 2017.</p> <ul style="list-style-type: none"> • International Fund for Agricultural Development, UN-Habitat and Global Land Tool Network, 2012. Land and Natural Resources in Swaziland. Available online at <https://www.ifad.org/documents/10180/19c94d55-7d78-4fdc-a494-3a6702e9f8b6>, accessed 30 January 2017. • Transparency International, 2015. People and Corruption: Africa Survey 2015 - Global Corruption Barometer. Available online at <http://files.transparency.org/content/download/1941/12775/file/2015_GCB_SubSaharanAfrica_EN.pdf>, accessed 30 January 2017. FAO, 2014. Global Forest Resources Assessment 2015 Country Report: Swaziland. Available online at < http://www.fao.org/3/a-az345e.pdf >, accessed 21 December 2017. • 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 [accessed Apr 18 2018]. 	<p>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>Risk designation:</p> <p>Low risk for Highveld agro-ecological zone</p> <p>(2) Applicable legislation for the area under assessment covers laws that prevent conversion (to the outcome required by the indicator), AND the risk assessment for relevant indicators of Category 1 confirms that the law is enforced ('low risk'); AND</p> <p>(3) Other available evidence do not challenge a 'low risk' designation.</p> <p>Specified Risk for Middleveld; Lowveld and Lubombo Agro-ecological zones</p> <p>(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</p> <p>(7) There are significant economic drivers for conversion.</p> <p>Data yield evidence that conversion is occurring on a widespread or systematic basis.</p>
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	<ul style="list-style-type: none"> W. Dlamini, 2017. Mapping forest and woodland loss in Swaziland: 1990 - 2015 		
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Control measures

Indicator	Control measures (M – mandatory / R – recommended)
4.1	<p>Sourcing of timber from Middleveld; Lowveld and Lubombo Agro-ecological zones</p> <ul style="list-style-type: none"> Details of the farm name and district to be included on Delivery notes and Transportation Documentation. Supplier to provide a declaration to not convert land from Natural Forests to Plantation Forests and/or Agriculture

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 http://acbio.org.za/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, accessed 25 July 2017 Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz, accessed 25 July 2017. FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods- 	-	<p>There is legislation covering GMO (trees) in Swaziland:</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), Swaziland 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 Swaziland 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</p>

	<p>platform/browse-information-by/country/country-page/en/?cty=SWZ, accessed 25 July 2017.</p> <ul style="list-style-type: none"> • In person consultation with the Swaziland Department of Forestry • Mbono Mdluli for the Swazi Observer, 28 Feb 2017. MPs want GMOs in Swaziland. Available: https://www.pressreader.com/swaziland/swazi-observer/20170228/281900182988953, accessed 25 July 2017. • 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, accessed 24 July 2017. • 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/, accessed 25 July 2017. • Swaziland 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, accessed 25 July 2017. <p>The Seeds and Plant Varieties Act, 2000</p>		<p>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>There is no commercial use of GM trees in Swaziland.</p> <p>According to the FAO (2016), Swaziland 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 Swaziland 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 Swaziland (FAO 2016), but there are trials ongoing in South Africa. According to the Swaziland Environment Authority (2016), only two applications for GM trials have been lodged in Swaziland 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.</p> <p>Thresholds 2 and 3 have been met. There is no commercial use of GMO (tree) species in the area under assessment, and 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 <p>According to the FAO (2016), Swaziland 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 custodians of the Act is the Swaziland 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"> • African Centre for Biodiversity http://acbio.org.za/swaziland-gmo-legislation/ • 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, accessed 25 July 2017. • Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz, accessed 25 July 2017. <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, accessed 25 July 2017</p>
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 Swaziland 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 Swaziland Department of Forestry 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, accessed 25 July 2017</p>
4	Is there any commercial use of GM trees in the country or region?	<p>Not in Swaziland, but trials are being done in South Africa.</p> <p>According to the FAO (2016), Swaziland 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 Swaziland is on GM crops and food security, and GM cotton. Debates in the country are ongoing.</p>	<p>In person consultation with the Swaziland 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, accessed 25 July 2017. Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz, accessed 25 July 2017. 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, accessed 25 July 2017 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, accessed 24 July 2017. <p>Mbono Mdluli for the Swazi Observer, 28 Feb 2017. MPs want GMOs in Swaziland. Available: https://www.pressreader.com/swaziland/swazi-observer/20170228/281900182988953, accessed 25 July 2017.</p>
5	Are there any trials of GM trees in the country or region?	<p>There are no trails of GM Trees in Swaziland (FAO 2016), there are trials ongoing in South Africa.</p>	<ul style="list-style-type: none"> In-person consultation with the Swaziland Department of Forestry FAO, 2016. FAO GM Foods Platform. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-

		According to the Swaziland Environment Authority (2016), only two applications for GM trials have been lodged in Swaziland 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>information-by/country/country-page/en/?cty=SWZ, accessed 25 July 2017.</p> <ul style="list-style-type: none"> Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz, accessed 25 July 2017. 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, accessed 25 July 2017. Swaziland Environment Authority 2016. Biosafety in Swaziland - Applications / Notifications Received. Available: http://www.sea.org.sz/biosafety/index.php/applications-received/, accessed 25 July 2017. <p>Swaziland 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, accessed 25 July 2017.</p>
6	Are licenses required for commercial use of GM trees?	Yes, covered under the Biosafety safety Act	In person consultation with the Swaziland 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 Swaziland 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, accessed 25 July 2017. Biosafety Clearing House, 2016. Country Profile – Swaziland. Available: http://bch.cbd.int/about/countryprofile.shtml?country=sz, accessed 25 July 2017. <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, accessed 25 July 2017</p>

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		