

**Kingdom of Swaziland
Ministry of Tourism and Environment**

Swaziland Environment Authority

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GEOGRAPHY

- Latitude 25° and 28° S and Longitude 30° and 33° E
- land area of 17,364 km²
- elevation range of 60-1,860 masl
- landlocked, bounded by RSA in the N, W and S and by Mozambique to the east.
- characterized by a great variation in landscape, geology, soils, climate and biodiversity.





BIODIVERSITY



- Swaziland is relatively rich in biodiversity.
- Swaziland has an inordinately large plant and animal diversity.
- More than 14 phyla have been recorded.
- faunal species (813 species comprising 445 genera in 144 families).
- A total of 3,678 plant taxa have been recorded.
- The biodiversity resources of Swaziland have great cultural and economic significance



ACCESS AND BENEFIT SHARING

- Ratified Convention on Biological Diversity in 1994.
- SD recognises the third objective which provide for the fair and equitable sharing of benefits arising from the utilisation of genetic resources.
- Appropriate legislation to operationalise ABS issues still in its Bill form.
- Nagoya Protocol on ABS and the Fair and Equitable Sharing of Benefits, the pace need to finalize the enactment of the law has also become apparent.



Policy and Legislative Framework

The Constitution of the Kingdom of Swaziland Act No. 1/ 2005.

- **Section 210 (2) mandates the state to protect and make rational use of its land, mineral, water resources as well as its fauna and flora, and shall take appropriate measure to conserve and improve the environment for the present and future generation.**
- **mandates Government to ensure a holistic and comprehensive approach to environmental preservation and put in place appropriate environmental regulatory framework.**
- **It is in this regard that a number of environmental laws, including the Draft Access and Benefit Sharing Bill are being enacted.**



Policy and Legislative Framework

- Whilst there is no comprehensive legislation on biodiversity and particularly ABS, the following pieces address to some minimum extent on ABS:
- Swaziland Environment Action Plan (SEAP), 1997
- National Biodiversity Strategy and Action Plan, 2001
- The Biodiversity Management and Conservation Bill of 2007
- The Access and Benefit Sharing Bill of 2006
- The Environment Management Act of 2002
- The National Trust Commission Act of 1972 (amended in 1973)
- The National Trust Commission Regulations of 1972
- The Forest Preservation Act of 1910
- The Flora Protection Act of 2001





Swaziland Environment Action Plan (SEAP), 1997

- . takes cognisance of IK systems that they are excluded in present management of biodiversity activities & that there are biodiversity/community conflicts around CAs where there is denied use (access) to biodiversity resources.
- also seeks to achieve a sustainable balance in the use of land, water and other natural resources between production systems, rural settlements and protection of the environment; and to maintain and improve biodiversity of indigenous and introduced systems in agricultural systems.



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National Biodiversity Strategy and Action Plan 2001

- The NBSAP lays the groundwork for the conservation of biological diversity in the country.
- The SEA is the focal point for the CBD. The NBSAP recognizes the existence of the 22 pieces of sectoral legislation that need to be harmonized. It calls for the formulation of a comprehensive National legal framework for sustainable use and equitable sharing of benefits arising from the utilization of biological resources. Though, explicit on access and benefit sharing it is silent on bioprospecting.



Policy and Legislative Framework

Environment Policy Of 1999

- Principles 4 and 7 covers ABS accrued from the use of genetic resources as well as provides for the control of access to generic resources by the government.
- safeguards rights of communities and ensures that they share in the benefits.

National Forest Policy Of 2001

- NFP is housed in the Ministry of Agriculture and Cooperatives. It covers principles for the conservation of forest Biodiversity both in Swazi Nation Land and Title Deed Land. **It lays down principles for the protection of the indigenous forest of Swaziland. To very minimal level , the policy lays ground for the equitable sharing of benefits accruing from the conservation of forests..**



Policy and Legislative Framework

Access and Benefit Sharing Bill of (2008).

- **The purpose of this Act is to establish and confirm Swaziland's sovereignty over its genetic resources, issues of access and benefit-sharing and other matters incidental thereto.**
- **Bill provides detailed rules of procedure on access to genetic resources, how PIC should be obtained and arrangements for concluding MAT.**
- **It also provides in detail the rights of local communities regarding their indigenous knowledge systems.**
- **There is need to improve the Draft and align it with the principles of the Nagoya Protocol before resubmitting for enactment**



Institutional arrangements

- **various institutions in government partially dealing with ABS issues.**
- **Ministry of Agriculture, Swaziland National Trust Commission, Swaziland Environment Authority, University of Swaziland and various private sector and NGO institutions**
- **Currently, Authority works through a BIPC which is a multi-stakeholder team to implement biodiversity issues.**
- **In terms of the ABS Bill, a concise institution structure is recognised e.g establishes the Genetic Resources Committee to serve the activities of the legislation and various other indigenous community group recognition.**



Status of Implementation

- A Platform on Public Awareness on ABS was formed
- Committee is placed under the Biodiversity Programme Implementation Committee (BPIC)
- BPIC and Platform have set priorities on ABS issues for purposes of effective implementation
- work-plan has been worked out to help in securing funding for implementation
- Competent Authority tasked with soliciting funding to implement the work-plan.
- Project applications have been made to various possible partners including GEF through UNEP and other Regional Non Governmental Organizations
- UNEP-GEF Project has been approved and yet to Finalize logistics
- Series of meetings on the possible funding by the Regional NGO indicate positive response



The Work plan

- Sensitive Parliament to facilitate speedy ratification
- Stock-taking on the GR and IK that the country should place under priority and the custodian community, including the relevant liaison person to be our focal point.
- Sensitization of local communities on issues of ABS.
- Develop a framework for capacity building for various stakeholders to enhance effective implementation
- Facilitate the review of the Draft ABS Bill to incorporate the principles of the Nagoya Protocol. The finalization of the two regional Guidelines will assist in the revision of the Draft Bill.
- **Review of IPR legislation since it is also outdated**



At national level (contd)

- a. Biodiversity Conservation and Management Bill (2008): promote conservation of biodiversity in Swaziland and discourages depleting of environmental resource without sustainable use
- b. ABS Bill and Policy (2008): promotes sharing of benefit acquired from natural resources
- c. Forestry Bill (2010): Access to forestry resource is controlled through this bill. It promotes sustainable forest harvesting
- d. Amendment of the Fisheries Act (1937) –process for its review underway: This emphasises on conservation of indigenous fish species. Permits are issues to fishers before they can go fishing. This a practice for both subsistence and commercial fishers
- e. Coordinating efforts with the Ministry of ICT on issues of technology transfer in ABS





IPR IN RELATION TO CONSERVATION AND UTILIZATION OF GENETIC RESOURCES

1. Policy and Legislative

- no specific policy and legislation on IPR.
- true for IPR related to the conservation and utilization of genetic resources.
- The Patents, Designs and Trade Mark Act (1936) and the Copyright Act (1912), are out-dated and not relevant to the provisions and aspirations of the CBD.

2. Plant Genetic Resources

- Not acceded to the Plant Genetic Treaty.
- Training of legislators has been conducted.
- on the pipeline are workshops for the portfolio committees for the Ministry of Agriculture and Foreign Affairs.





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- on-going activity in *ex-situ* conservation in Swaziland.
- Active collection and multiplication of plant genetic resources is carried out by the Gene bank of Swaziland.
- Base collection is also carried out and sent to the Regional Gene bank in Zambia.
- Of the base collection sent to Zambia over 500 seed have been sent to Norway for permanent storage in the gene bank



