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ESWATINI

CHAPTER 9: ESWATINI

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9. ESWATINI

9.1 Constitution of the Kingdom of Eswatini and the national vision for environmental protection in the country

The Constitution of the Kingdom of Eswatini (formerly known as Swaziland)¹ was passed by an act of parliament in 2005. Basic human rights are covered in Chapter III, while land, minerals, water and the environment are addressed in Chapter XII. Land, minerals and water are considered to be national resources (Article 210(1)). Article 210(2) states:

“In the interests of the present and future generations, the State shall protect and make rational use of its land, mineral and water resources as well as its fauna and flora, and shall take appropriate measures to conserve and improve the environment.”

Article 211(3) allows for the expropriation of land so long as such expropriation is carried out lawfully and with the prompt and adequate payment of compensation.

With regards to environmental protection and sustainable development, Article 216 states:

“(1) Every person shall promote the protection of the environment for the present and future generations.

(2) Urbanisation or industrialisation shall be undertaken with due respect for the environment.

(3) The Government shall ensure a holistic and comprehensive approach to environmental preservation and shall put in place an appropriate environmental regulatory framework.”

In order to fulfil this mandate, the Government of Eswatini has formulated several policies, strategies and action plans aimed at achieving sustainable development in the country. Among these are the National Development Strategy,² the Economic and Social Reform Agenda, and the Poverty Reduction Strategy and Action Plan. The National Development

¹ The country changed its name from Swaziland to Eswatini in April 2018. All references to the country in this chapter shall use the new name.

² Government of Swaziland, 1999. *National Development Strategy – Vision 2022: Key macro and sectoral strategies*. Mbabane: Government of Swaziland.

Strategy outlines the country's development goals for 25 years, up to 2022.³ Its main vision is that:

“By the year 2022, the Kingdom of Eswatini will be in the top 10% of the medium human development group of countries founded on sustainable economic development, social justice and political stability.”

One of the main priorities identified in the National Development Strategy is environmental management, which is viewed as an important and necessary condition for the attainment of sustainable development.

9.2 Institutional and administrative structure for environmental assessment in Eswatini

9.2.1 Ministry of Tourism and Environmental Affairs

The main institutions involved in the management of environmental and social impact assessment (ESIA) are the Eswatini Environment Authority (EEA), the Ministry of Tourism and Environmental Affairs (MTEA) and the municipalities. The MTEA's mission is to *“To promote and support the tourism industry, wildlife conservation within an environmental framework that enhances amenities, conserves culture, sustains forest management, embraces meteorology and addresses climate change challenges to contribute towards sustainable socio-economic development.”* The Ministry comprises the Department of Tourism, the Department of Forestry and the Department of Meteorology, as well as three Boards (or parastatals): the Eswatini Tourism Authority, the Eswatini Environmental Authority, and the Eswatini National Trust Commission.

9.2.2 Eswatini Environment Authority

Originally created by an Act of Parliament in 1992, the EEA is directed by a Management Board,⁴ which sets policy priorities. The format, protocols and procedures of the Authority are set out in detail in the First Schedule of the Act. The Environment Management Act (EMA), No. 5 of 2002 establishes the EEA as a body corporate with perpetual succession. The organisational structure of the EEA is shown in Figure 9.1.

³ Even though the document was finalised in 1999, it states that it aims to make the changes from when it was initiated in 1997.

⁴ The Board comprises a Chairperson appointed by the Minister of Tourism and Environmental Affairs, as well as the Principal Secretaries from the following ministries: Agriculture and Cooperatives, Finance, and Natural Resources and Energy. Other members of the Board include two representatives from non-governmental organisations, two private citizens knowledgeable in environmental matters, and the Executive Director of the EEA, who also serves as the Board Secretary.

EEA's mission is *“to ensure that Eswatini's development is environmentally, economically and socially sustainable, by means of promoting sound environmental policies, practices and development, which meets appropriate national and international standards.”*

The main roles and functions of the EEA in relation to ESIA are:

- To institute measures for the implementation of the EMA, 2002 both alone and in co-operation with other public bodies, organs of government, non-governmental organisations, private sector organisations, and members of the public;
- To monitor the implementation of the EMA, 2002 and assess its effectiveness in improving the level of protection, conservation and enhancement of the environment and the sustainable management of natural resources, and to advise the Minister on ways of giving effect to the purpose of the Act more effectively;
- To assist the Minister in formulating policies relating to the environment and the sustainable management of natural resources;
- To advise and to make recommendations to the Minister and the Government either upon request or on its own initiative, on matters relating to the protection, conservation and enhancement of the environment and the sustainable management of natural resources;
- To administer licences issued under the Act in accordance with the provisions of this Act;
- To review environmental and social impact assessment (ESIA) reports and strategic environmental assessment (SEA) reports;
- To facilitate public involvement in decision making concerning the environment including establishing procedures to facilitate the submission of comments on licence applications under this Act;
- To recommend environmental standards, codes of practice, guidelines and legislation to the Minister and the Government;
- To publish guidelines, codes of practice and other information relating to the protection and conservation of the environment and the sustainable management of natural resources;
- To conduct inspections and take other measures to monitor compliance with the EMA and to conduct investigations into alleged contraventions of the Act;
- To take all reasonably practical measures, to enforce the Act and other environmental protection legislation either alone or in co-operation with relevant bodies and police forces, including issuing and enforcing orders and prosecuting offences.

The EEA's role in the ESIA process, specifically the Department of Environmental Assessment and Compliance (see Figure 9.1), is described in section 9.4 of this Handbook.

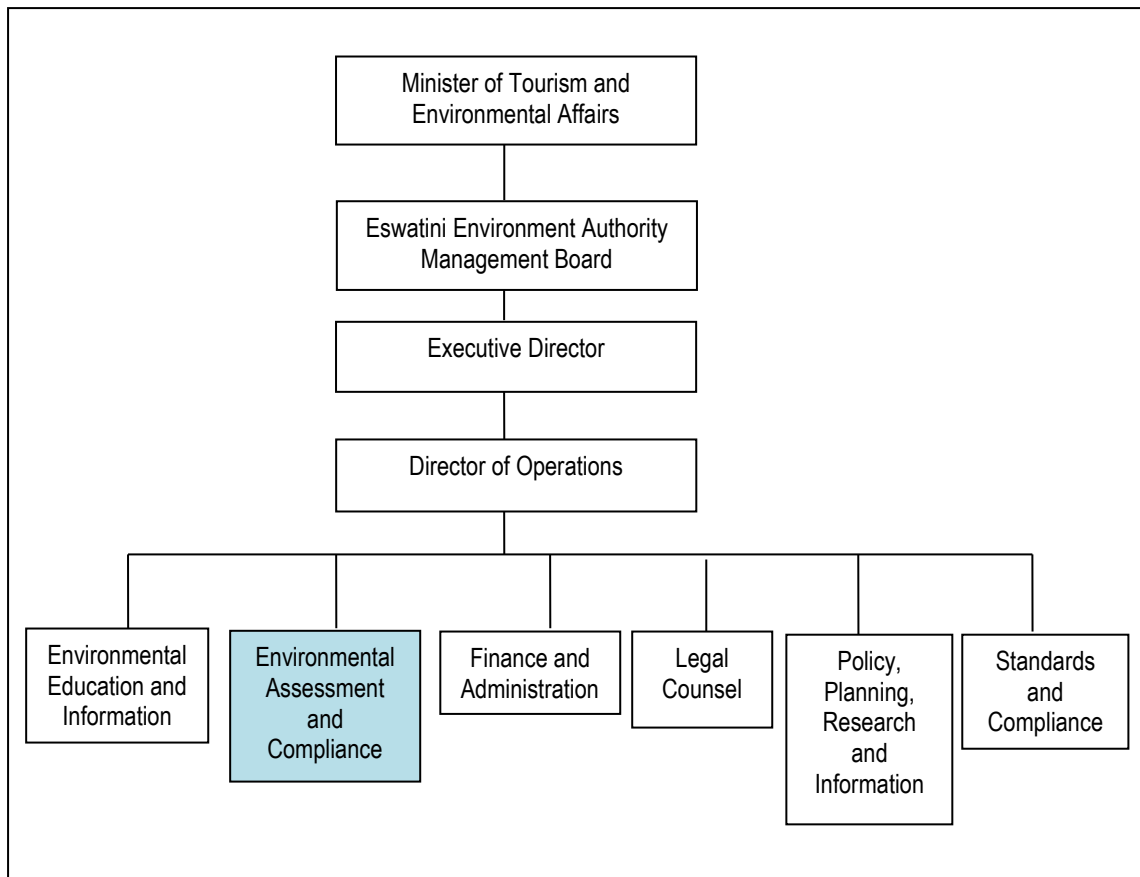


Figure 9.1: Organisational diagram of the Eswatini Environment Authority

9.2.3 Inter-sectoral cooperation

Inter-sectoral cooperation takes place through several government committees, one of the most important of which is the Planning and Budgeting Committee. This Committee comprises Principal Secretaries of the Ministry of Finance, the MTEA and the Ministry of Public Works and Transport. Ideally, only projects that satisfy the government's objectives of sustainable development and environmental management are allocated funding.⁵

The Planning and Budgeting Committee may only appraise Government projects if they incorporate a description of likely environmental impacts and the estimated cost of ESIA studies. Otherwise, the projects should not be considered for inclusion in the national budget. The form for requesting government funding was revised (in 2001) to be in line with the Environmental Audit, Assessment and Review Regulations, 2000. This means that the applicant must include in his/her request a section on likely environmental impacts, as well as a cost estimate for any ESIA that may be required.

⁵ Keatimilwe & Mlangeni, 2003.

9.3 Policy and legal framework for EIA

9.3.1 Environmental policies, strategies and plans

The overriding development plan of the government is the National Development Strategy 1997-2022, supported by the Eswatini Environment Action Plan (EEAP) of 1997.

The National Development Strategy outlines Eswatini's developmental goals for a period of 25 years from 1997-2022 and is viewed as the highest-level policy document. The EEAP is the environmental equivalent of the Strategy and outlines the environmental issues relating to Eswatini's sustainable development, with recommendations for actions to promote environmentally sustainable development.⁶ It lays down the principles of harmonisation of environmental legislation; the use of environmental guidelines and procedures, EIAs and market-based mechanisms; and the formulation of sectoral policies and strategies.

9.3.2 Climate change policies and plans

In 2012, the Government with support from the United Nations Development Programme (UNDP) and the Common Market for Eastern and Southern Africa commenced the process of developing the National Climate Change Strategy and Action Plan (NCCSAP) for the period 2014-2019. The main objective of the NCCSAP is to provide for a systematic approach to deal with the adverse effects of climate change in a manner that contributes to the achievement of sustainable development, eradication of poverty and the enhancement of adaptive capacity for the country and her people. During the development of the NCCSAP, the need to formulate a National Climate Change Policy to provide the overarching policy framework on climate change was identified.⁷

The National Climate Change Policy of 2016 states that Eswatini is highly vulnerable and exposed to the impacts of climate change due to her socio-economic and environmental context. Climate variability, including the increased frequency and intensity of extreme weather events, will disproportionately affect the poor. Furthermore, climate change will have adverse effects on water, food, fuel, health, education and access to social services. Thus, building resilience of her populace and the economy is of utmost priority if Eswatini is to achieve her quest towards sustainable development and poverty eradication.

The National Climate Change Policy aims to provide the enabling policy framework to guide Eswatini to address the challenge posed by climate change. The framework also provides an enabling environment for communities and investors to take advantage of the opportunities

⁶ www.ecs.co.sz

⁷ National Climate Change Policy, 2016

presented by climate change to invest in activities that work to eliminate poverty and build a climate-resilient country. By assisting vulnerable communities and economic sectors in coping with climate variability and extremes, the country strengthens its resilience to the long-term and uncertain impacts of climate change.

The Government of the Kingdom of Eswatini has adopted an integrated approach toward enhanced resilience in addressing the challenge posed by climate change. The integrated approach is intended to ensure that responses to climate change by different actors and stakeholders are coordinated and integrated into the country's social and economic development. Examples of mainstreaming climate change into policy, plans and legislation include:

- Environmental Management Act;
- National Disaster Management Policy;
- Eswatini National Disaster Management Plan;
- National Disaster Management Act; and the
- Eswatini Disaster Risk Reduction National Action Plan 2008-2015.

Other relevant policies where climate change issues have been taken into account include the Comprehensive Agricultural Sector Policy, 2005, the National Food Security Policy for Eswatini, 2006, the National Biodiversity Conservation and Management Policy, 2016, the National Biofuels Development Strategy and Action Plan, 2008, the draft National Energy Policy Implementation Strategy, 2009 and the National Education Policy, 2011.

9.3.3 Environment Management Act

The Environment Management Act (EMA), No. 5 of 2002, replaced the Eswatini Environment Authority Act of 1992. The Act is intended to provide and promote the enhancement, protection and conservation of the environment, the sustainable management of natural resources, and all other relevant matters. It defines the term 'environment' as:

“the whole or any component of:

- *Nature including air, land, water soils, minerals, energy (other than noise), and living organisms (other than humans);*
- *The interactions between the components of nature and between those components and humans;*
- *Physical, aesthetic and cultural qualities or conditions that affect the health and wellbeing of people;*

- *And unless the context otherwise requires, refers only to the environment within the territory of Eswatini, or over which Eswatini exercises rights or sovereignty and environmental has a corresponding meaning.”*

This definition of the term ‘environment’ recognises the inter-relationships between the biophysical environment and the health and wellbeing of people, but it does not recognise the socio-economic milieu *per se* as being an integral part of the environment.

The main objectives of the EMA are as follows:

- Establish a framework for environmental protection and the integrated management of natural resources on a sustainable basis.
- Transform the EEA into a body corporate.
- Establish the Eswatini Environment Fund.
- Provide for matters incidental to the above objectives.

The Act is arranged in the following 11 parts; Part II, section 5 of the EMA sets out the underlying principles of the Act, as follows:

- (a) The environment is the common heritage of present and future generations.
- (b) Adverse effects should be prevented and minimised through long-term integrated planning and the coordination and integration of efforts that consider the entire environment as a whole entity.
- (c) The precautionary principle, which requires that where there is a risk of serious or irreversible adverse effects, a lack of scientific certainty should not prevent or impair the taking of precautionary measures to protect the environment.
- (d) The polluter pays principle, which requires that those causing adverse effects be required to pay the full social and environmental costs of avoiding, mitigating and/or remedying those adverse effects.
- (e) The generation of waste should be minimised wherever practicable.
- (f) Waste should, in order of priority, be reused, recycled, recovered and disposed of safely in a manner that avoids creating adverse effects or, if this is not practicable, is least likely to cause adverse effects.
- (g) Non-renewable natural resources should be used prudently, taking into account the consequences for the present and future generations.
- (h) Renewable resources and ecosystems should only be used in a manner that is sustainable and does not prejudice their viability and integrity.

Note that no special recognition is given to the needs of those who may be disadvantaged because of gender, disability, health, religion or culture.

The provisions relating to ESIA are found in Part IV. The ESIA process as described in the Act is set out in detail in section 9.4 of this Handbook.

9.3.4 Environmental Audit, Assessment and Review Regulations

The Environmental Audit, Assessment and Review Regulations (EAARR), 2000⁸ establish the guidelines and requirements for ESIA and environmental audit reports. The EAARR require any new projects that are deemed to have an impact on the environment to obtain an **Environmental Compliance Certificate** (ECC) or an **Environmental Authorisation Letter** from the EEA. This requires the submission of an Initial Environmental Evaluation (IEE) report and a Comprehensive Mitigation Plan (CMP), or an ESIA report that contains a description of the mitigation measures to reduce the environmental impacts of the proposed project.

Regulations gazetted under the old (now superseded) Eswatini Environment Authority Act of 1992, namely the EAARR, 2000 and Waste Regulations, 2000, remain in force under the 2002 EMA.

9.3.5 Permits and licences

The EEA issues an ECC or an Environmental Authorisation Letter when all the necessary environmental documentation for a proposed project has been submitted to and approved by it. The assumption underlying the issuance of an ECC or an Environmental Authorisation Letter is that the proposed project is not likely to cause unacceptable environmental impacts and that the proponent will manage the construction and operation of the project in accordance with an approved CMP.

Several other important permits and licences are required in terms of other environmental legislation in Eswatini. These are listed in Table 9.1.

Table 9.1: Environmental permits and licences

Act, Regulation or Bylaw	Permit or licence	Requirements	Implementing agency
Water Act, No. 7 of 2003, sections 34, 35, 81	Water Permit	A Water Permit is required to use water for industrial and agricultural purposes as well as for bulk water supply, to divert or store water, and to alter a watercourse. It has to be renewed every five years.	Department of Water Affairs
Water Act, No. 7 of 2003, section 46	Borehole Drilling Permit	A permit is required for drilling any new boreholes.	Department of Water Affairs
Water Act, No. 7 of 2003, sections 48–50	Permit for Groundwater Abstraction	This permit is required for both existing and new groundwater abstraction schemes.	Department of Water Affairs

⁸ At the time of writing (mid-2019) the EAARR, 2000 were being revised and the draft of the new Regulations had been submitted to Parliament for debate. The environmental assessment process described in s. 9.4 reflects the new EAARR.

Act, Regulation or Bylaw	Permit or licence	Requirements	Implementing agency
Water Act, No. 7 of 2003, section 62	Effluent Control Permit	This permit is required by anyone using water for industrial purposes and who wants to discharge effluent into a watercourse.	Department of Water Affairs
Water Act, No. 7 of 2003, section 38	Temporary Water Permit	A temporary permit may be issued for the diversion, storage or use of water, which is valid for three years only and is non-renewable.	Department of Water Affairs
Flora Protection Act, 2000, sections 6, 7, 9, 15	Permit	A permit is required to disturb, export, sell or collect for scientific purposes any species of protected flora, as listed in Schedule D of the Act.	Ministry of Agriculture
Waste Regulations, 2000, section 6	Permit	A permit is required to import, export or trade in waste.	EEA
Waste Regulations, 2000, section 14	Special Waste Carrier Licence	The licence is required to transport 'special waste'; ⁹ it is valid for three years.	EEA
Waste Regulations, 2000, section 17	Waste Management Licence	The licence is required to operate a waste disposal facility.	EEA
Waste Regulations, 2000, section 23	Special Waste Management Licence	The licence is required to keep, treat or dispose of 'special waste'.	EEA
Waste Regulations, 2000, section 16	Environmental Clearance Certificate	An ESIA is required for the development of a new waste disposal site in terms of the EMA and EAARR.	EEA
Game Act, 1991, as amended, section 16(1) and section 19(1)	Permit	A permit is required to hunt, kill or capture any game as specified on the permit, and to import or export trophies or raw game products.	King's Office
National Trust Commission Act, No. 9 of 1972, section 29(2)	Permit	It is unlawful to destroy, damage, excavate, alter, remove or export any monument, relic, antique or other listed object without a permit.	Eswatini National Trust Commission
Wild Birds Protection Act, 1914, sections 4, 6–7	Permit	A permit is required to sell or export plumage of wild birds and to capture, convey, sell, purchase or barter wild birds.	King's Office

9.3.6 Penalties

Regulation 20(1) of the EAARR, 2000 states that a person, including an authorising agency, who contravenes or fails to comply with any provision of the Regulations or a condition of the ECC / Environmental Authorisation Letter, or who undertakes an act that is in violation of the Act commits an offence and is liable, on conviction, to a penalty of five years' imprisonment, a fine of E250 000, or both.

Regulation 20(2) places the financial onus on the proponent or operator to redress or remedy any environmental damage, or any damage caused as a result of a contravention or failure to

⁹ 'Special waste' is defined in the Regulations as hazardous waste and clinical waste.

comply with the provisions of the Regulations, or any damage caused by a failure to comply with any of the conditions of the ECC for the project.

9.3.7 Fees

At the time of writing, the following fees are specified for environmental review in Eswatini:

Table 9.2: Environmental review fees

Document to be reviewed	Fee
Screening application	E 200
IEE report	E1580
Environmental audit report	E1580
ESIA report	E3160
Comprehensive management plan (CMP)	E1500
Scoping report	E1500
Resubmission fee	E530

9.3.8 Guidelines

Guidelines were published in 1999 to assist users in interpreting and implementing the EAARR. No other guidelines have been developed to date.

9.3.9 Environmental standards

Eswatini has developed environmental quality objectives for water quality and air quality, standards for effluent discharge, and a list of controlled air pollutants, as shown in Tables 9.3 to 9.5. At the time of writing, there were no standards for noise emissions and reference is, therefore, made to World Bank, World Health Organization or donor country standards.

Table 9.3: Water quality objectives

Physico-chemical parameters	Standard/objective
Dissolved oxygen as O ₂	Minimum of 4 mg/l (surface water only)
pH	6.5 - 8.5
Electrical conductivity	1,800 µS/cm
Turbidity	5 nephelometric units
Hardness as CaCO ₃	1,000 mg/l
Chemical oxygen demand as O ₂	10 mg/l
Biological oxygen demand as O ₂	5 mg/l
Anions	
Nitrate as NO ₃	10 mg/l
Nitrite as NO ₂	0.2 – 3 mg/l
Ammonia as NH ₄	0.6 mg/l
Fluoride as F	1.0 mg/l

Physico-chemical parameters	Standard/objective
Cations	
Iron as Fe	1 mg/l
Manganese as Mn	0.5 mg/l
Mercury as Hg	0.001 mg/l
Cadmium as Cd	0.003 mg/l
Aluminium as Al	0.2 mg/l
Microbiological parameters	
Total coliforms	1 – 10 per 100 ml
Faecal coliforms	1 – 10 per 100 ml

Table 9.4: Effluent standards

Parameter or substance	Limit
Colour	20 (Pt scale)
Odour/taste	Not detectable after being diluted threefold
pH	5.5 - 9.5 units
Conductivity	250 mS/m
Dissolved oxygen as O ₂	Minimum of 75% saturation
Temperature	Maximum of 35°C
Chemical oxygen demand as O ₂	75 mg/l
Biological oxygen demand as O ₂	10 mg/l
Total dissolved solids	Maximum of 500 mg/l above intake water
Suspended solids	25 mg/l
Sodium as Na	Maximum of 50 mg/l above intake water
Soap, oil or grease	100 mg/l
Residual chlorine as Cl	0.1 mg/l
Free and saline ammonia as NH ₄	10.0 mg/l
Arsenic as As	0.5 mg/l
Boron as B	1.0 mg/l
Total chromium as Cr	0.5 mg/l
Copper as Cu	1.0 mg/l
Phenolic compounds (as phenol)	0.1 mg/l
Phosphate as PO ₄	2.0 mg/l
Lead as Pb	0.1 mg/l
Cyanide as CN	0.5 mg/l
Sulphide as SO ₂	1.0 mg/l
Fluoride as F	1.0 mg/l
Zinc as Zn	5.0 mg/l
Cadmium as Cd	0.05 mg/l
Mercury as Hg	0.02 mg/l

Parameter or substance	Limit
Total faecal coliforms	10 per 100 ml

Table 9.5: Air quality objectives for controlled air pollutants

Parameter	Monitoring period	Objective (maximum average)
Sulphur dioxide as SO ₂	24 hours	125 µg/m ³
Sulphur dioxide as SO ₂	12 months	50 µg/m ³
PM10*	24 hours	50 µg/m ³
Nitrogen dioxide as NO ₂	12 months	40 µg/m ³
Lead	12 months	1 µg/m ³

* PM10 means particulate matter capable of passing through an inlet of defined characteristics with a 50% sampling efficiency at 10µm aerodynamic diameter.

9.3.10 Registration and Certification of consultants

Section 9 of the EAARR relates to the registration and conduct of Environmental Assessment Practitioners (EAPs). This requires that anyone undertaking an environmental assessment must be qualified and registered in accordance with the First Schedule of the EAARR and has paid the registration fees prescribed in the Eighth Schedule.

In 2013, the Government of the Kingdom of Eswatini enacted the Registration of Architects, Engineers, Surveyors & Allied Professionals (AESAP) Act No 15 of 2013, which provides for the establishment of the Architects, Engineers, Surveyors and Allied Professionals Registration Council. Environmental scientists are recognised as an ‘allied professional’. The criteria which have to be met to be registered with the AESAP Council are:

- At least a Bachelor of Science degree in environmental science or equivalent qualification from a recognised university or institution;
- A person who satisfies the Council that the person is otherwise qualified by having proper and recognised training to practice as an allied professional and who passes any examinations that may be prescribed; or
- Any person who, on the date of coming into effect of the Act, possesses relevant qualifications, and has worked as an allied professional for a minimum uninterrupted period of 15 years and who passes any examination that may be prescribed.

Temporary registration may be granted to foreigners by the Registration Council of AESAP where a person satisfies the Council that:

- The person is not ordinarily resident in Eswatini;

- The person intends to be present in Eswatini in the capacity of a professionally qualified environmental scientist for the express purpose of carrying out specific work or works for which the person has been engaged;
- The person, immediately prior to entering Eswatini was, in practice as a professional environmental scientist in a capacity that satisfies the Council of the fitness of that person to serve the public as a professional;
- The person, has the necessary professional registration from an institution recognised by the Council; and
- The person has a valid work permit.

The registration authority (AESAP) will keep a register of EAPs who have the requisite registration to undertake environmental assessments in Eswatini. EAPs are required to renew their registration each financial year by submitting an application for renewal to the registration authority accompanied by the fee prescribed in the Eighth Schedule. EAPs are required to undertake their responsibilities professionally, objectively and shall comply with the Code Conduct stipulated in the First Schedule.

9.4 ESIA procedural framework in Eswatini for new projects¹⁰

9.4.1 Screening

The First Schedule of the EAARR, 2000 contains lists of projects divided into three categories, depending on their likely impact on the environment (see Appendices 9-1, 9-2 and 9-3 of this Chapter). It is up to the EEA to determine whether a proposed project will have any significant impacts on the environment and to determine into which category the project falls.

When assigning projects to Category 1, 2 or 3, the EEA will consider whether the proposed site is located near an environmentally sensitive area, the nature and scale of the proposed project, and associated environmental impacts. Generally, proposed projects in (completely or partially) or near an environmentally sensitive area may merit more detailed environmental studies and review than projects located elsewhere.

Not all environmentally sensitive areas have statutory or non-statutory forms of designation and protection. Some types of habitat, such as wetlands, may have no protection and may be used as a resource by local people. Such habitats should be considered environmentally sensitive because, *inter alia*, they are rare, unusual or endangered, and/or they provide a useful environmental service to local communities and, perhaps, the nation as a whole.

¹⁰ This section is based on the draft EAAR Regulations that have been submitted to parliament for debate (mid-2019).

Examples of environmentally sensitive areas are:

- Indigenous forests;
- Wetlands;
- Semi-arid areas and zones prone to desertification;
- Areas or habitats that contain or support populations of rare or endangered species;
- Water catchments containing major sources of public water supply;
- Zones prone to flooding or other hazardous events;
- Zones with high incidences of natural or man-made erosion processes;
- Areas of historical and archaeological interest;
- Areas of cultural or religious significance (e.g. burial grounds or topographic features);
- Degraded areas that are subject to existing or proposed rehabilitation measures;
- Areas used extensively for recreation and aesthetic reasons; and
- Zones of high biological diversity.

In assigning a proposed project to Category 1, 2 or 3, designated and non-designated environmentally sensitive areas should be taken into account to the fullest extent possible.

Category 1 projects are those that are unlikely to have any significant impact on the environment and, therefore, do not require an ESIA. The types of projects that may be allocated to Category 1 include, for example, small-scale commercial buildings, small-scale social infrastructure projects such as rural clinics, and remote (non-intrusive) prospecting for groundwater, minerals and hydrocarbons (see Appendix 9-1 for the full list of Category 1 projects). If the EEA is satisfied that the project falls under Category 1, an ECC or Environmental Authorisation Letter (hereinafter referred to as the Authorisation Letter) will be issued and the project can proceed (see Figure 9.2).

Category 2 projects are those that could have certain significant adverse environmental impacts, but the scale and magnitude of these impacts are relatively easy to predict without having to do a detailed ESIA. Such projects require an **Initial Environmental Evaluation** (IEE) (not a full EIA) and a **Comprehensive Mitigation Plan** (CMP). The types of projects that may be allocated to Category 2 include: medium-scale agro-industries, rural electrification projects, renewable energy production, tourism infrastructure, and rural water supply and sanitation (see Appendix 9-2 for the full list).

Category 3 projects are those that are likely to have significant adverse impacts on the environment. In-depth **ESIA studies** are required to predict the scale and magnitude of their impacts on the environment, together with appropriate **CMPs**. Typical Category 3 projects include: dams and reservoirs, large-scale irrigation and flood control schemes, mining

projects, resettlement schemes, and thermal and hydropower schemes (see Appendix 9-3 for the full list).

9.4.2 EIA process for Category 2 projects

As mentioned above, Category 2 projects require the proponent to prepare and IEE report and a CMP.

IEE report

The Second Schedule of the EAARR, 2000 contains an outline of the contents expected in an IEE report:

Introduction: Purpose of the IEE

Description of the project: Location, size, construction or operational activities, schedule for implementation, workforce, any alternatives.

Description of the environment: Brief description of physical, coordinates, ecological and human aspects of the site and its surroundings.

Impact description and evaluation: Brief account of the significant impacts likely to occur if no mitigation occurs – if an EIA is needed because of the nature and extent of expected impacts, then a recommendation to this effect should be made.

Impact management: Description of mitigation measures and monitoring programmes.

Schedule of implementation: Technical and institutional requirements for successful implementation.

The IEE report should be short (no more than 20 pages) and written in clear, simple language. The accompanying CMP must conform to the requirements set out in the Second Schedule of the Regulations and described below.

Comprehensive Mitigation Plan

The IEE report must be accompanied by a CMP, which should focus on the significant impacts identified in the IEE report. The contents of the CMP are set out in the Second Schedule of the Regulations and are listed below.

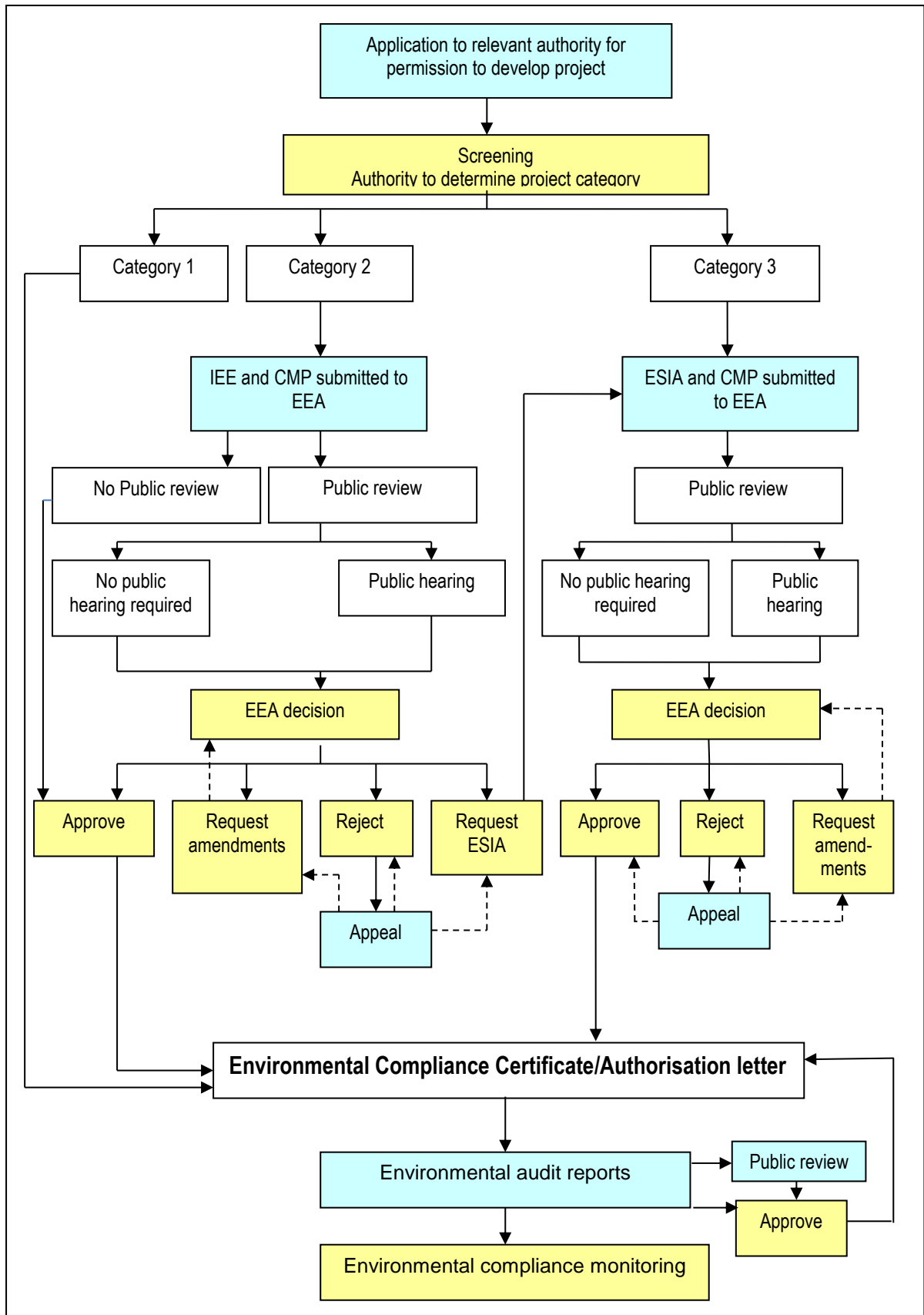


Figure 9.2: EIA process flow diagram

The CMP must contain details relating to:

- Impacts to be prevented or reduced in severity;
- Benefits to be enhanced;
- Mitigation measures to achieve the above;
- Costs, and institutional and training requirements;
- Monitoring programmes to track project-related impacts and implementation of mitigation measures; and
- Community liaison procedures needed.

It must also contain:

- Schedules for implementation and targets;
- Reporting procedures;
- A work programme and budget; and
- Staffing and training requirements.

Submission of the IEE and CMP reports

The proponent must submit 3 hard copies and an electronic copy of the IEE report and the CMP to the Authorising Agency (EEA). The decision of the Authority shall be valid for a period of one year. The Authority shall require a new project brief where a proponent fails to prepare an IEE, EIA and CMP within one year of the decision being made. The EEA then has **15 days** to decide whether the IEE report and the CMP conform to the prescribed reporting requirements or guidelines specified in the Second Schedule of the EAARR. If not, the project proponent will be requested to submit an amended set of documents for consideration by the EEA.

Public review of IEE and CMP reports

Immediately after the EEA has received, reviewed and approved the IEE and CMP, it is required (in terms of Regulation 11(7)) to:

- (a) Distribute copies of the documents to affected ministries, local authorities, parastatals, non-governmental organisations and any other stakeholders.
- (b) Display such copies conspicuously in public places, especially near the site of the proposed project.
- (c) The proponent is required to place a notification/advertisement:
 - (i) in the Government Gazette;
 - (ii) on the Eswatini Broadcasting Service; and
 - (iii) in a newspaper circulating in Eswatini twice a week and for two consecutive weeks,

specifying the place and the times where copies of the reports may be available for inspection and the procedure for the submission of comments and objections (see Figure 9.2).

The public is allowed **15 days** to submit comments on Category 2 projects, but the EEA can extend this period for a period not exceeding ten days if the project is considered sensitive.

Public hearing

Following the public review period, the EEA has **five days** to decide whether a public hearing is necessary. This decision is usually based on one or both of the following:

- (a) If after examining the documents and the reports, the EEA is of the opinion that the project is of such a sensitive nature that the public should have the opportunity to make submissions or comments at a public hearing; or
- (b) If there is great public concern about the project and the number of written and substantiated objections exceeds ten.

Notice of the public hearing is given by the EEA, which has to ensure that:

- (a) A notice is published at least once a week for two consecutive weeks in a newspaper circulating in Eswatini, stating the date and place where the public hearing is to be held, at least **15 days** before the public hearing is held. The expenses in respect of the publication of the notice are to be borne by the proponent.
- (b) All reports, documents, written comments and objections during and after the period of public review are displayed and made available until the public hearing has been finalised.
- (c) Any party who has an interest in the outcome of the public hearing, including the project proponent, the authorising agency, the commenting agency and any other person, must be called upon to attend the public hearing or solicit, in writing, comments from other government agencies or offices with expertise or regulatory power over the proposed project.

The public hearing will be presided over by persons nominated by the EEA in terms of Regulation 12. The chairperson of the public hearing has to produce a report, approved by all the officers assigned to the hearing, within **15 days** of the public hearing. This report will also be made available for public inspection.

Decision on Category 2 projects

Once the EEA has reviewed the IEE report and the CMP, all public submissions, as well as the public hearing report (if necessary), it will do one of the following:

- (a) Approve the project and issue an ECC/Authorisation Letter; or
- (b) Request the proponent to prepare and submit a full EIA and CMP (see section 9.4.3); or
- (c) Request the proponent to make appropriate amendments to the IEE and/or the CMP as directed (see Figure 9.2).

9.4.3 EIA process for Category 3 projects

An in-depth ESIA is required for Category 3 projects or for those projects located in environmentally sensitive areas (see section 9.4.1).

Scoping Report

The first step is to conduct a scoping exercise to determine the key issues which may require further study in the ESIA stage. The scoping stage should also include stakeholder consultation. The Scoping Report must include a description of the stakeholder engagement process, as well as Terms of Reference for the specialist studies to be conducted during the detailed ESIA. The Scoping Report must be submitted to the EEA for review and comment.

ESIA report

The contents of an EIA report are specified in the Second Schedule of the EAARR, and are as follows:

Executive summary: A brief account (no more than ten pages) of the findings of the EIA, with the emphasis on the main issues for consideration by decision-makers in the EEA, the authorising agencies and members of the public.

Introduction: Purpose of the EIA. The boundary of the study area and time horizon for which the impacts will be predicted (speculated future date or time).

Description of the environment: An overall evaluation of the types and quality of the environment (biophysical and social components and processes) within the study area, with specific information presented only when relevant to the prediction and evaluation of impacts. A description of any expected changes to the baseline environmental situation before implementation of the project subject to an EIA (the 'no project' alternative).

Prediction and evaluation of impacts: For all alternatives:

- Distinguish between significant adverse and beneficial impacts.
- Identify irreversible impacts.

- Allocate significance against international and/or national regulations, standards and quality objectives governing:
 - Health and safety
 - Protection of environmentally sensitive areas;
 - Land use; and
 - Ambient pollution levels.
- Identify significant data deficiencies and assumptions made.
- Determine the spatial and temporal distribution of impacts.

Analysis of alternatives and selection of preferred option: Selection of the preferred alternative based on the comparison of the environmental impacts of each option.

Impact management plan (for preferred alternative): Action to enhance benefits and prevent or reduce adverse impacts.

Schedule for implementation: Technical and institutional requirements for successful implementation.

Consultations: Results of any consultation held with government agencies, non-governmental organisations and the public during EIA work.

Comprehensive Mitigation Plan

The EIA report must be accompanied by a CMP, which should focus on the significant impacts identified in EIA report. The contents of the CMP are set out in the Second Schedule of the Regulations and are the same as those specified for the IEE, listed in section 9.4.2.

Submission and review of EIA and CMP reports

On completion of the EIA and CMP reports, the proponent must submit them to the authorising agency (if not EEA) or the MTEA, which shall forward them to the EEA within **ten days** of receipt. The EEA then has **20 days** to decide whether the EIA report and the CMP conform to the prescribed reporting requirements or guidelines specified in the Second Schedule of the EAARR, and whether these documents contain the necessary breadth, depth and types of analysis to allow for informed decision-making. If the documents do not conform to the specified requirements, the project proponent is requested to resubmit an amended set of documents for consideration by the EEA.

Public review of EIA and CMP reports

Immediately after the EEA has received the EIA and the CMP, it is required (in terms of Regulation 11(7)) to:

- (a) Distribute copies of the documents to affected ministries, local authorities, parastatals, non-governmental organisations and any other stakeholders.
- (b) Display such copies conspicuously in public places, especially near the site of the proposed project.

- (c) Place a notification:
 - (i) in the Government Gazette;
 - (ii) on the Eswatini Broadcasting Service; and
 - (iii) in a newspaper circulating in Eswatini twice a week and for two consecutive weeks, specifying the place and the times where copies of the ESIA and CMP reports may be available for inspection and the procedure for the submission of comments and objections.

The public is allowed **20 days** to submit comments on Category 3 projects, but the EEA can extend this for a period not exceeding ten days if the project is considered sensitive.

Where the EEA believes a project is likely to have significant impacts on the environment of a neighbouring country or that country so requests, it shall forward the relevant reports and documents to that country at the same time that the documents are made available for public review in Eswatini.

Public hearing

Following the public review period, the EEA has **five days** to decide whether a public hearing is necessary. This decision is usually based on one or both of the following:

- (a) If after examining the documents and the reports, the EEA is of the opinion that the project is of such a sensitive nature that the public should have the opportunity to make submissions or comments at a public hearing; or
- (b) If there is great public concern about the project and the number of written and substantiated objections exceeds ten.

The procedures for the public hearing for the EEA are the same as those required for an IEE and are set out in section 9.4.2 above.

Decision on Category 3 projects

Regulation 7 states that the EEA shall, within **20 days** of receipt of the public hearing report or inquiry or within **20 days** after a public hearing or inquiry is judged not to be warranted, make a decision:

- (a) Allowing the proponent to proceed with the project and issue the proponent with an ECC; or
- (b) Disallowing the proponent from proceeding with the project as planned, if it would bring about unacceptable environmental impacts or the mitigation measures are inadequate. In this instance, the proponent is allowed to submit revised documents for the Authority's consideration.

The EEA's decision must be communicated as follows:

- (a) In writing to the authorising agency or the MTEA, giving reasons, conditions and comments on its decision;
- (b) By publishing the decision in a medium to be decided by the Authority;
- (c) By publishing a detailed statement of the decision for public inspection, notifying all the main stakeholders and interested and affected parties by display in public places and through the media; and
- (d) By sending a copy of the decision to any persons who have submitted comments in writing or lodged an objection to the Authority in terms of the Regulations.

9.4.4 Appeals

A person who is aggrieved by the decision of the Authority or the findings of the public hearing may, after payment of the prescribed fee, appeal against the decision or findings to the Minister within **15 days** from the date of the decision of the Authority. The Minister's decision is final.

9.4.5 Compliance monitoring

Proponents of approved projects are required to hire environmental compliance monitors to prepare Project Compliance Reports for review by the EEA. The Authority normally specifies the frequency of reporting in the ECC (from monthly to quarterly), depending on the nature of the project and the construction timeframe.

The Authority occasionally inspects approved projects to ensure that their implementation is consistent with the recommendations of the CMPs. It has discovered several cases of non-compliance in the construction sector, for example. This underlines the need for the Authority to undertake more and regular on-site inspections rather than relying on the objectivity of the compliance reports, as proponents are not always committed to implementing the CMPs because of the cost involved. Mainly because of staff shortages, the EEA has generally been reactive (rather than proactive) in auditing and taking appropriate steps against companies that do not comply with the required environmental standards.

The Project Compliance Report should typically contain the following, as prescribed in the Second Schedule of the Regulations:

Introduction: Purpose of the report.

Description of the project: Location, size, phase of implementation (construction or operation), workforce.

Performance review: Checking of implementation of CMP and actual impacts of projects (if data allows).

Recommendation: To improve performance and preparation of next Project Compliance Report.

9.4.6 Environmental audits for existing undertakings/projects

Preparation and submission of Environmental Audit Reports

In the EMA, a distinction is made between proposed projects, for which an environmental assessment is required, and existing projects, which require an environmental audit report. To this end, Regulation 5 of the EAARR requires the EEA to:

- (a) Annually identify and maintain a list of projects that cause concern to the Authority or the public because of their impact on the environment, and publish the list of such projects in its annual report;
- (b) Require an operator of an existing listed project to submit an Environmental Audit Report (see below) and a CMP to the EEA within six months after notification, and to do so at his/her own cost; and
- (c) After receipt of the Environmental Audit Report and the CMP, determine within **15 days** whether these documents conform to, or are in accordance with the prescribed reporting requirements or guidelines under the Second Schedule of the Regulations. Where the reports do not conform, the operator will be required to make good any deficiencies and resubmit the reports at his/her own cost.

On receipt of the Environmental Audit Report and CMP, the EEA will distribute copies to every ministry concerned or responsible for the control of the project for its comments within four weeks.

Note that the Environmental Audit Report and the CMP are deemed public documents, and the EEA may make copies available to whoever desires to have them without charge or at a minimal charge as determined by the Authority. However, Regulation 5(7) allows certain information in the documents to be kept confidential if the operator can prove that disclosure will be detrimental to his/her commercial operations or the national interest of the country. In instances where the entire document is considered confidential, the operator must make a summary environmental audit report available for public review and comment.

The procedures for public review, inspection and the submission of comments and objections on the Environmental Audit Report and the CMP are the same as those described in sections 9.4.2 to 9.4.4 above.

Once the EEA accepts the CMP and advises the operator of such in writing, the operator has **15 days** to implement the requirements of the CMP.

Contents of an Environmental Audit Report

The Environmental Audit Report is required to contain at least the following:

Introduction: Purpose of the report.

Description of the project: Location, size, workforce, inputs and outputs, operations and manufacturing processes, transport.

Description of the environment: Brief description of the physical, ecological and human aspects of the site and its surroundings.

Impact description and evaluation: Inventory with amounts of all effluent discharges, after pre-treatment, to the air, water and land (including noise, vibration and odour). Inventory of all solid wastes produced and their handling, storage, transport and eventual deposition. Inventory of chemicals used in operational or manufacturing processes and which reach the air, water or land through non-point sources. Concentrations of chemical, radiological and energy pollutants in the air, water and land near the installation (based on inventory). Identification and evaluation of the impacts of these concentrations on the environment and health (when data allows).

9.4.7 Strategic environmental assessment

Of particular note in the EMA is that provision has been made in section 31 for strategic environmental assessment to be undertaken for any parliamentary bills, regulations, policies, plans and programmes that may have an adverse impact on the protection, conservation or enhancement of the environment or on the sustainable management of natural resources. Section 31(3) stipulates the contents of a strategic environmental assessment report:

- (a) A full description of the bill, regulation, public policy, programme or plan and the objectives it intends to achieve;
- (b) An identification, description and assessment of the positive and adverse effects that implementation of the proposed policy, programme, plan or legislation is likely to have on the environment and on the sustainable management of natural resources;
- (c) An identification, description and assessment of the likely effects of alternative means to achieve the objectives of the bill, regulation, policy, programme or plan;
- (d) An identification, description and assessment of a range of practicable measures that could be taken to avoid, mitigate or remedy any adverse effect that may occur as a result of the implementation of the bill, regulation, policy, programme or plan; and

- (e) Any other information prescribed by the Minister by regulation.

If proponents of a bill, regulation, policy, programme or plan are in any doubt as to whether a strategic environmental assessment is required, they are directed to consult EEA to determine the need for such a study.

Once the strategic environmental assessment has been completed, the proponent has to submit all relevant documentation, showing where changes have been made in response to the assessment and other comments.

9.4.8 Transboundary impacts

Eswatini is surrounded by South Africa on three sides and it is bordered by Mozambique to the east. The only reference to the consideration of transboundary impacts is that when the EEA believes a project is likely to have significant impacts on the environment of a neighbouring country or if that country so requests, it must forward the relevant reports and documents to that country at the same time that the documents are made available for public review in Eswatini.

9.5 Other relevant environmental legislation in Eswatini

Environmental issues cut across a variety of sectors, and numerous pieces of legislation in Eswatini have a bearing on the environment and should be considered in ESIA decision-making. The sectors, titles of the legislative instruments, the responsible agency and the purpose of the legislation are summarised in Table 9.6.

Table 9.6: Other potentially applicable sectoral requirements¹¹

Sector	Primary agency	Title and date of document	Purpose
Water resources	Ministry of Natural Resources and Energy (MNRE): Dept. of Water Affairs	Water Act, No. 7 of 2003	This Act is intended to harmonise the management of water resources in the country. Its provisions include the establishment of a National Water Authority and a Water Resources Master Plan. This Plan will contain an inventory of the total water resources of Eswatini, and a comprehensive programme of action by which the maximum value can be obtained from this resource for the benefit of the people of Eswatini.
Air	EEA	Air Pollution Control Regulations, 2010	The Regulations for the control and management of air pollution set out air quality objectives and a list of controlled air pollutants in Schedules 1 and 2 respectively. They carry a maximum penalty of

¹¹ Nexant Inc., 2006.

Sector	Primary agency	Title and date of document	Purpose
			E250 000 for non-compliance.
		Ozone Depleting Substances Regulations, 2003 (as amended in 2014)	The Regulations control the import and export of ozone depleting substances and related equipment. The amended Regulations include the targets set out in the Montreal Protocol.
Water quality	EEA, MNRE: Dept of Water Affairs, Water Resources Section	Water Pollution Control Regulations, 2010	These Regulations for the control and management of water quality set out water quality objectives and effluent standards in Schedules 1 and 2 respectively (see Tables 9.2 and 9.3 in this Chapter). They carry a maximum penalty of E250 000 for non-compliance.
Waste	EEA	Waste Regulations, 2000	These are Regulations for the management of solid waste, liquid waste and hazardous waste disposed of on land or in furnaces. See Table 13.2 for a list of permits required in terms of these Regulations.
Energy	Eswatini Energy Regulatory Authority	Electricity Act, No. 3 of 2007	The Act regulates the electricity supply industry and sets out the licensing procedures. Section 61 states that any new installation must comply with legislation on occupational health and safety and environmental standards.
	MNRE: Energy Department	National Energy Policy, 2003	The Policy ensures that the development goals of the country are met through the sustainable supply and use of energy for the benefit of all the citizens of the country.
Health	Ministry of Health	Public Health Act, 1969	The Act makes provision for public health, particularly communicable diseases, nuisances and other incidental matters.
		National Environmental Health Policy, 2007	The Policy aims to improve the health status of the Swazi people by providing preventive, promotional, rehabilitative and curative health services, which are relevant, socially acceptable, affordable and accessible to all.
Planning and zoning	Ministry of Housing and Urban Development (MHUD)	Town Planning Act, 1961	The Act makes provision for the preparation and carrying out of town planning schemes. (iv) The Act provides for the control of the planting of certain trees grown for commercial purposes in specified areas, and for matters incidental thereto.
		Urban Government Act, 1969	The Act makes provision for the establishment and regulation of urban authorities.
		Peri-Urban Growth Policy, 1997	The key to managing the urbanisation process has been identified as institutionalising a participatory, evolutionary approach towards urban status and individuation of tenure. It is recommended that the process be managed through a two-level hierarchy – a Peri-Urban Authority at government level and Community Development Associations at community level. The former is to provide integrated management of the process, including the master plans for

Sector	Primary agency	Title and date of document	Purpose
			settlements, arrangement of financing options, and technical support for the formation and continuing development of the Community Development Associations. The Associations are to manage the process of growth of the settlements and provide incremental means of: 1. Infrastructure delivery; 2. Evolution of tenure from communal to individual; and 3. Evolution of management and representation from traditional to that required under the Urban Government Act. This process will require the clear definition of what property and management rights are held by which party at which stage, and a means for their transfer over time by mutual agreement.
Forestry	MTEA: Dept of Forestry	Private Forests Act, No. 3 of 1951	(i) The Act provides for the regulation of private forests in Eswatini.
		Flora Protection Act, 2000	The Act repealed the Act of 1952 to provide for more effective protection of the indigenous flora of Eswatini.
		Forest Preservation Act, No. 14 of 1910	The Act regulates trees and forestry development on government and Swazi nation land.
		Forest Policy, 2002	The Policy aims to achieve efficient, profitable and sustainable management and utilisation of forest resources for the benefit of the entire society.
		Control of Tree Planting Act, No. 7 of 1972	The Act provides for the control, of the planting of certain trees grown for commercial purposes in specified areas and related matters.
Mining and mineral resources	MNRE: Mining Department	Mines and Minerals Act, No 4 of 2011	The Act provides for the granting of reconnaissance, prospecting and mining licences and permits, the import and export of minerals and other related matters. Part VII addresses environmental protection and the need for proponents to apply for an ECC in terms of the EMA before that can be licensed to operate. Section 127 requires licensees to provide a bond or other form of financial security to the Commissioner of Mines.
		Explosives Act, No. 4 of 1961	
Conservation	MTEA: Dept of Tourism and Wildlife	Eswatini National Trust Commission Act, 1972, and Regulations	The Commission seeks to, inter alia: <ul style="list-style-type: none"> ▪ Preserve the natural and cultural heritage. ▪ Continue to develop nature conservation in the country. ▪ Create awareness and educate the public on conservation of the natural and cultural heritage. ▪ Promote tourism relating to the natural and cultural heritage of the country. ▪ Control the implementation of all activities relating to biodiversity conservation, including responsibilities as recognised by the EEA and other government bodies. ▪ Control the implementation of other

Sector	Primary agency	Title and date of document	Purpose
			biodiversity-related legislation.
Wildlife and natural resources	MNRE King's Office	Flora Protection Act, 2001	The Act identifies and lists protected species and permits required in respect of protected species.
		Wild Birds Protection Act, No. 45 of 1914	The Act prohibits, with certain exceptions, the sale and exportation of the plumage and skins of wild birds, and provides for the protection of birds.
		Natural Resources Act, No. 71 of 1951 and regulations	The Act protects natural resources (with limited powers).
		Game Act, 1953, as amended by the Game (Amendment) Act, 1991	The Act amends the laws dealing with the preservation of game, and provides for the preservation of other types of wildlife in Eswatini
		Plant Control Act, No. 8 of 1981	
		Grass Fires Act, No. 44 of 1955	
		MNRE	National Biodiversity Strategy and Action Plan, 2016-2022
Agriculture and land	MNRE: Land Administration Ministry of Agriculture	National Land Policy, 2000	<p>This includes:</p> <ul style="list-style-type: none"> • Land tenure issues and policies; • Land use and land management issues and policies; • Land market issues and policies; and • Land administration issues and policies. •
Biosafety	MTEA: EEA	Biosafety Act, No. 7 of	Sets out the institutional arrangements,

Sector	Primary agency	Title and date of document	Purpose
	Biosafety Unit	2012	notification and authorisation requirements and the safeguard mechanisms relating to the import and use of genetically modified organisms (GMOs).
		Biosafety Amendment Bill, 2017	The amendment bill aims to bring the 2012 Act into compliance with the provisions of the Cartagena Protocol on Biosafety.
		Draft Biosafety Regulations, 2017	Regards the administration and management of GMOs.
Fisheries	Ministry of Agriculture	Protection of Freshwater Fish Act and Regulations, 1937	
Roads	Ministry of Works and Transport: Roads Department	Road Traffic Act, No. 6 of 2007	The Act controls traffic and transport on public roads
		National Transportation Policy	The aim of the policy is to facilitate an effective transportation system to ensure social and economic development within the sector.
Human resettlement, compensation and rehabilitation	MHUD: Human Settlements Authority	Building and Housing Act, 1969	The Act provides for the control of building and the safety of buildings.
		Crown Lands Act, 1949	The Act proclaims certain areas of land in Eswatini as crown lands.
		Crown Lands (Temporary Occupation) Act, 1968	The Act makes provision for the granting of permits for temporary occupation of certain crown lands and prevents the unauthorised occupation of or encroachment on crown land.
		Human Settlements Authority Act, 1992	The Act establishes the Human Settlements Authority.
		National Housing Policy, 2001	The policy stipulates that “all Swazi households should have access to affordable shelter and services.”
		Human Resettlement Policy, 2003	The Policy aims to establish a sensible, effective strategic framework for sustainable land management and resettlement, correcting or preventing the often haphazard allocation of land to homesteads, cropping and grazing, so that arable land is not wasted, erosion is minimised, and service provision is facilitated.
	Ministry of Agriculture	Rural Resettlement Policy, 2002	
Archaeological, historical and cultural	MTEA and EEA	Eswatini National Trust Commission Act, 1972, and Regulations	<p>The Commission seeks to, inter alia:</p> <ul style="list-style-type: none"> ▪ Preserve the natural and cultural heritage. ▪ Continue to develop nature conservation in the country. ▪ Create awareness and educate the public on conservation of the natural and cultural heritage. ▪ Promote tourism relating to the natural and cultural heritage of the country. ▪ Control the implementation of all activities relating to biodiversity conservation, including responsibilities as recognised by the EEA and other government bodies. ▪ Control the implementation of other

Sector	Primary agency	Title and date of document	Purpose
			biodiversity-related legislation.
Occupational Health and Safety	Ministry of Enterprise and Employment	Occupational Health and Safety Act, No. 9 of 2001	Deals with various aspects of occupational safety and health. Part II provides for appointment and powers of Inspectors. Part III regulates duties of employers, self-employed persons and employees. Part IV deals with safety and health statement, and safety and health policy, and regulates activities of safety and health committees. Part V provides for premises becoming unsuitable for use as a workplace, improvement notice, prohibition notice, and removal of nuisance near workplace. Part VI deals with notification and investigation of occupational accidents and diseases. Finally, Part VII contains procedural and miscellaneous provisions.
Tourism	MTEA: Department of Tourism and Wildlife	National Tourism Policy, 2000	

Appendix 9-1: List of Category 1 projects

Projects under this category are unlikely to cause any significant environmental impact. Types of projects that may be allocated to Category 1 include, but are not limited to, the following:

- Residential development not exceeding three houses;
- Renovations to existing structures not involving asbestos or other hazardous substances;
- Small-scale commercial buildings or structures;
- Research activities;
- Prospecting for groundwater, minerals and hydrocarbons using vibriosis and similar techniques;
- Small-scale social infrastructure provision (e.g. rural health, education and family planning);
- Technical assistance and institution-strengthening activities; and
- Small-scale tourist projects.

Appendix 9-2: List of Category 2 projects

Projects under this category are likely to cause environmental impacts, some of which may be significant unless mitigation actions are taken. Such projects cause impacts that are relatively well known and easy to predict. Also, the mitigation actions to prevent or reduce the impacts are well known. Types of projects that may be allocated to Category 2 include, but are not limited to, the following:

- Agro-industries (medium-scale);
- Electrical transmission lines and rural electrification (medium-scale);
- Irrigation and drainage (medium-scale);
- Renewable energy production;
- Residential development exceeding three houses, but fewer than ten houses;
- Hotels, camp sites and lodges;
- Rural water supply and sanitation;
- Watershed management and rehabilitation;
- Urban area rehabilitation (medium-scale);
- Small-scale infrastructure (roads, sewage systems, water pipelines and treatment works);
- Hospitals (medium-scale);
- Non-food industries (medium-scale) without discharge of toxic substances or storage and use of hazardous substances; and
- Projects located near environmentally sensitive areas.

Appendix 9-3: List of Category 3 projects

Projects under this category are likely to have significant adverse impacts, whose scale, extent and significance cannot be determined without in-depth study. Appropriate mitigation measures can only be identified after such study. Types of projects that may be allocated to Category 3 include, but are not limited to, the following:

- Residential development exceeding ten houses;
- Dams and reservoirs;
- Afforestation schemes and wood processing facilities (large-scale);
- Irrigation, drainage and flood control (large-scale);
- Mineral development (including hydrocarbons);
- Reclamation and opening of new areas for agriculture;
- Resettlement schemes;
- River basin development;
- Thermal and hydropower;
- Manufacture, transport and use of pesticides or other hazardous substances;
- Agriculture (especially involving large-scale monoculture);
- Roads
- Projects located in environmentally sensitive areas;
- Mining and soil excavation (large-scale).

Acronyms

AESAP	Architects, Engineers, Surveyors and Allied Professionals
CMP	Comprehensive Mitigation Plan
E	Emalangeneni
EAARR	Environmental Assessment, Audit and Review Regulations
EAP	environmental assessment practitioner
ECC	Environmental Compliance Certificate
EEA	Eswatini Environment Authority
EEAP	Eswatini Environmental Action Plan
ESIA	environmental and social impact assessment
EMA	Environment Management Act
GMO	genetically modified organism
IEE	initial environmental evaluation
MHUD	Ministry of Housing and Urban Development
MNRE	Ministry of Natural Resources and Energy
MTEA	Ministry of Tourism and Environmental Affairs
NBSAP	National Biodiversity Strategy and Action Plan
NCCSAP	National Climate Change Strategy and Action Plan
SEA	strategic environmental assessment
UNDP	United Nations Development Programme

Useful contacts

Department	Ministry	Telephone	Fax	Useful websites
Eswatini Environment Authority	Ministry of Tourism and Environmental Affairs	+268-2404-9693 +268-4046960 +268-4047893	+268-404-9683	www.sea.org.sz