



**AFRICAN UNION**  
**INTERAFRICAN BUREAU**  
**FOR ANIMAL RESOURCES**



**Sweden**  
**Sverige**

## **REPORT OF NATIONAL WORKSHOP TO SUPPORT THE KINGDOM OF ESWATINI TO ALIGN AND DOMESTICATE RELEVANT GLOBAL INSTRUMENTS RELATED TO AQUATIC BIODIVERSITY CONSERVATION, CLIMATE CHANGE MITIGATION AND ADAPTATION AND ENVIRONMENTAL MANAGEMENT**



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Requests for such permission should be addressed to :

The Director  
African Union – Inter African Bureau for Animal Resources (AU-IBAR)  
Kenindia Business Park, Museum Hill, Westlands Road  
P.O. Box 30786-00100, Nairobi, KENYA  
Or by e-mail to : [ibar.office@au-ibar.org](mailto:ibar.office@au-ibar.org)

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## ACRONYMS ABBREVIATIONS

ABES	African Blue Economy Strategy
AU	African Union
AUC	African Union Commission
AU-IBAR	African Union Inter-Africa Bureau for Animal Resources
CBD	Convention on Biological Diversity
CITIES	Convention on International Trade in Endangered Species of
CMS	Convention on Migratory Species
DARBE	Department of Agriculture, Rural Development, Blue
DREA	Department of Rural Economy and Agriculture
DWA	Department of Water Affairs
	Economy and Sustainable Environment
EEA	Eswatini Environment Authority
EIA	Environmental Impact Assessment
ENTC	Eswatini National Trust Commission
ESERA	Eswatini Energy Regulation Authority
ESRA	Economic and Social Reform Agenda
FAO	Food and Agriculture Organization
	Fish Stocks and Highly Migratory Fish Stocks
GDP	Gross Domestic Products
GoE	Government of Eswatini
JBRA	Joint River Basin Authority
MCSCC	Monitoring Control Surveillance Coordination Centre
MNRE	Ministry of Natural Resources and Energy
MOA	Ministry of Agriculture
MTEA	Ministry of Tourism and Environmental Affairs
NAP	National Adaptation Plan
NDC	Nationally Determined Contributions
NGO's	Non-Governmental Organizations
NMS-CCU	National Meteorological Service – Climate Change Unit
NWA	National Water Authority
PPCU	Public Policy Coordination Unit
PRSAP	Poverty Reduction Strategy and Action Plan
PSMP	Public Sector Management Programme
SADC	Southern Africa Development Community
SDGs	Sustainable Development Goals
SIDA	Swedish International Development Agency
SNL	Swazi Nation Land
TDL	Title Deed land
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification

UNCLOS	United Nations Convention on the Law of the Sea
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
UNFSA	United Nations Convention and Management of Straddling
UNICEF	United Nations Children Emergency Fund
WASH	Water Supply, Sanitation and Hygiene
WFF	World Fauna and Flora

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The Government express its profound appreciation to all the various Government Ministries and Agencies, Private sector and Non-governmental organizations who participated at the workshop. These included Eswatini National Trust Commission (ENTC); Ministry of Agriculture (Fisheries section, Economic Planning, Land Use Department and Legal Office), Ministry of Natural Resources and Energy (Department of water Affairs and Energy Department), Ministry of Tourism and Environment, Eswatini Environment Authority, Joint River Basin Authorities-Project Board, Ministry of Foreign Affairs and AU-IBAR, Non State Actors - Eswatini Aquaculture Association, WaterAid, Aquaculture Feed suppliers.

We appreciate everyone mentioned and not mentioned for their role in the development of this workshop report on domestication of Global Instruments of aquatic biodiversity and environmental management to the National Policies and Regulatory Frameworks.



## EXECUTIVE SUMMARY

The Blue Economy conference held in Nairobi, Kenya in 2018 initiated the African Blue Economy discussions across Africa. The African Union driven by its Agenda 2063 vision adopted the Blue Economy and tasked the AU-IBAR to support the development of the African Blue Economy Strategy (ABES) which was adopted by African Heads of States in February, 2020. Part of the strategy pillars was to support African Countries to develop their respective Blue Economy Strategies. Part of the key expectations on the ABES is that African States ratify and domesticate Global Instruments that seeks to foster conservation of aquatic biodiversity. The AU-IBAR received funding from the Swedish International Development Agency (SIDA) to implement a three-year project that seeks to support AU Member States to ratify, domesticate and implement Regional and Global Instruments that are key to the conservation of aquatic biodiversity, climate change mitigation and adaptation. The Kingdom of Eswatini was selected to be part of the Countries that received the support.

A National Workshop was organized by AU-IBAR to support the Kingdom of Eswatini to do an analysis of their ratification, domestication and implementation of the Global Instruments. This workshop was held on the 27<sup>th</sup>-28<sup>th</sup> September, held at Mantenga Lodge, Ezulwini. The workshop provided a platform for the review of the relevant National regulatory and Policy documents in various Ministries, Department and Agencies with a view of identifying gaps in the National Instruments. The actions for domestication and guidelines for harmonization were developed. The findings of a status report conducted by AU-IBAR of an assessment of the Global Instrument for the AU Member States was presented. It was highlighted that the status of ratification of most of the Global Instruments was high, however, domestication and implementation was low. The deep dive assessment through the workshop came to a similar conclusion. The assessment was conducted for three main sectors which included: Water, Agriculture and Fisheries and Environment and Tourism. Other targeted sectors were Energy and Mining, however, participants from those sectors were absent. It was then agreed that they will be included as the process continues.

General findings indicated that most Conventions under the Environment and Tourism sector were ratified, domesticated and are implemented. It was also established that the country is reporting on the implementation of the Instruments. For the water global Instruments, it was established that the Country has not ratified them, however, it has signed Regional Instruments aligned to the Conventions and are implemented on the ground. Due to the non-ratification, it was established that the Country is not reporting implementation progress on the Conventions. Likewise, the Agriculture-Fisheries sector has ratified only one Instrument and the rest are not. Domestication and implementation is however on a very slow pace. There is a need to ratify, domesticate and implement the Conventions. Policy objectives and actions were established aligned to each of the Global Instruments.

Some of the key gaps that were established included poor coordination within and between the sectors. The Country lacks a multi-sectoral monitoring and evaluation framework for tracking progress on the domestication and implementation of the Global Instruments. Recommendations that were proposed included the establishment of a Steering committee formed by Principal Secretaries of the three Ministries (Agriculture, Water and Environment) which will have an oversight responsibility in the implementation



of the Instruments. The steering committee will meet once a year and will report to the Cabinet on the progress made. The workshop also proposed the formation of a Multi-Sectoral Technical Coordination Committee that will meet twice a year to review and update on the Regional and Global Instruments implementation. A multi-sectoral annual report will be produced that will outline progress on the status of ratification, domestication and implementation. The Ministry of Agriculture will continue to coordinate this work.

The Country further outlined the support it requires from AU-IBAR. The key areas of support included financial and technical support to develop the BES for the Kingdom of Eswatini, support with the development of a baseline on aquatic and biodiversity resources and supporting the Kingdom of Eswatini to establish a coordination and monitoring mechanism for the implementation of Global Instruments.

## 1.0 INTRODUCTION

The Concept of the Blue Economy was initiated through the Sustainable Blue Economy Conference held in Nairobi Kenya in 2018. The Conference attracted over 4,000 participants across the Globe who assembled to discuss and forge a plan towards building a Blue Economy. It focused on harnessing potential of Oceans, Seas, Lakes and Rivers to improve lives of all people and in particular people in developing States, women, youth and Indigenous peoples. The focus was also to leverage the latest innovations, scientific advances and best practices to build prosperity while conserving our waters for future generations.

In February, 2020, African Heads of States assembled in Addis Ababa, Ethiopia and endorsed the African Blue Economy Strategy (ABES) developed on behalf of African Member States by the Inter-African Bureau for Animal Resources (AU-IBAR). In the Agenda 2063, the African Union focused on making the use of ocean resources a priority in the frontier of its Blue Economy. Most African Countries including the Kingdom of Eswatini are still at elementary stages in developing their Blue Economy Strategies. This delays the progress and vision for an African Blue Economy envisaged by Agenda 2063 and 2050 Africa's Integrated Maritime strategy. The Blue Economy offers Africa an opportunity beyond the environment and economy. It presents an opportunity to achieve National objectives and improve Regional integration

Through financial support from the Swedish International Development Agency (SIDA), AU-IBAR is implementing a three-year project focusing on Conserving Aquatic Biodiversity in African Blue Economy. The project is aligned to the African Blue Economy Strategy, 2019. The project assessed the status of ratification and domestication of Global Instruments related to aquatic biodiversity conservation, climate change and environmental sustainability by selected AU Member States. The report, recommended that support be provided to African Countries to ratify and domesticate the Global Instruments.

The Kingdom of Eswatini was therefore among the selected African Union Member States supported by AU-IBAR to align and domesticate relevant Global Instruments related to aquatic biodiversity conservation, climate change mitigation and adaptation and environmental management. This technical report outlines the processes that were engaged in the Kingdom of Eswatini and outlines the outcomes of the National workshop facilitated by technical staff of AU-IBAR from the 27<sup>th</sup>-28<sup>th</sup> September, at Mantenga Lodge, Ezulwini.

### 1.1 Background

The AU-IBAR is a specialized technical office of the African Union Commission (AUC) headed by a director who reports directly to the AUC through the Department of Rural Economy and Agriculture (DREA). Its mandate covers all aspects of animal resources, including livestock, fisheries and wildlife of the African Continent. The Vision of AU-IBAR is an Africa in which animal resources contribute significantly to the reduction of poverty and hunger. The institution is mandated to support and coordinate the utilization of animals as resource for human wellbeing in Member States.

The objective of the Blue Economy Strategy is to guide the development on an inclusive and sustainable Blue Economy that significantly contributes to the African Continent transformation and growth through advancing knowledge on marine and aquatic biotechnology, environmental sustainability, the growth of an Africa-wide shipping industry, the development of Sea, River and Lake transport, the management of fishing activities on these aquatic spaces, and the exploitation and beneficiation of deep Sea mineral and other resources. The African Union estimates that the Blue Economy currently generates nearly US\$300 billion for the Continent and creating about 49 million jobs<sup>1</sup>. By 2063, these figures are projected to increase to US\$576 billion creating 78 million jobs. The implementation of the Africa Blue Economy Strategy will also accelerate the attainment of the sustainable development goals by 2030.

The ABES is anchored on 5 thematic areas

1. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems
2. Shipping/transportation, trade, ports, maritime security and enforcement
3. Coastal and maritime tourism, climate change resilience, marine ecosystem, environment and infrastructure
4. Sustainable energy and mineral resources and innovative industries
5. Policies, Institutional and governance, employment, job creation and poverty eradication, innovative financing

The challenges associated with the Blue Economy advancement are categorized into 2. They are 1. Strategic challenges include: (blue governance, Economic and Social, Nutritional and environmental and climate change), 2. Technical challenges which include (assessing the blue potential, accounting Blue Economy activities and components for better governance, integrated and prospective approach to marine ecosystem, increasing safety and security through integrated maritime surveillance and value addition.

The ABES areas of intervention and strategic objectives are summarized in the table below

Table 1 ABES areas of intervention

Areas of Interventions	Strategic objective
Shipping	Carrying cargoes of African countries at reasonable rates
Port	Modernisation of African ports
Fishery and aquaculture	Optimising conservation and sustainable fisheries and aquaculture resources use while minimising conflicts with other blue economy sub-themes Achieving full wealth-generating potential for fisheries and aquaculture sector to optimally contribute to the blue growth Ensuring sustainable social, economic, environmental and equitable outcomes and human rights whilst safeguarding natural capital and blue investment
Energy	Unlocking the sustainable blue energy potential (Technical Aspect) Creating conducive regulatory environment for the development and application of sustainable blue energy
Mineral and Oil and Gas	Meeting the growing demand of mineral resources and oil and gas for economic prosperity
Innovative Industries	Harnessing the potential of innovative industries through R&D
Coastal tourism	Developing an Integrated and Sustainable Tourism
Blue Carbon & other Ecosystem Services and Resilience	Promoting the integration of blue carbon and ecosystem services into CC policies and Coastal and Aquatic policies Ensuring Environmentally sustainable and climate resilient economies and communities

<sup>1</sup> World bank (2022) – Blue economy resilient Africa Programme (BE4RAP)

The Kingdom of Eswatini is still at initial stages of developing its National focused Blue Economy Strategy. The Ministry of Natural Resources and Energy has been dubbed focal point for the development of the National BE Strategy. This process are still at initial stages. While these efforts are in progress, the Ministry of Agriculture has received support from AU-IBAR through funding from SIDA to align and domesticate relevant Global Instruments related to aquatic biodiversity conservation, climate change mitigation and adaptation and environmental management. This is considered a first step towards advancing a Blue Economy and sustainable development in the Kingdom of Eswatini. It has been evident through this support that the Kingdom of Eswatini is still lagging behind in the process of ratification and domestication of the key Global Instruments that seek to transform the economy.

## *1.2 National Consultation Workshop*

To support the Kingdom of Eswatini, AU-IBAR working in collaboration with the Ministry of Agriculture (Fisheries section) facilitated a National consultation workshop from the 27<sup>th</sup>-28<sup>th</sup> September 2023, held at Mantenga Lodge. The multisector national workshop was facilitated to enhance various sectors to establish baselines for ratification and domestication of the key international aquatic biodiversity, environment and climate change Instruments.

The overall objective of the of the workshop was to support the Kingdom of Eswatini to review National Policies, Regulations and align National Instruments with relevant Regional and Global biodiversity and environmental management Instrument.

Specifically, the objectives were to:

- a. Present a report on the identified and reviewed relevant National Regulatory, Policy related documents in various National Ministry, Departments, Agencies (MDAs) responsible for environmental management and aquatic biodiversity conservation;
- b. Receive a presentation on the report from the National Consultant on the extensive digest of the consultancy report;
- c. Presentation report from the National Consultant on the identified gaps in the National Instruments based on the provisions of the prioritized Global Instruments on conservation of aquatic biodiversity and environment management, and;
- d. Divide into group sessions to further synthesize and enrich the National Consultant's report. Here, we shall identify priority issues and actions for domestication and develop guidelines for harmonization of National Instruments with prioritized Global Instruments on conservation of aquatic biodiversity and environmental management as per the worksheet.

## *1.3 Workshop Participants*

The prioritized sectors for the National workshop included: Agriculture, Water, Environment and biodiversity, Energy and Mining. There were 25 participants composed of the following: the Kingdom of Eswatini National Trust Commission (ENTC); Ministry of Agriculture (Fisheries section, Economic Planning Section, Land Use Department and Legal Office), Ministry of Natural Resources and Energy (Department



of water Affairs and Energy Department), Ministry of Tourism and Environment, the Kingdom of Eswatini Environment Authority, Joint River Basin Authorities-Project Board, Ministry of Foreign Affairs and AU-IBAR, Non State Actors - the Kingdom of Eswatini Aquaculture Association, WaterAid, Aquaculture Feed suppliers.



Figure 1 Workshop Participants

## 1.4 Key Workshop Proceedings

### 1.4.1 A Welcome remark by the Director AU-IBAR - Dr. Huyam Salih

On behalf of the Director of AU-IBAR, Dr. Huyam Salih, Mr. Eric Nadiopé delivered the Director's speech. He welcomed participants on behalf of the Commissioner for Agriculture, Rural Development, Blue Economy and Sustainable Environment, AUC, H.E Ambassador Sacko. He encouraged them to deliberate effectively on the important issues related to the domestication of ratified international instruments. The process of domestication is in alignment with meeting objectives of the AU Agenda 2063 with the slogan of leaving no-one behind and the Africa we want.



Figure 2 Mr. Eric Nadiopo from AU-IBAR delivering the AU\_IBAR Executive Director Speech

He further expressed appreciation to the Government of the Kingdom of Eswatini for the cooperation and willingness to facilitate the National workshop. He indicated that the African Union has adopted the Blue Economy Strategy as means to foster sustained aquatic biodiversity conservation for the present and future generations. He further alluded to the importance of all AU Member States to ratify and domesticate the Regional and Global Instruments hence AU-IBAR support to the Kingdom of Eswatini. He acknowledged a study that was conducted across all AU Member States on the status of ratification and adoption of the Global Instruments. It was the outcome of the assessment that led to the project to support to the Kingdom of Eswatini.

#### **1.4.2 Statement from SADC**

The meeting observed the role of the Southern Africa Development Community in the process of engaging with Member States, however during the workshop in the Kingdom of Eswatini, the SADC representative sent an apology hence there was no statement

#### **1.4.3 Statement by Mr. Sydney Simelane Principal Secretary, Ministry of Agriculture, Government, the Kingdom of Eswatini**

The National Stakeholder consultation workshop was officially opened by the Principal Secretary in the Ministry of Agriculture, Mr. Sydney Simelane on behalf of the Government of the Kingdom of Eswatini. He expressed appreciation to AU-IBAR to select the Kingdom of Eswatini to be part of the countries that are domesticating the Global Instruments. He indicated that the support was valuable to the Country and will ensure that the Country is on track to align to the Blue Economy targets. The Principal Secretary on behalf of the Government appreciated the support from SIDA funding for this project. He further appreciated the recognition of the Kingdom of Eswatini technical contribution in informing initiatives of the AU-IBAR on issues of biodiversity conservation. The Principal Secretary indicated that this support was coming at a time when the Kingdom of Eswatini is developing its Blue Economy Strategy and highlighted that this will help the Country a lot. He pledged the commitment of the Government of the Kingdom of Eswatini in ensuring that the Instruments are domesticated and ratified. Finally, he appreciated the leadership of AU-

IBAR, SADC and the AU for the strategic foresight in facilitating this work aligned to the AU Agenda 2063. He then wished the meeting success.

## *1.5 Presentations of the Objectives and Agenda of the Workshop*

The background and objectives of the meeting and overview of the project on (Conservation of Aquatic Biodiversity in African Blue Economy, was presented by Mr. Eric Nadiope Aquatic Biodiversity Conservation Policy, Legal and Institutional Expert, AU-IBAR and the agenda (See Annex I) of the meeting was presented by Mrs. Phumzile Mhlanga Senior Agricultural Officer - Fisheries, Ministry of Agriculture, proposed for endorsement by the Kingdom of Eswatini National Trust Commission (ENTC) and adopted by the participants.

## *1.6 Workshop Approach*

The workshop was participatory and interactive. The AU-IBAR technical team through presentations by Mr. Eric Nadiope and Dr. Patrick Karani laid the foundation on the need to ratify and domesticate the global instruments. They highlighted the benefits this has for the Country in advancing its sustainable development goals.

The participants from the different local institutions represented presented on National context on the Instruments ratification and domestication status. The presentations also covered the challenges that were experienced by the sectors in ensuring a safe and well-balanced aquatic biodiversity. Interaction opportunities on all the presentations were available. A tool for data and information collection regarding the status of the Global Instruments and domestication through National institutions and Policies was shared to the stakeholders for adoption and use.

The participants were then allocated ample time to independently do the review of the Instruments sectoral. This consumed much of the time and stakeholders then presented their findings to the plenary. Comments and additions were proposed by the other sectors.

Finally, a plenary session was facilitated whereby recommendations emanating from the presentations were reviewed and documented into the communique of the meeting. The last section of this report covers the key recommendation and requests made to AU-IBAR. The official closing session of the workshop was facilitated. The participants were given an opportunity to share their remarks before the words of appreciation from AU-IBAR were shared and subsequently the vote of thanks and closure of the Principal economist of the Ministry of Agriculture Mr. Henry Mndawe on behalf of the Principal Secretary.

## *1.7 National Development Context*

The Kingdom of Eswatini formerly Swaziland, is a landlocked, lower-middle income Country, located in the Southern part of Africa bordered by the Republic of South Africa and the Peoples Republic of Mozambique (see Figure 1).





## 2.0 SECTORAL CHALLENGES

The Kingdom of Eswatini aspirations is to develop the Country using its natural resources ensuring a resilient economy for the present and future generations. In this quest, the Country is cognizant of the limitations and challenges across the sectors. The aquatic biodiversity sectors are of no exception. Hence the Country takes active steps to address sectoral challenges and gaps that can inhibit the attainment of its goals. Initiatives such as the Blue Economy, sustainable development goals (SDGs) and various climate change adaptation initiatives such as National Determined Contributions (NDC) and National Adaptation Plans (NAP) are viewed always welcomed and they play significant role in addressing barriers to realization of our Country development needs. This section of the report outlines some of the key challenges in each sector.

### 2.1 Fisheries, Aquaculture Sector

The Kingdom of Eswatini Fisheries and aquaculture sector is under developed. However, the subsector is steadily growing with emerging farmers investing more to fish farming primarily for food security. The National Fisheries Policy (2011) estimates that the Country produces a total of approximately 70 tons of fish captured and farmed annually. There are 5 main transboundary rivers in the Country which provide habitat for fish and other aquatic animals. Some of the fish stocks are found in the main dams of the Country.

The Fisheries and aquaculture sector is considerable very vulnerable due to weak Policy and enforcement. The Country Fisheries section lacks technical and human resources capacity to manage and maintain the right balance in the subsector. Some of the key challenges the fisheries and aquaculture subsector faces include the following:

- Climate Change risks – such as droughts, floods and climate variability is affecting the fish industry. Prolonged droughts have resulted to drying of small streams which has deprived fish of habitats. The fish stocks in the Country are not known, however the general observation is that they have decreased substantially. Equally floods have led to increased proliferation of invasive aquatic species and fish that outcompete indigenous species. This is negatively affecting the species composition and fish stocks;
- Poor enforcement of Policies and legislations – leads to over exploitation of fish and aquatic resources. The capacity of the fisheries section is very weak to ensure compliance. Investment in to the section including provision of working tools and resources is required. This leads to inadequate management of fisheries resources in the Country;
- Poor policies and legislations - While the country is taking active steps to improve its legal frameworks on fisheries and aquaculture, there are still gaps. Most of the Policies, plans and strategies do not address immerging issues and the alignment with other International frameworks such as climate change and SDGs in weak;
- Fragmented coordination between sectors – The Country lack a National frameworks for coordination between sectors. The implementation of Policies and programs takes a silo approach. When large infrastructure such as dams are constructed, the Fisheries Department is not considered leading to several challenges for the sector such as lack of passage for catadromous and anadromous fish;

- Pollution of rivers and aquatic systems – From industrial, mining and agricultural sources. Many of the country’s aquatic habitats for fish are polluted. There is need to strengthen water quality monitoring to avoid fish deaths; and,
- Lack of rescue, research and gene-bank establishments.

## 2.2 Water Sector

The Kingdom of Eswatini is endowed with 5 major Rivers that it shares with neighboring Countries, the Republic of South Africa upstream and Republic of Mozambique downstream. The five main Rivers include the Lomati, Komati, Mbuluzi, Usutu, and Ngwavuma.

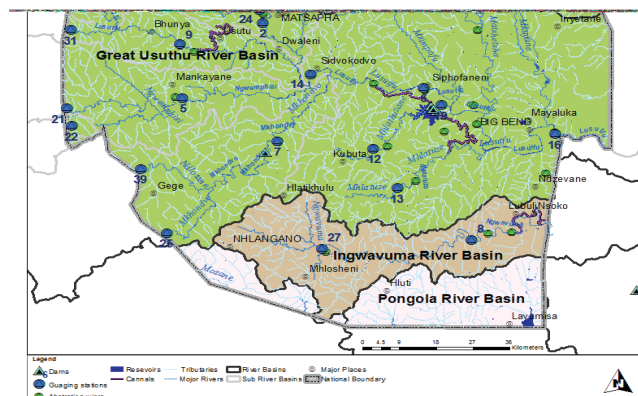


Figure 4 River Basins of Eswatini

The Komati and Lomati are part of a single bigger catchment which is the called Incomati River Basin which covers 47,000 km<sup>2</sup> of which 6% is in the Kingdom of Eswatini (covering 11200km<sup>2</sup>), South Africa covers 63% while Mozambique covers 31%. Along the Komati System, there are two major dams which are Maguga Dam 332MM<sup>3</sup> and the 251MM<sup>3</sup> Driekoppies dam located in South Africa. The Mbuluzi River is the only River that starts in the Kingdom of Eswatini, and is shared with Mozambique downstream. Approximate 60% of the 5400km<sup>2</sup> basin is in the Kingdom of Eswatini and 40% in Mozambique. The Mbuluzi River has 2 major tributaries, Mbuluzane River and Movene River. Along the Mbuluzi system lies the 153Mm<sup>3</sup> Mnjoli dam located at Dvokolwako Area. The Usutu River is the largest in the Kingdom of Eswatini with the biggest catchment area of 12,000km<sup>2</sup> and covers about two thirds (66%) of the Country supporting an estimated 75% of the national population (Matondo and Msibi, 2000). The Usutu River supports several economic functions in the Country including hydropower, Industrial use, Domestic use and irrigation. At present the system has 2 main dams along the Usutu River; upstream is the 24MM<sup>3</sup> Luphohlo Dam mainly used for hydropower generation and the 155mm<sup>3</sup> Lubovane Dam downstream used for irrigation, mainly for sugarcane.

The major challenges of the Water sector include the following:

- Poor capacity of the NWA and RBAs to manage the water resources including fully executing its mandate. The Government is working on strengthening these institutions, however, it is also worth noting that the rural water supply sub-sector lacks clear legal frameworks while the urban sub-sector is well defined and managed;
- There is a need to strengthen the sector regulatory frameworks including water use pricing/charging with an aim to improve efficient water use;
- The Country's water resources are transboundary in nature and most of the water sharing agreements are old and do not address aspects of climate change. There is a need to review the agreements to factor in climate change considerations;
- The Country has poor water flow monitoring systems and networks that can measure instantaneous flows. Small Rivers and streams lack gauging stations and stream flows are not well captured. The lack of this critical information makes planning and management of water resources difficult in the advent of climate change;
- Encroachment of infrastructure along Rivers and water sources – Climate change will come with adverse impacts such as floods and droughts. Due to poor enforcement of settlement laws, people have encroached into water ways including flooding zones and wetlands. This affects water availability especially during drought conditions. Climate change will also come with flooding, and this will pose a major threat to infrastructure constructed in flood zones. Land use malpractices affect both water quality and quantity in the Country;
- Transboundary Nature of Water Resources - All the river basins in the Kingdom of Eswatini are transboundary and water use is controlled by existing sharing agreements that do not factor in climate change and environmental flows considerations. Climate change impacts such as prolonged drought and floods will further strain the water availability and strain relations; and,
- Inefficient Irrigation Systems - Over 82% of the water resources of the Kingdom of Eswatini are utilized in agricultural irrigation especially for sugarcane. However, most of the irrigation systems such as furrow and sprinklers are inefficient and increases water use. This makes the sector highly vulnerable to anticipated negative impacts of climate change. In addition, poor monitoring of water use especially in the sugarcane irrigation subsector makes planning and managing water demand difficult.

## 2.2 Biodiversity and Ecosystems Sector

The Kingdom of Eswatini has 4 main ecosystems, these are: Montane grasslands, Savanna-woodland mosaic, Forest and Aquatic ecosystems. The highveld is mainly covered with the Montane grasslands with a Savanna-woodland Mosaic in the Middleveld and Lowveld. Forest and aquatic ecosystems are distributed across the Country but occur mainly in the highveld.

Approximately 46% of the Country is covered by the Montane grasslands<sup>6</sup>, however its coverage has been reduced in extent by 25% over the past 30 years. Montane grasslands are home to 72% of the Kingdom of Eswatini's endemic flora and the Country's only endemic vertebrate. A large percentage of threatened flora and fauna are found in the Montane grasslands<sup>7</sup>. Savanna-woodland mosaic - The Savanna-woodland

<sup>6</sup> The Kingdom of Eswatini second National biodiversity strategy and action plan (MTEA, 2016)

<sup>7</sup> (Dlamini & Dlamini, 2002; Monadjem et al., 2003)

mosaic originally covered 48% of the Country land area but due to other development pressures, such as agriculture it has reduced to 25%. The ecosystem is mainly divided into 3 habitats which consist of sour bushveld, lowveld bushveld and the Lubombo bushveld. The ecosystem is habitat to half of the Country's flora and fauna<sup>8</sup>. The forest ecosystem is highly restricted originally covering 5% of the Country land area. Forests have been reduced by 26% due to other land use practices such as farming and urbanization. Forest vegetation in the Kingdom of Eswatini is usually found at moderate to high elevations mainly in the west of the Country and in ravines of the Lubombo Mountains. Natural forests cover about 1.6% of the Kingdom of Eswatini, while plantation forests cover 6.4 % and wattle forests 1.4 %<sup>9</sup>. Aquatic ecosystems accounts for 6% of the total land area of the Country. This is mostly comprised of Rivers, streams dams and wetlands.

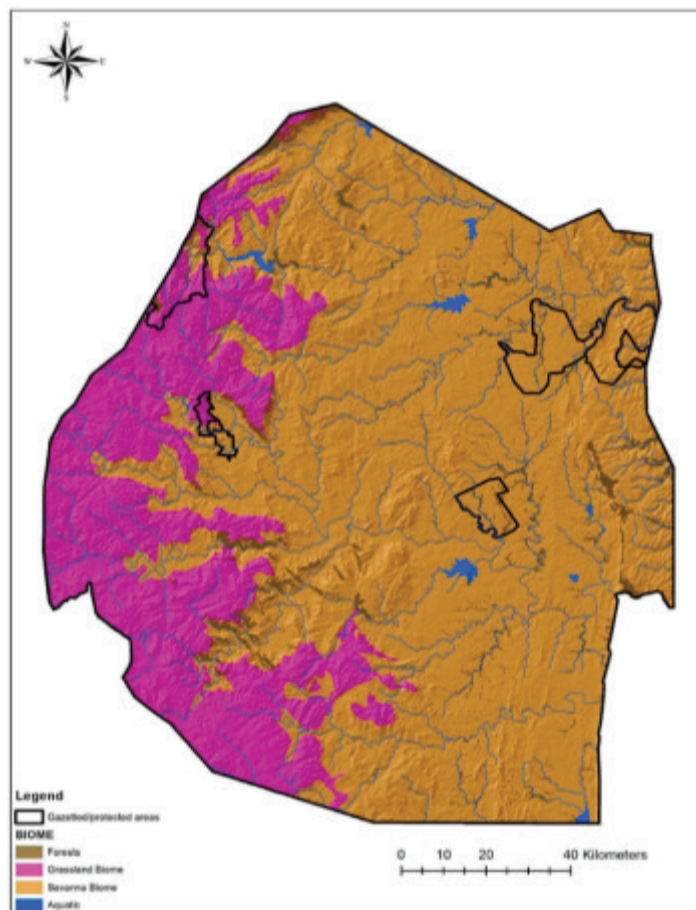


Figure 5 Ecosystems systems of the Kingdom of Eswatini

Biodiversity and Ecosystems sector faces numerous challenges which are mainly caused by population growth, poverty, urbanization, Policy failures, institutional failures and trade and Globalization, as well as climate change and variability are the key drivers of losses of biodiversity and ecosystems in the Kingdom of Eswatini. The sector specific challenges include:

- Disaggregated National Policy and legislative framework which makes coordination and monitoring of the sector activities difficult;
- Other threats to the sector include poaching and overexploitation of biodiversity and ecosystem services. There is also predominantly loss of biodiversity due to: cultural expansion, wood extraction, infrastructure development and biomass burning of biodiversity because of fires;
- Introduction of invasive species is also manifesting as a huge challenge which out-compete the local

<sup>8</sup> State of the Kingdom of Eswatini's biodiversity for food and agriculture (FAO, 2017)

<sup>9</sup> A vulnerability and adaptation assessment of Swaziland's biodiversity (Dlamini, 2009)



and endemic species; and,

- Finally, issues of illegal trade in natural products of the Kingdom of Eswatini biodiversity and ecosystems services to other Countries without a fair market cost and the weak controls.

## 2.4 Energy Sector

The energy sector in the Kingdom of Eswatini is at the forefront of economic considerations due to the Country's growing energy demand. Energy is a vital commodity for all sectors of society, and the specific characteristics of energy supply and consumption patterns have a number of important implications for the development of a Country. Energy inputs such as electricity and fuels are essential to generate jobs, industrial activities, transportation, commerce, micro-enterprises, and agriculture inputs<sup>10</sup>. Therefore, access to sustainable, affordable and reliable energy is a prerequisite condition in achieving a number of the Sustainable Development Goals (SDGs) and other National goals as it significantly affects a number of economy generating sectors. The country's energy security is currently at risk because of the high energy imports. Energy supply still remains a challenge in the Country as it imports all its petroleum products and about 70% of its electric energy requirements from neighboring South Africa, and Mozambique. As such, reducing the Country's exposure to fluctuations in energy prices due to factors beyond its control whilst reducing its vulnerability to possible disruptions in supply is a top National priority. The Government of the Kingdom of Eswatini has prioritized sustainable energy in an attempt to reduce energy insecurity, alleviate poverty as well as mitigate and adapt to climate change.

Some of the key challenges facing the energy sector in the Kingdom of Eswatini include the following

- Deforestation is evident in the Country and suggests that fuelwood demand exceeds the sustainable supply from accessible land;
- Climate change will significantly impact the energy sector. Even though the energy sector has been widely identified as having an important role in climate change mitigation, adaptation to the impacts of climate change is also necessary due to its exposure;
- With a growing population, increased National development activities and economic growth, energy demand is expected to increase accordingly. Increases in Global temperature will create significant upward shifts in energy demand for cooling, with implications for energy efficiency. There have been issues of lack of clarity in the roles for procurement between the ESERA and EEA<sup>11</sup> which has caused limited growth and efficiency in the sector; and,
- Another challenge in the sector is the over reliance of energy imports from neighboring Countries coupled with negligible local production. With both South Africa and Mozambique experiencing electricity shortages, the Country is pressured to increase its own energy generation using renewable sources. This exposes the sector to price and supply shocks thus affecting the economy at large. The Country has an enormous untapped potential for generating clean and affordable on-grid electricity from renewable energy (RE) resources (e.g., solar, wind, small hydro, and residues from the sugar and timber industries), and could meet the entire National maximum demand of 234 MW of on-grid electricity if fully exploited, and further have excess power for exporting to the Southern African Power Pool (SAPP)<sup>12</sup>.

<sup>10</sup> the Kingdom of Eswatini Government: <https://www.gov.sz/index.php/ministries-departments/ministry-of-natural-resources/dept-of-energy>

<sup>11</sup> [https://energypedia.info/wiki/Swaziland\\_Energy\\_Situation](https://energypedia.info/wiki/Swaziland_Energy_Situation)

<sup>12</sup> Programme Framework for Affordable Renewable Energy in Swaziland, 2018

12 | African Union - Inter-African Bureau for Animal Resources

### 3.0 DEVELOPMENT PROCESSES OF THE POLICY STRATEGIES AND REGULATORY FRAMEWORKS FOR CONSERVATION OF AQUATIC BIODIVERSITY, ECOSYSTEMS AND ENVIRONMENTAL MANAGEMENT IN KINGDOM OF ESWATINI

The process of policy development for aquatic biodiversity is led by the different sectors through the relevant Government Ministries. The legislative Instrument aligned to the Policy is used to anchor and align it. The Policy development process is usually informed by existing scientific evidence and information, existing gaps in the sector and needs of the population. The responsible Ministry takes responsibility to develop the Policy through a participatory and inclusive engagement process involving all sector players.

The process is consultative in nature and in most cases involves community engagements that seek to capture community views as input into the Policy. Once the draft is developed is shared with the stakeholders for further their inputs and for validation. Once all players are equally satisfied with the Policy it is taken up for Cabinet approval.

The Public Policy Coordinating Unit house under the Prime Minister Office is responsible for the review, analyze and advise the Government Policies and other Policy frameworks across the different sectors. The PPCU coordinate and assist Ministries in Policy formulation and they monitor and report on Policy program implementation.

Before the Policy is presented to the Cabinet for review and approval, it is reviewed by the PPCU and advice for approval to the Cabinet is provided. The Cabinet applies itself and review the Policy before its adoption and approval.

#### 3.1 *Situational Analysis*

The Kingdom of Eswatini has a number of Global Instruments for aquatic biodiversity conservation, climate change mitigation and adaptation and environmental management that they have ratified and domesticated especially in the environment and ecosystem sector, their level of domestication and ratification is equally high. Even though, the Country has not ratified all Global Instrument related to the Water sector, their domestication and implementation in high. The table below gives an overview of the Global Instruments for the different sectors of focus and their status of ratification, domestication and implantation.

According to the research conducted by AU-IBAR it discovered that the implementation of the Instruments is generally low while ratification was high. This fining is true but varies from one sector to the next. This section of the report highlights the National status.



Table 2 List of Global Instruments and their status of ratification, domestication and implementation status.

Sector	Global instrument	Ratification status	Domestication status	Implementation status
Environment	RAMSAR Convention on protection of Wetlands	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini National Trust Commission oversee the domestication and implementation of the convention</li> <li>There is a Draft National Wetlands Policy.</li> <li>A Wetlands strategy and action plan is being developed</li> <li>Wetlands Management Plans are being developed by communities</li> <li>The country is implementing programmes together with communities to properly manage wetlands.</li> </ul>
	Convention on Biological Diversity (CBD, 1992)	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini Environment Authority is responsible for managing and reporting on the convention.</li> <li>The country is reporting to the convention and A second National Biodiversity and Action Plan (NBSAPV2) was developed</li> <li>OECM framework and guidelines developed</li> <li>There are community outreach programmes focusing on biodiversity and ecosystems management</li> <li>There are community-based ecotourism initiatives that protect the biodiversity</li> </ul>
	Convention on the Conservation of Migratory Species of Wild Animals Agreement on the Conservation of African-Eurasian Migratory Water birds, or African-Eurasian Water bird Agreement (AEWA) 1979	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini National Trust Commission is responsible for the domestication and implementation of this convention</li> <li>The country is now reporting on the convention</li> <li>Instrument is outlined in the national report</li> <li>A global plan of action was developed</li> </ul>
	Convention on the Conservation of Migratory Species (CMS, 1979)	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini National Trust Commission is responsible for the domestication and implementation of this convention</li> <li>A global plan of action was developed</li> <li>Species inventory is updated regularly</li> </ul>
	Cartagena Protocol on Biosafety.	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini Environment Authority has domesticated and is implementing the protocol</li> <li>A national Biosafety Policy and Biosafety Act 2012 is in place was established</li> <li>There is a draft Biosafety Regulations to safeguard the use and handing of genetic materials</li> </ul>

Sector	Global instrument	Ratification status	Domestication status	Implementation status
	Convention on International Trade in Endangered Species of Wild Fauna and Flora CITES.	Ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini Environment Authority has domesticated and is implementing the protocol</li> <li>National legislative framework such as the Game act is in place and amended in 1991</li> <li>Flora Protection Act 2021 developed</li> <li>ENTC Act 1973 developed that manages Fauna and Flora</li> <li>Communities access to sustainable use of natural resources</li> </ul>
	Nagoya-Kualur lumpar Protocol on Liability and Redress	Ratified	Yes	<ul style="list-style-type: none"> <li>This protocol is implemented and reported with the Cartagena protocol on biosafety</li> </ul>
	Nagoya Protocol Access & Benefit-sharing	Ratified	Yes	<ul style="list-style-type: none"> <li>A bill was developed in 2008 and is yet to be passed as a law</li> <li>The country conducted an ABS rapid need assessment and a report for the Kingdom of Eswatini was produced in 2015</li> <li>Information and Outreach Strategy for ABS was developed in 2015</li> <li>Access and Benefit Sharing and Bio-trade guidelines for the Kingdom was developed in 2017</li> </ul>
	Basel Convention	Ratified	Yes	<ul style="list-style-type: none"> <li>A national report for the years 2011-2019 have been developed and in place</li> <li>Environmental Management Act 2002 is the legislative instrument used by</li> <li>Environment Policy, 1999</li> <li>Waste regulations, 2000</li> <li>Ensures environmental sound management of hazardous waste at community level</li> </ul>
	Stockholm Convention	Ratified	Yes	<ul style="list-style-type: none"> <li>Implementation of this global instrument is low.</li> <li>A national report was carried out for 2006 -2009</li> <li>Submission of national report for 2009 -2022 is still pending</li> </ul>
	United Nations Convention to Combat Desertification	Ratified	Yes	<ul style="list-style-type: none"> <li>This convention is housed in the Ministry of Agriculture</li> <li>The convention has been domesticated and is being implemented.</li> <li>National reports were submitted to the secretariat and are up to date</li> <li>National Action Plans have been developed and are implemented.</li> <li>National drought plans developed and implemented</li> <li>Great Green Wall initiative plan developed</li> <li>Land degradation neutrality targets have been established</li> <li>Communities are implementing actions that combat desertification and reducing land degradation</li> </ul>

Sector	Global instrument	Ratification status	Domestication status	Implementation status
	United Nations Framework Convention on Climate Change (UNFCCC)	Ratified	Yes	<ul style="list-style-type: none"> <li>The convention has been domesticated and it is well implemented in the country.</li> <li>The Ministry of Tourism and Environmental Affairs has established all required institutions for domestication.</li> <li>National communications to the UNFCCC reports 1<sup>st</sup> and 2<sup>nd</sup> developed and currently the 3<sup>rd</sup> report is being produced</li> <li>National Determined Contribution (NDC) have been updated in 2021</li> <li>National Climate Change Policy was developed in 2016</li> <li>National Climate Change Strategy and Action plan was developed and implemented. The strategy needs to be reviewed</li> <li>National Development Plan (NAP) is under-development</li> <li>The country is in a process of developing a National Climate change legislation.</li> <li>The Green Climate Change National Programme has been launched and under implementation. Readiness projects have been widely implemented.</li> <li>National Projects and programmes addressing climate change are being implemented by the communities.</li> </ul>
	UNESCO Man and the Biosphere Programme	Ratified	Yes	<ul style="list-style-type: none"> <li>Developed Lubombo and Malolotja Biospheres</li> <li>Established National Coordination structure or system</li> <li>Developed the land management plans</li> <li>This protocol enhances management of natural resources at community level</li> </ul>
	International Convention for the Prevention of Pollution from Ships (MARPOL);	Not ratified	No	<ul style="list-style-type: none"> <li>The Convention need ratification and domestication processes initiated</li> </ul>
	The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND);	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> <li>National legislative need to be reviewed to tackle pollution issues</li> </ul>
	The International Convention on Oil Pollution Preparedness, Response and Co-operation;	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>

Sector	Global instrument	Ratification status	Domestication status	Implementation status
	The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean;	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>
	The Convention for the Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (“Abidjan Convention”); and	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>
	Bamako Convention	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>
Fisheries	UN Fish Stocks Agreement (UNFSA) under UNCLOS	Not ratified	No	<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>
	United Nations Convention of the Law of the Seas (UNCLOS III), 1982	Ratified	Yes	<ul style="list-style-type: none"> <li>The convention has been ratified however implementation is at slow pace.</li> <li>The Ministry of Agriculture- Fisheries has established an MOU with Mozambique which gives the country access to fish at sea.</li> <li>The institutional arrangements need to be established for the implementation of the convention</li> </ul>
	Port State Measures (PSMA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2016	Not ratified		<ul style="list-style-type: none"> <li>There is a need to ratify the convention and commence the domestication and establish reporting processes</li> </ul>

Sector	Global instrument	Ratification status	Domestication status	Implementation status
Water	UN Convention on the Law of the Non-navigational uses of international watercourses, 1997, entered into force 2014	Not ratified	Yes	<ul style="list-style-type: none"> <li>The department of Water Affairs under MNRE is responsible for the implementation</li> <li>The Country is not a party to the convention yet implementation of the convention is currently occurring at national level.</li> <li>The country is signatory to the SADC Water Convention which seek to support Member States to implement this convention</li> <li>National legislation and policy governing water resources at national level have been developed and are widely implemented</li> <li>The country is currently not reporting on this convention since it is not ratified</li> </ul>
	The water Convention and the Protocol on water and Health	Not ratified	Yes	<ul style="list-style-type: none"> <li>The Kingdom of Eswatini has not yet ratified and domesticated this convention, however implementation is currently happening on the ground</li> <li>Communities are supported in developing water supply, sanitation and hygiene infrastructure aligned to the SDG6.</li> <li>National water and Health programmes are implemented at community level</li> <li>There is a need to ratify and report on this convention</li> </ul>
	Convention on the Protection and Use of Transboundary Watercourses and International Lakes 1992, entered into force 1996 and opened for global accession in 2016	Not ratified	Yes	<ul style="list-style-type: none"> <li>The country has developed several agreements at transboundary level to manage shared watercourses.</li> <li>The country has established a transboundary Organization known as INMACOM that is supporting riparian state to manage the INCOMAPUTO shared basin.</li> <li>National River basin Institutions have been developed to ensure adherence to shared water quality and Quantity. This is led by the Joint River Basin Authorities (JRBA)</li> </ul>

## 3.2 Review of Important Global Instruments related to aquatic biodiversity conservation, Ecosystems and environmental Management for the Kingdom of Eswatini

### 3.2.1 Convention on Biological Diversity (CBD, 1992)

The Convention on Biological Diversity (CBD) is housed under the Ministry of Tourism and Environmental Affairs and is implemented by the the Kingdom of Eswatini Environment Authority (EEA). The Kingdom of Eswatini ratified the Convention on Biological Diversity on the 07<sup>th</sup> Feb 1992. Since ratification, the Country has completed the 6<sup>th</sup> National Report to the CBD (6NR). Through this Instrument the Country is addressing major challenges related to the conservation of aquatic ecosystems, conservation of threatened species, Prevention of pollution of aquatic ecosystems and prevention of over exploitation of aquatic resources and fisheries.

The Country has aligned with the Convention and implementation of the Convention is underway. The Kingdom of Eswatini is currently implementing the 2<sup>nd</sup> National Biodiversity Action Plan (NBSAP version 2). The Country has also developed the wetlands Policy and OECM framework and guidelines. The major gaps in implementation of the CBD is that there is need for alignment of the NBSAP to post 2020 Global biodiversity Framework. There is need for a comprehensive biodiversity management framework and a biodiversity finance plan.

### **Nagoya Protocol on Access and Benefit Sharing**

This Protocol is a benefit-sharing treaty that builds on and supports the implementation of the CBD, in particular one of its three objectives, the fair and equitable sharing of benefits arising from the utilization of genetic resources. The Kingdom of Eswatini ratified the protocol on the 21<sup>st</sup> September 2016 Entered into force in 20 December 2016. The country submitted its first national communication in December 2017. The Ministry of Tourism and Environmental Affairs and the Kingdom of Eswatini Environment Authority and ENTC are responsible for the implementation of the protocol in the country. The Kingdom of Eswatini is participating in the global for a regarding this protocol. The country is in a process to finalise the enactment process of the ABS bill. Other ongoing processes include the updating the National Administrative Guidelines on ABS to incorporate emerging issues on the subject and alignment with the Post 2020 Global Biodiversity targets. The process of establishing the focal points and the development of the biodiversity strategy is underway. There is a need to continue with the reporting to the global fora for this Protocol

### **Cartagena Protocol on Biosafety**

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an International Treaty governing the movements of living modified organisms (LMOs) resulting from modern biotechnology from one Country to another. It was adopted on 29<sup>th</sup> January, 2000 as a supplementary agreement to the Convention on Biological Diversity and entered into force on 11<sup>th</sup> September, 2003. The Protocol was ratified on the 13<sup>th</sup> April, 2006. The 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> National Reports have been submitted to the secretariat. The Country has domesticated the protocol through the Biosafety Act 2012, Biosafety Policy, Draft Biosafety Regulations and Permitting system in plan.

### **3.2.2 RAMSAR Convention on Protection of Wetlands**

The Kingdom of Eswatini is party to the RAMSAR Convention having ratified it on the 15<sup>th</sup> February, 2013. The Convention is implemented or handled by the Kingdom of Eswatini National Trust Commission (ENTC). The Ramsar Convention is the intergovernmental Treaty that provides the framework for the conservation and wise use of wetlands and their resources. The Convention is anchored on 3 pillars

1. Work towards the wise use of all their wetlands
2. Designate suitable wetlands for the list of Wetlands International Importance and ensure their effective management
3. Cooperate Internationally on transboundary wetlands, shared wetland systems and shared species

The Kingdom of Eswatini is currently implementing the Convention and has produced the Second National Report of the Ramsar Convention. The Country is using the Convention to protect wetlands habitat and

ecosystems, protection of aquatic biodiversity and prevention of over exploitation of wetlands resources. The domestication of the Convention is through the draft National Wetlands Policy, Wetlands strategy and action plan and the Wetlands Management Plans. The coordination aspects of the convention is managed through ENTC stakeholder forums composed of communities, private sector and non-governmental organizations. The key gaps that the country needs to address include: the fragmented legislative frameworks which need to be harmonized for a collective effort in managing wetlands. The Wetlands policy has remained in a draft format for a long time. This compromises the accrual of the key benefits in implementation of the Convention. There is also gaps in research that brings out the economic value of the aquatic ecosystems like wetland. The limited financial resources for the country to develop robust programmes that promotes the conservation of the wetlands in another major challenge. The country need to prioritize the completion of the wetlands policy and invest more financial resources towards programmes that seek to conserve wetlands and aquatic ecosystems.

### **3.2.3 Convention on the Conservation of Migratory Species (CMS)**

This Convention was ratified by the Kingdom of Eswatini on the 01<sup>st</sup> January, 2013. The Convention is still in the process of adoption and implementation. The Kingdom of Eswatini National Trust Commission (ENTC) is the local institution that is tasked with the implementation working alongside the Kings Office-Big Game Parks. The purpose of the Convention is to protect habitats for water birds. The implementation of the Convention is still at primitive levels with the Global plan of action being developed. The species inventory is however regularly updated. The Country is yet to develop National implementation action plans. The Country's participation in the Global Fora is very weak and needs strengthening. This include Global reporting on this Convention and conduction National assessments. The Country needs capacity and financial resources to effectively domesticate and coordinate this convention. The disaggregated institutional arrangements also contribute to challenges the Country experiences in the coordination of this Convention. The fragmented institutional arrangements, weak coordination and poor Policy arrangements limits the Country's participation in the Global fora. The Global and National Plans are not yet integrated into community development plans therefore curtailing community involvement

- Convention on the Conservation of African-Eurasian Migratory Water birds, or African-Eurasian Water bird Agreement (AEWA) 1979

The Kingdom of Eswatini ratified this Continental Instrument 01<sup>st</sup> January, 2013. This Instrument is aligned and implemented alongside the CMS.

### **3.2.4 Convention on International Trade in Endangered Species of Wild Fauna and Flora CITES**

This Convention is designed to ensure that International trade in animals and plants does not threaten their survival in the wild. The Kingdom of Eswatini is a Party to this Convention having ratified it on the 26<sup>th</sup> February, 1997. The domestication of the Convention has been facilitated by the local legislative Instruments such as the Game Act amended 1991, Flora Protection Act, 2001 and the ENTC Act 1973. This Convention is coordinated under the Ministry of Tourism and Environmental Affairs working in collaboration with the Kings Office, ENTC and Big Game Parks. The Kingdom's participation in the Global for needs strengthening. There current legislative framework is outdated and there is fragmented and limited coordination of the implementation of this Convention at Global level.



### **3.2.5 United Nations Convention to Combat Desertification (UNCCD)**

The objectives of the 1994 Convention to Combat Desertification in Countries experiencing serious drought and/or desertification are to combat desertification and mitigate the effects of drought with a view to contributing to the achievement of sustainable development in affected areas. The Kingdom of Eswatini is Party to the Convention having ratified it on the 07<sup>th</sup> October, 1996. The Convention is housed under the Ministry of Agriculture working alongside the Ministry of Tourism and Environmental Affairs, the Kingdom of Eswatini Environment Authority and the Kingdom of Eswatini National Trust Commission. The implementation of the Convention is guided by National Policies and plans. Some of the plans include National Action Plan, Land degradation Neutrality targets, National drought plans and the Great green wall initiative plan. The Kingdom of Eswatini National reports on the implementation of UNCCD are submitted religiously to the secretariat. The Country is actively participating in Global forums for this Convention however challenges associated with implementation include the lack of a land use policy that is aligned with National plans. The Land bill has also remained stagnant for several years and it need to be reviewed and passed into a new Land Act. Local Communities actively participates on matters related to the bill in activities such as land reclamation and protection. However, this is driven mainly through donor funding with limited continuity and backing by state resources.

### **3.2.6 United Nations Framework Convention on Climate Change (UNFCCC)**

The UNFCCC aim is to prevent “dangerous” human interference with the climate system. The Convention seeks to stabilize greenhouse gas concentrations “at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.” It states that “such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner.” The Kingdom of Eswatini is Party to the Convention having ratified it on the 07<sup>th</sup> October, 1996. The Convention has been well domesticated by the Country and is coordinated under the Ministry of Tourism and Environmental Affairs. National Policies for domestication have been developed which include the National Climate Change Policy, National Climate Change Strategy and Action Plan and National Determined Contributions (NDC). The Country is still engaged in the process of developing the National Adaptation Plans that will integrate aquatic biodiversity. The Country has developed the first and second National communication reports submitted to UNFCCC. The Country’s participation at the Global for a is extensive. The major gaps include the poor coordination at National level and poor linkages with community interventions. The capacity to access climate finance has also remained low even though readiness projects have been implemented across different sectors.

### **3.2.7 UN Convention on the Law of the Non-navigational uses of International watercourses, 1997, entered into force 2014**

The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses plays a crucial role in protecting and managing International watercourses and other sources of fresh water. The Kingdom of Eswatini is endowed with 5 transboundary Rivers shared between South Africa and Mozambique. This makes this Convention important for the Kingdom of Eswatini. While the significance of this Convention is evident, the Country has not ratified the Convention; however, the implementation at the ground is at high level. The Ministry of Natural Resources is responsible for coordination of the

Convention. There is a need to ratify the Convention link with National Instruments. The Country's participation at the Global fora is very low and needs strengthening once the Convention is ratified.

### **3.2.8 The water Convention and the Protocol on water and Health**

The Protocol is the first International Agreement of its kind adopted specifically to attain an adequate supply of safe drinking water and adequate sanitation for everyone, and effectively protect water used as a source of drinking water. The Kingdom of Eswatini has not yet ratified this Convention and Protocol. While local Instruments and institutions are available and implementing on the ground, there is still a need for the Country to link those to the Convention. The participation in Global forums is very low and benefits accrued from participation have not yet been realized.

### **3.2.9 United Nations Convention of the Law of the Seas (UNCLOS III), 1982**

The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the World's Oceans and Seas establishing Rules governing all uses of the Oceans and their resources. The Kingdom of Eswatini is a Party to this Convention after its ratification in 2012. This Convention is housed under the Ministry of Agriculture-Fisheries. The Country has initiated processes to domesticate and implement this Convention. A memorandum of Agreement has been signed with Mozambique to facilitate access to fishing at Sea in Mozambique. There is still a need to expand the domestication and implementation of this Convention. The Country is currently not participating in Global forums pertaining to this Convention and there is currently no reporting. Local and International financing mechanism have not yet been explored. The Country is yet to report on the Convention to the UN. The key challenges is that, the processes to access the Seas for landlocked countries are intense and laborious. The Government leaders often do not fully appreciate the value of implementing such Conventions. Conflict and other barriers with neighboring states are also key blockages that limits the exploitation of the provisions of the Instrument.

### **3.2.10 FAO Code of Conduct for Responsible Fisheries Convention (CCRF)**

This Convention establishes principles and standards applicable to the conservation, management and development of all fisheries

### **3.2.11 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU) Fishing Convention**

This International plan of action is meant to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing. This Convention designed to protect the commonly affected small scales fisheries of marine as well as in-land fisheries. The Kingdom of Eswatini fisheries industry is small scale with risks and threats from illegal fishing. The Ministry of Agriculture-Fisheries has established laws and Policies to protect fisheries in the Country. The fisheries and Aquaculture Act (2019) and the National Fisheries Policy 2011. The Fisheries strategy (2020-2030) was developed in 2020 and the fisheries and aquaculture regulations 2020.

### 3.3 Synopsis of existing National Policy or Regulatory Instruments for harmonization with respect to Global Instruments on conservation of aquatic biodiversity and environmental management

#### 3.3.1 Fisheries and Aquaculture

The Fisheries and aquaculture sector in Eswatini is still at rudimentary stage. Driven by the Ministry of Agriculture (Fisheries section), the aim is to increase local production to address food security and increase productivity for commercial purposes. The Country has established legislative and Policy frameworks to protect illegal fishing and over exploitation, however enforcement and implementation of these Instruments is still a huge gap. The Country has inadequate resources for the management of the fisheries resources. Immerging issues such as climate change and alignment with Global Instruments is very weak. The fish stocks and species composition are not monitored due to lack of technical capacity and resources within the subsector. The proliferation of invasive species that outcompete the local fish species is common. Issues of pollution of the main Rivers is a huge problem that has led to multiple incidences of fish kills. There are gaps on the coordination of the fisheries sector with other relevant sectors especially those responsible for the environment. The Fisheries and Aquaculture Act established in 2019 seek to provide sustainable regulation and utilization of fish resources and development of aquaculture in Eswatini. It also aligns local practices and Policies to the existing Global Instruments such as the FAO Code of Conduct for Responsible Fisheries Convention (CCRF), International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU) Fishing Convention and the Cartagena Protocol on Biosafety. The National Instruments that Eswatini has developed include the Fisheries Policy 2011, Fisheries Act, 2019 and the fisheries regulations.

Table 3 Fisheries Gap analysis and Policy Objectives, Policy Action and Collaborating National Institutions

Convention	Gaps	Policy Objective	Policy Action	Collaborating National institutions
United Nations Convention of the Law of the Seas (UNCLOS III), 1982	<ul style="list-style-type: none"> <li>Implementation process is low, capacity within the Country is lacking</li> <li>Capacity required in terms of office establishment</li> </ul>	Fish in the High Seas ad Mozambican coastal waters	The Fisheries and Aquaculture Act in line with this Convention Memorandum of Understanding with Mozambique was finalized	<b>Lead:</b> MOA-Fisheries. Mozambique Fisheries and Port  <b>Supporting:</b> MNRE, MTEA
UN Fish Stocks Agreement (UNFSA) under UNCLOS	<ul style="list-style-type: none"> <li>Fisheries Policy needs to be reviewed to align with Global instruments</li> <li>Lack of fish ladders to allow movement of migratory fish</li> <li>Lack of capacity to assess fish stocks</li> <li>Collaboration with other sectors for monitoring, control, surveillance and enforcement</li> </ul>	Conservation and sustainable use of straddling and highly migratory fish stocks Allocations of allowable catch and levels of fishing effort Agreements of collaboration needs to be put in place	Provide fish ladders where there are dam infrastructure for migratory fish to migrate easily Allow fishing using permits that regulates the size of catch and fishing effort Implement the African Blue Economy that will allow collaboration within sectors for the management of aquatic resources	MNRE, RBAs, Fisheries, MTEA

Convention	Gaps	Policy Objective	Policy Action	Collaborating National institutions
Port State Measures (PSMA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2016	<ul style="list-style-type: none"> <li>Lack of understanding of the technology used in PSMA</li> <li>Unestablished office (Human capacity) lacking for management and controls, capacity of inspectors</li> <li>Convention not aligned correctly with National Policies</li> </ul>	<p>Prevent registration of fishing vessels with Eswatini flags that are not belonging to the Country</p> <p>Prevention of entry of illegally fished products</p>	<p>Collaborating with other partners in inspecting IUU fished products</p> <p>Review National Policies to cater for the Convention</p>	<p>Immigration and border controls</p> <p>SADC MCSCC in Mozambique</p> <p>Ministry of Works and Transport</p>

### 3.3.2. Water Resources

The Kingdom of Eswatini is a landlocked Country boarded by South Africa upstream and Mozambique downstream. The Country has 5 main Rivers, four of which start from South Africa. These Rivers include (Lomati, Komati, Usuthu and Ngwavuma River). The fifth River is the Mbuluzi River which starts from Eswatini to Mozambique. The transboundary Rivers are controlled and managed through various Treaties and Agreements between the three Countries. However, the Agreements are void on issues related to aquatic biodiversity conservation. Issues related to fisheries migration and access are not part of the water sharing Agreements. The Agreements also do not have adequate allocation of water for environmental flows which directly affects aquatic biodiversity. Even though issues of water pollution are factored into the transboundary Agreements, there is insufficient capacity to monitor pollution. This has led to incidences of fish deaths along the Rivers. These issues are exacerbated by the non-ratification of the Instruments related to Water and aquatic biodiversity conservation such as the UN Convention on the Law of the Non-navigational uses of International watercourses, 1997, entered into force 2014 and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes 1992, entered into force 1996 and opened for Global accession in 2016. Over and above the Country has not ratified the water Convention and the Protocol on water and Health. The Department of Water Affairs under the ambit of the Ministry of Natural Resources and Energy and the National Water Authority is lacking sufficient capacity to tackle issues of water quality from surface and ground water. This pose a risk to both human life and aquatic life.

Table 4 Water Sector Gap analysis and policy Objectives, Policy Action and Collaborating National Institutions

Convention	Gaps	Policy Objective	Policy Actions	Collaborating National institutions
<p>UN Convention on the Law of the Non-navigational uses of International watercourses, 1997, entered into force 2014</p>	<ul style="list-style-type: none"> <li>• Not ratified</li> <li>• Not reporting of the Instrument</li> <li>• Activities related to the Convention are however implanted on the ground but not linked to the Instrument</li> <li>• The WASH forum exists but the coordination does not support domestication and implementation of the Instrument due to lack of awareness</li> </ul>	<ul style="list-style-type: none"> <li>• To establish transboundary Agreements between South Africa and Mozambique and capture issues relating to aquatic biodiversity conservation, using existing structures like INMACOM</li> <li>• Improve the legal framework to have supporting guidelines that legally cascade implementation and accountability to the lowest appropriate level.</li> <li>• To establish effective reporting mechanism as part of National Policy strategy on the Global Instrument</li> <li>• To improve coordination of water sector players across different Ministries and across different levels to improve performance and eliminate duplication</li> <li>• Improve the National water monitoring programme to improve quality of water resources in the Country</li> <li>• To customise existing Bilateral and Trilateral Agreements to ensure their implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Ratify and domesticate the Protocol</li> <li>• Engage INMACOM to review transboundary Agreements and factor in aquatic biodiversity conservation and climate change</li> <li>• Align the National Policies especially the water act 2003 with the International Instrument and with other Policies and plans relating to aquatic biodiversity conservation</li> <li>• Commence the reporting on the Global Instrument</li> <li>• Review other Policies related to water and land use to improve rolling out of the Convention</li> </ul>	<p><b>Lead:</b> Department of Water Affairs  <b>Supporting:</b> INMACOM, MNRE, MTEA, MOA, FAO, JRBA</p>

Convention	Gaps	Policy Objective	Policy Actions	Collaborating National institutions
The water Convention and the Protocol on water and Health	<ul style="list-style-type: none"> <li>The Instrument is Not ratified and domesticated</li> <li>The Country is not reporting of the Instrument and issues pertaining to water quality for human and aquatic biodiversity are not captured</li> <li>Activities related to the Convention are however implemented on the ground but not linked to the Instrument</li> <li>The WASH forum takes which coordination the issues regarding the Instrument exists but the coordination does not support domestication and implementation of the Instrument due to lack of awareness</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen the Coordination mechanisms of water sector players to improve performance by establishing a sector-wide, gazette coordination mechanism</li> <li>Harmonize water sector Policies, plans and strategies related to WASH working with MNRE, MOH and MTEA and address issues relating humans impacts on aquatic biodiversity</li> <li>To review and establish WASH sector targets aligned to the Instrument and SDGs</li> </ul>	<ul style="list-style-type: none"> <li>Ratify and domesticate the including reporting on its achievement</li> <li>Create synergies and Linkages of existing National Policies and legislations to the Instrument</li> <li>Need to identify capacity gaps (financial and technical) to improve implementation of the Instrument</li> <li>Strengthen the coordination between the various water sector players and Ministries to improve the achievements of the targets to be established</li> </ul>	<p><b>Lead:</b> Department of Water Affairs  <b>Supporting:</b> NWA  UNICEF, WASH  NGOs, MNRE, JRBA</p>
Convention on the Protection and Use of Transboundary Watercourses and International Lakes 1992, entered into force 1996 and opened for Global accession in 2016	<ul style="list-style-type: none"> <li>The Convention is not ratified and domesticated</li> <li>The Country does not report on the Convention and there are no clear targets focusing on aquatic biodiversity conservation</li> <li>Activities on the ground are implemented focusing on transboundary issues but without clear targets for aquatic biodiversity</li> <li>There are well established coordination mechanism at transboundary level implementing the Instrument that need strengthening</li> </ul>	<ul style="list-style-type: none"> <li>Review existing transboundary Agreements (Bilateral and Trilateral) between SA, ESW and Moz to harmonize with the instrument</li> <li>To establish a transboundary communication and strategy on water related disasters between Member States</li> <li>Establish models for floods, drought and pollution at transboundary level</li> </ul>	<ul style="list-style-type: none"> <li>Ratify the Instrument and establish reporting procedures</li> <li>Align all existing transboundary Bilateral and Trilateral Agreements to the Instrument</li> <li>Build capacity of Tripartite Permanent Technical Committee and INMACOM on the domestication of the Instrument including establishing of coordination mechanism</li> </ul>	<p><b>Lead:</b> Department of Water Affairs  <b>Supporting:</b> NWA  INMACOM, MNRE, JRBA</p>

### 3.3.3 Environment and Tourism

The Ministry of Tourism and Environmental Affairs is the overseer of the Environment and Tourism sector in the Country. The Ministry is responsible for all local and International legislative Instruments for safe and proper management of the Country's environment and environmental resources. This sector is one of the

well-coordinated when it comes to International Conventions that seek to conserve aquatic biodiversity. Most of the critical Conventions are ratified, domesticated and are being implemented

Table 5 Environment and Tourism Gap analysis and Policy Objectives, Policy Action and Collaborating National Institutions

Convention	Gaps	Policy Objective	Policy Actions	Collaborating National institutions
Convention on Biological Diversity (CBD, 1992)	The NBSAP is not aligned to post 2020 Global Biodiversity Framework (GBF). Lack of a comprehensive / overarching biodiversity management framework. Biodiversity finance plan not in place	To improve the biodiversity sector management framework by ensuring alignment with Biodiversity Framework (GBF) and improve financing of biodiversity initiatives	Align the NBSAP with the post 2020 Global Biodiversity Framework (GBF). Finalize the development of biodiversity finance plans	Lead: EEA Support: MTEA, ENTIC, Forestry Department, MOA
Cartagena Protocol on Biosafety.	Genome sequencing of aquatic biodiversity in particular fisheries is lacking		Conduct an assessment to sequence aquatic biodiversity focusing on Mobilize resources for the assessment from local and International donors	Lead: MOA – Fisheries and EEA
Nagoya Protocol Access & Benefits	National legislation and Policy not in place. The bill is still draft. The coordination mechanism for the Protocol is not defined No ABS strategy	To improve the National legislative and policy environment of the ABS and establish National reporting mechanism	Finalization of the enactment process of the National ABS draft Bill Updating the National administrative guidelines on ABS to incorporate emerging issues on the subject and alignment with the Post 2020 Global Biodiversity targets. Establishing Institutional arrangements for the implementation of the Protocol, including designation of focal points and other check points. Development of a National ABS strategy Sensitization of Stakeholders including Policy makers on the Protocol National reporting to the secretariat Updating the ABSCH Cataloguing all genetic resources with a potential for ABS. development of a National valorization strategy Resource mobilization for ABS	Lead: MTEA Supporting: EEA ENTIC MOA and stakeholders Local communities



Convention	Gaps	Policy Objective	Policy Actions	Collaborating National institutions
Ramsar Convention on Wetlands of International Importance	Wetlands policy in draft form and not approved Lack of an all-inclusive wetland's legislation. Fragmented and overlapping pieces of legislation.	To improve the national legislative and Policy framework for all wetlands and ensure alignment to the RAMSAR	Finalize and approve the wetlands policy Develop an Overarching legislation on management of wetlands and harmonize all legislations	Lead: ENTIC, Support: EEA, MTEA, ENTIC, Forestry Department, MOA
Convention on the Conservation of Migratory Species of Wild Animals Agreement on the Conservation of African-Eurasian Migratory Water birds, or African-Eurasian Water bird Agreement (AEWA) 1979	National implementation plans not yet developed (i.e. currently applied at National level).	To domesticate and implement the Convention Migratory Species of Wild Animals and establish reporting mechanism	Develop National implementation plans	Lead: ENTIC, Kings Office – Big Game Parks
Convention on the Conservation of Migratory Species (CMS, 1979)	National implementation plans not yet developed (i.e. currently applied at National level).	To develop and implement plans associated with the rolling out of the Convention	Develop National implementation plans	Lead: ENTIC, Kings Office – Big Game Parks
Convention on International Trade in Endangered Species of Wild Fauna and Flora CITES	Outdated legislation  Fragmentation of coordination and implementation  Current plans do not link with community plans –limiting their involvement  Resources (Technical and Financial) are most often inadequate to support research and assessments	To improve the National legislative frameworks and improve the Policy environment on the Country pertaining to endangered species of wild fauna and flora	Update the National legislation Improve coordination between players	Lead: MTEA- Supporting: Kings Office Big Game Parks ENTIC Reserves/ Conservancies
Basel Convention	Outdated Policy, legislation, and strategies Absence of a national Hazardous waste disposal facilities	To improve the legislation environment and develop relevant strategies that will minimize improper disposal of hazardous waste	Review the current legislation and Policy on hazardous waste disposal Solicit local and International funding for the construction of hazardous waste disposal sites	Lead: EEA Support: MTEA

Convention	Gaps	Policy Objective	Policy Actions	Collaborating National institutions
Stockholm Convention	Payment of subscription fee is not up to date  NIP update for the years 2009-2022 not submitted	To Improve the coordination and development of national and international reports and updating of national inventories	Pay subscription fees for the conventions  Prepare and submit updated national reports	Lead: EEA Support: MTEA
United Nations Convention to Combat Desertification	Limited finding for a holistic approach on implementation Need for a land use Policy. Finalization of the Land Bill	To improve National Policy environment for supporting CCD initiatives implemented in the Country	Advocate and influence Government leadership for the review and finalization of the land bill Establish a new land Policy	Lead: MOA  Supporting: MTEA EEA ENTC
United Nations Framework Convention on Climate Change (UNFCCC)	Finalization of draft climate change Regulatory framework currently being developed. Limited means of implementation-financial and technology Need for strengthening coordination of institutions	To strengthen National legislative frameworks relating to climate change and mobilize resources for implementing National actions	Finalize draft climate change bill Solicit technical and financial support to develop climate change projects in line to the Convention Revive the National Climate change Committee	Lead: NMS -CCU Support: MTEA, MTEA EEA, ENTC, parastatals, NGOs

## 4.0 POLICY MEASURES AND OBJECTIVES FOR HARMONIZATION OF NATIONAL INSTRUMENTS WITH RELEVANT GLOBAL INSTRUMENTS

The Kingdom of Eswatini realizes the need to harmonize its National Instruments with Global Instruments for aquatic biodiversity conservation, climate change mitigation and environmental management across the prioritized environmental management sectors (Water, Tourism and Environment and Agriculture and Fisheries).

The main and objectives for Eswatini are summarized as follows:

1. The Kingdom of Eswatini's ambition is to grow and diversify its economy and be in the top 10 of middle-income Countries. This objective requires a resilient and safe environment that will propel the Country to reach first World status ambitions. Clean and safe environment will contribute to these hence local Policies must be harmonized with the Global Instruments that have similar objective. The Environmental Conventions and Protocols provide the framework for the Country to attain its development vision;
2. To improve human and nutrition of the people of Eswatini. Some of the Global Instruments are designed to address issues of hazardous waste, which when improperly disposed may lead to contamination with the environment and compromise the lives of the Kingdom of Eswatini. The Global Instruments create a framework for developing National Policies that will improve health and nutrition hence the need to harmonize;
3. Promotion of peace and stability with other Countries is essential. Some of the natural resources like Rivers are transboundary in nature and are shared. The Global Instruments provide a broader framework for cooperation between Member States and minimize risks that could lead to conflicts. The harmonization of the National water Instruments will promote peace and stability between neighboring Countries sharing natural resources like Rivers;
4. The harmonization of local and Global Instruments has a financial benefit for the Country. The ratification of the Conventions enables the Country to access International finance for its environmental management. For example, the ratification of the UNFCCC enables Countries to have access to International climate finance such as the Green Climate Fund and the Global Environmental facility. Such fund helps to improve environmental management of the Country but also contribute to improved economic development and environmental management;
5. The Kingdom of Eswatini wants to attain SDGs by 2030. These goals are interlinked and all the Global Instruments have a contribution to the achievement of the SDGs. The objective for the harmonization of the Global and local Instruments is to achieve the SDGs and improve the social and economic lives of the people of the Kingdom of Eswatini; and,
6. Keep the Country's heritage and environment for the present and future generations requires the harmonization of the Global and local Instruments.

## 4.1 SWOT analysis for all sectors in Eswatini with regards to the domestication of Global Instruments

<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• The Country has ratified most of the Global Instruments;</li> <li>• The country is already reporting on most of the Global Instruments especially those in the Tourism and Environment. Other sectors can learn from the environemnt sector and duplicate;</li> <li>• The Country has developed significant local legislative Instruments that makes operationalization of Global Instrument easier and faster; an,</li> <li>• Political willingness of the Country leadership to ratify and stand right at Global level paves a way for achieving the goal for domestication and implementatio of the Instruments.</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Many local Policies and legislative frameworks that seeks to implement the Global Istruments are in draft format and not approved;</li> <li>• There is poor coordination between sectors for effective reporting and coordination of the Conventions, yet they are related in nature. The Silo approach to working; and,</li> <li>• The Country has limited funding capacity to drive the implementation of some of the Instruments, hence some don't get much traction.</li> </ul>
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• The Country stand to benefit financially if the non-ratified Global Instuments are ratified and domesticated;</li> <li>• Eswatini stands an opportunity to harnes, build and strengthen its technical capacity learning from other Countries that are ahead from implementing the Instruments related to aquatic biodiversity conservationand climate change mitigation and adaptation;</li> <li>• Being compliant to the implemntation of the Global Instruments places the Country at an advantageous position for other Countries to learn. This can bring opportunities for attacting and hosting significant Global meetings</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• The Country stand to experience environemntal risks of pollution that may come from neighbouring States;</li> <li>• Due to poor implementation of some of the critical Instruments, the Country risks getting into conflicts especially with other neighbouring States; and,</li> <li>• Some of the key sectors e.g mining and Energy have not participated in the domestication of the Global Instruments, poses a threat of continous degradation of the environment especially aquatic life and fisheries.</li> </ul>

## 5.0 IMPLEMENTATION AND COORDINATION FRAMEWORK

### 5.1 Stakeholder analysis

Eswatini aquatic biodiversity conservation and climate change mitigation and adaptation are coordinated by different institutions and Ministries. This makes the stakeholder collaboration a bit difficult. Various Policies and Strategies of management are in a segregated manner. There is a need to strengthen stakeholder collaboration across the key sectors. Here are some of the critical institutions that manage the environment:

1. Government Ministries
  - Ministry of Tourism and Environment
  - Ministry of Natural Resources and Energy
  - Ministry of Agriculture
  - Ministry of Foreign Affairs
  - Ministry of Public Works and Transport
  - King's Office
  
2. Government Departments
  - MOA- Fisheries
  - Department of Water Affairs
  - Forestry Department
  - National Meteorological Service – Climate Change Unit
  
3. Government Agencies
  - Eswatini Environment Authority
  - Eswatini National Trust Commission
  - Joint River Basin Authorities – Project Board
  - Komati Basin Water Authority
  - INMACOM
  - National Water Authority
  
4. Private Sector
  - Big Game Parks
  
5. NGO
  - GlobeCare Foundation
  - UNICEF
  - Thirst Projects
  - World Vision

## 6. Other

- Fisheries and Aquaculture associations
- Private sector feed companies
- Eswatini Environment Affairs

## 5.2 Stakeholder Role

The key stakeholder's roles have been categorised into three, Public sector, Private sector and non-state actor and Regional, Continental and International Bodies. The following are the key roles:

### 5.2.1 Role of public sector

- Create enabling environment for all stakeholders (public and non public) to deliver their environmental management commitments;
- Enact and pass key legislations that seek to protect the environment;
- Increase public funds dedicated to improving environmental management e.g environment fund;
- Ensure by monitoring all Instruments that they are ratified and state actors implementing and reporting adequately;
- Establish proper coordination mechanism between all sector players; and,
- Ensure that subscriptions and payments are done to conventions that require such.

### 5.2.2 Roles of Private sector and Non-State Actor

- Private Sector investment for the environmental initiatives;
- Create awareness on the risks faced by aquatic biodiversity and other environmental threats;
- Promote and fund research pertaining to the improved management of the environment; and,
- Take steps to improve environmental management and reducing pollution at the private sector production sites – invest in environmental friendly technologies.

### 5.2.3 Roles of Regional, Continental and International Bodies

- Funding support in the domestication and implementing of the Instruments;
- Facilitate research on important aspects that touch on environmental challenges
- Create awareness and publish status of ratification of the Global Instruments – issued to political leaders;
- Create knowledge management and learning platforms on environmental management e.g. South-South triangular cooperation and facilitate learning visits for Eswatini to learn from other Countries; and,
- Build technical capacity in the Kingdom of Eswatini through training of relevant staff to deliver the commitments of the Conventions.



## 6.0 IMPLEMENTATION MONITORING AND EVALUATION

### 6.1 *Monitoring and Evaluation of the domestication of Regional and Global Instruments*

For the effective monitoring and evaluation of the domestication of Regional and Global Instruments Eswatini recognises the need to establish the effective monitoring Instruments and establish institutional arrangements to track and report on the implementation of the Global and Regional Instruments. Presently, there is no integrated system that monitors the Country efforts in the implementation of the Global Instruments. The stakeholder meeting suggested the following M&E initiatives:

### 6.2 *Establishment of M&E institutional arrangements for monitoring and evaluation*

- a) Cabinet – is the apex body that ensures that the Instruments are ratified, domesticated and implemented to align with International targets.
- b) The Country will establish a Steering Committee formed by three Principal Secretaries (MNRE, MTEA and MOA). This committee will be the highest level responsible for ensuring that the Instruments are ratified, domesticated and implemented. They will also be responsible for ensuring that the M&E framework for monitoring and evaluation of the Instruments is developed and implemented. The Steering Committee will also address key blockages that hinder ratification and adoption of the Instruments and ensure adequate funding is provided for effective coordination. It is proposed that the Steering Committee meet once a year.
- c) The Country will establish a Multisectoral Technical Coordination Committee formed by experts from the three Ministries (MNRE, MTEA and MOA). This team will be reinforced by adding key UN institutions that have relevance to the Instruments. These will provide technical and financial support to the Government in the implementation of the Instruments. Other key non Governmental organizations and private sector will be co-opted as per need. The main functions of the Multisectoral Technical Coordination Committee will be to develop and implement the monitoring framework of the Instruments, ensure that all sectors are reporting and advise the steering committee of any challenges the sectors are facing. It is proposed that this committee meets twice a year.

Proposed M&E structure for coordination of Regional and Global Instruments

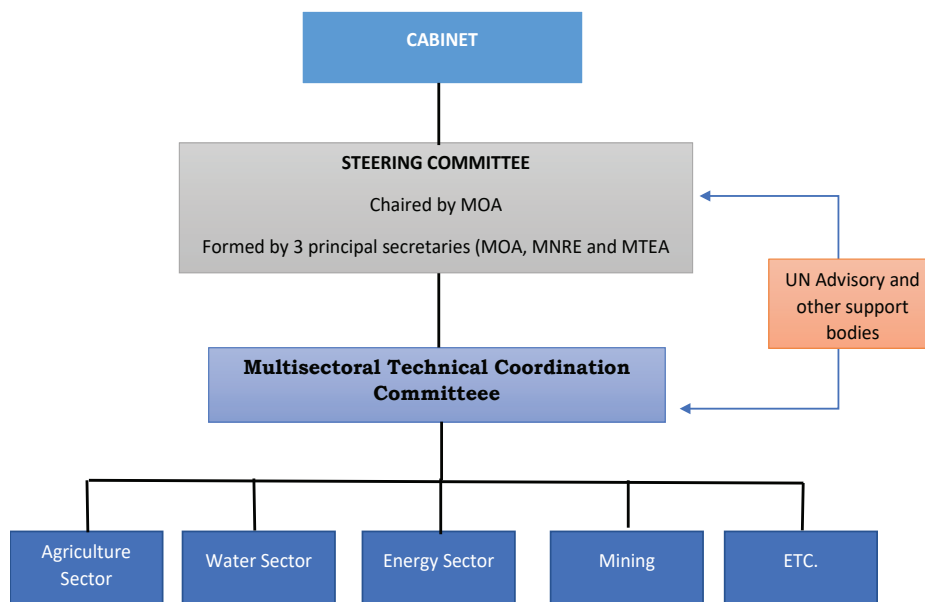


Figure 6 Proposed Coordination and M&E Structure for all Regional and Global Instruments

### 6.3 Establishment of the M&E frameworks and Tools for the Regional and Global Instruments

For effective monitoring and evaluation to happen, there should be a structure M&E framework. The following actions are proposed

- a. Development of a multisector monitoring plan with sets of monitoring indicators of all Regional and Global Instruments. The plan should indicate the state of ratification, domestication, implementation and reporting. It must clearly specify the institution that leads and outline their responsibility. This plan should be reviewed on annual basis and monitoring indicators established.

### 6.4 Reporting Mechanism

It is proposed that the Country through the Ministry of Agriculture, which will be the secretariat coordinates the development of the Multisectoral Annual Status Report on the implementation of Regional and Global Instruments. This report will outline progress on the implementation of the Instruments. The Steering Committee will have to share the report with the Cabinet for information and for soliciting political support. The report must also outline benefits the Country received through the implementation and domestication of the Instruments.

## 7.0 RECOMMENDATIONS AND CONCLUSIONS

### 7.1 Recommendations

- a. There is need to align National Policy and Regulatory Frameworks with International Instruments;
- b. There is need to establish and strengthen institutional arrangements to enhance coordination mechanisms at cross-sectoral level i.e. Government, to ensure effective institutional coordination for implementation of activities, projects and programs necessary for domesticating International and Regional Instruments at National level;
- c. There is need to establish a multi-sectoral technical coordination committee under the lead of the Ministry of Agriculture taking into consideration of the existing other similar committees;
- d. There is need to enhance implementation of climate change and environmental National Policies, Regulations and Legislation to ensure sustainable utilization of aquatic and biodiversity resources;
- e. There is need to raise awareness locally and Nationally on the ratified International and Regional Instruments to enable technical officers understand the process required to internalize and domestic the Instruments accordingly;
- f. There is need to facilitate ratification and domestication of key and relevant Global Instruments; and,
- g. There is need to mobilize technical, financial resources and capacity building required for domestication and implementation of the Global Instruments.

### 7.2 Conclusion and Way-forward

The Country expressed appreciation to AU-IBAR for the support which came at an opportune time when engagements on the development of the Blue Economy Strategy are at initial stages. The Country requested support from AU-IBAR to advance this work.

The following general recommendations were made by the workshop participants and focused of the AU-IBAR support to the Kingdom of Eswatini:

- a. AU-IBAR to consider the support to the Kingdom of Eswatini for preparation and development of the National Blue Economy Strategy and leverage on lessons and case studies from supported RECs and National Blue Economy Strategies supported thus far;
- b. AU-IBAR to consider support to Eswatini with a base line on the aquatic and biodiversity resources; and,
- c. AU-IBAR to consider supporting Government of Eswatini to establish a cross sectoral coordination mechanism for the implementation of Global Instruments.

Stakeholders further made the following commitments as a way forward from the workshop

- a. The participants would seek ways of continued collaboration required to enhance mechanisms, synergies, information sharing, raising awareness on International and Regional Instruments that have been ratified and sensitize technical officers on the merit, relevance and significance for domestication;
- b. The National Consultant to finalize the National report and the Comprehensive Technical report for

submission;

- c. Ministry of Agriculture (Fisheries Section) to invite stakeholders to initiate the process of implementing the recommendations of the meeting within two weeks from now; and,
- d. Through the MOA-Fisheries facilitate another National workshop for the other two sectors that did not participate in this workshop, yet they were invited and update the technical report. The 2 sectors are Mining and Energy sectors.

## 8.0 REFERENCES

- 1) **A.M. Dlamini<sup>1</sup> and M. A. Dube<sup>2</sup>, 2014.** Contribution of Animal Agriculture to Greenhouse Gases Production in Swaziland
- 2) **DWA-UNDP, 2016.** Climate Change Vulnerability Assessment for the Water Sector and infrastructure Eswatini Government: Programme Framework for Affordable Renewable Energy in Swaziland (2018)
- 3) **GoE- MTEA, 2021.** Draft Nationally determine contributions
- 4) **GoE. 2007.** The Swaziland Poverty Reduction Strategy and Action Programme (PRSAP)
- 5) **GoE-MEPD, 1999.** National Development Plan
- 6) **GoE-MEPD, 2017.** National Population census
- 7) **GoE-MTEA, 2012.** Second National Communication to the United Nations Framework Convention on Climate Change (UNFCCC)
- 8) **IFAD, 2018.** Land and Natural resources in Swaziland
- 9) **World Bank, 2022.** Blue economy resilient Africa Programme (BE4RAP) [www.Knoema.com](http://www.Knoema.com), eSwatini statistics

## 9.0 ANNEXES

### Annex I: National Workshop Agenda

#### AGENDA

#### NATIONAL WORKSHOP TO SUPPORT THE KINGDOM OF ESWATINI TO DOMESTICATE RELEVANT GLOBAL INSTRUMENTS RELATED TO AQUATIC BIODIVERSITY CONSERVATION, CLIMATE CHANGE MITIGATION AND ADAPTATION AND ENVIRONMENTAL MANAGEMENT.

27<sup>th</sup> – 28<sup>th</sup> SEPTEMBER, 2023 MBABANE – ESWATINI

Time	Activity	Facilitator
Day 1: 27 <sup>th</sup> Wednesday, 2023		
09:00-09:30	ARRIVAL & REGISTRATION OF PARTICIPANTS	AU-IBAR
<b>OFFICIAL OPENING SESSION</b> Program Director: Official from Ministry of Agriculture (MoA)		
09:30-10:30	Welcome Remarks MoA:	Director of Agriculture
	Statement by AU-IBAR	Director AU-IBAR
	Statement from SADC	SADC Representative
	Opening Statement MoA	Principal Secretary
	Background & Objectives of the meeting and overview of the project on (Conservation of Aquatic Biodiversity in African Blue Economy	Mr. Nadiopie Eric Aquatic Biodiversity Conservation Policy, Legal and Institutional Expert, AU-IBAR
	Introduction of participants	All
10:30 -10:35	FAMILY PHOTO AND TEA BREAK	AU-IBAR
<b>TECHNICAL SESSION 1: SETTING THE SCENE PRESENTATION</b> Moderator: Mrs. Phumzile Mhlanga Senior Agricultural Officer-Fisheries, Ministry of Agriculture - Eswatini		
	Approval of the Agenda of the meeting	
10:35-11:00	Presentation on the African Blue Economy Strategy	Dr. Patrick Karani AU-IBAR Environmental Expert
11:00-11:30	Presentation of the outcomes of the Consultancy report on Global Instruments related to conservation of aquatic biodiversity and environmental management	Nadiopie Eric - AU-IBAR
11:30-12:30	Presentation of synopsis of existing Policy or Regulatory Instruments by invited delegates for the following sectors:	(15) Fifteen minutes each – from representatives of the following Departments or Agencies in the Kingdom of Eswatini
	Eswatini National Trust Commission (ENTC)	Director of ENTC
	Ministry of Agriculture- Fisheries section	Director for Fisheries and Aquaculture
	Tourism and Environment	Director for Tourism and Environment Affairs
	Department of water Affairs	Director of water affairs
	Department of Energy	Director of Energy
	Department of Mining	Director of Mining
12:30 -13:00	Discussion	
13:00-14:00	Lunch	



<b>Time</b>	<b>Activity</b>	<b>Facilitator</b>
14:00-14:30	<p>Presentation on the outcome of review of relevant National Instruments/Regulatory Frameworks and the identified gaps vis a vis relevant Global Instruments by the technical facilitator</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Mrs. Phumzile Mhlanga Senior Agricultural Officer-Fisheries
14:30-15:00	Discussions	All
<b>WORKING GROUP SESSIONS</b>		
Moderator: Mr. Nadiope Eric Aquatic Biodiversity Conservation Policy, Legal and Institutional Expert, AU-IBAR;		
15:00-15:10	<p>Presentation of the terms of reference for the working groups:</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Mrs. Phumzile Mhlanga – MoA -Fisheries OR Nadiope Eric, AU-IBAR
15:10-16:00	<p>Working Groups on identification of issues, gaps, challenges and priority actions for harmonizing the National Strategy / Framework with the Global Instruments related to conservation of aquatic biodiversity and environment management in shared freshwater ecosystems</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Working Groups
16:00-16:15	TEA BREAK	ALL

<b>Time</b>	<b>Activity</b>	<b>Facilitator</b>
16:15-17:45	<p>Working group session CONTINUED</p> <p>Working Groups on issues, Gaps, challenges and priority actions for harmonizing the National Strategy / Regulatory Framework with the Global Instruments related to conservation of aquatic biodiversity and environmental management in shared freshwater ecosystems</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Working Groups
17:45-18:00	Closure for the day one	

Day 2: 28<sup>th</sup> Thursday, September, 2023

TECHNICAL SESSION 2WORKING GROUPS

08:30 - 08:40	RECAP of DAY I proceedings	Dr. Patrick Karani AU-IBAR Environmental Expert
08:40-13:00 Including Tea-break	<p>Working Groups on issues, Gaps, challenges and priority actions for harmonizing the National Strategy / Regulatory Framework with the Global Instruments related to conservation of aquatic biodiversity and environment management in shared freshwater ecosystems</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Mrs. Phumzile Mhlanga –MoA Fisheries
13:30-14:00	LUNCH	

<b>Time</b>	<b>Activity</b>	<b>Facilitator</b>
<b>PLENARY SESSION: Dr. Patrick Karani Environmental Expert - AU-IBAR</b>		
14:00 – 15:00	<p>Plenary - presentation of identified issues, gaps, challenges and priority Policy actions or measures and objectives for mainstreaming relevant Global Instruments for conservation of aquatic biodiversity and environment management into the following sectors:</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	All/ Group Chairs
15:00-16:00	<p>General Discussions and adoption of identified Policy measures and objectives</p> <p>Harmonization of National Instruments (for the sectors below)</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	All Participants
16:00-16:30	<p>Presentation of the Outline for harmonization of sectoral Policies and Regulatory Frameworks with respect to Global Instruments on conservation of aquatic biodiversity and environmental management.</p> <p>Eswatini National Trust Commission (ENTC)</p> <p>Ministry of Agriculture- Fisheries section</p> <p>Tourism and Environment</p> <p>Department of water Affairs</p> <p>Department of Energy</p> <p>Department of Mining</p>	Mrs. Phumzile Mhlanga –MoA Fisheries
16:30-16:45	Adoption of Communique	Dr. Patrick Karani and Nadiope Eric - AU-IBAR
<b>CLOSING CEREMONY: Moderators: Dr Patrick Karani AU-IBAR Environmental Expert</b>		
16:45-17:00	<p>Vote of thanks Statement by participant representative</p> <p>By representative of AU-IBAR</p> <p>Closing Statement MoA</p>	

## Annex 2 -List of participants

S/No	Names	Designation	Institution	Email:
1	Mr. Sydney Simelane	Principal Secretary	Ministry of Agriculture	<a href="mailto:sbsimelane68@gmail.com">sbsimelane68@gmail.com</a>
2	Mr. Bhekithemba Dlamini	Legal Advisor	Ministry of Agriculture	<a href="mailto:bheki39@gmail.com">bheki39@gmail.com</a>
3	Ms. Phumzile Mhlanga	Senior Fisheries Officer	Ministry of Agriculture	<a href="mailto:Muntu.d@gamil.com">Muntu.d@gamil.com</a>
4	Mr. Boy Mavuso	Agriculture Officer - Fisheries	Ministry of Agriculture	<a href="mailto:mavusoboy@gmail.com">mavusoboy@gmail.com</a>
5	Ms. Queen Vilakati	Agriculture Officer - Fisheries	Ministry of Agriculture	<a href="mailto:quinchazy@gmail.com">quinchazy@gmail.com</a>
6	Ms. Constance Dlamini	Chief Environment Coordinator	Ministry of Tourism and Environmental Affairs	<a href="mailto:Ceezet9@gmail.com">Ceezet9@gmail.com</a>
7	Mr. Siphon Matsebula	Ecologist	Eswatini Environment Authority	<a href="mailto:smatsebula@eea.org.sz">smatsebula@eea.org.sz</a>
8	Mr. Thulani Methula	Director of Parks	Eswatini National Trust Commission	<a href="mailto:methulani@gmail.com">methulani@gmail.com</a>
9	Mr. Sandile Gumedze	Environmentalist	Eswatini National Trust Commission	<a href="mailto:gumedzesan@gmail.com">gumedzesan@gmail.com</a>
10	Mr. Vusi Malinga	Hydrologist	Department of Water Affairs	<a href="mailto:vusimalinga@gmail.com">vusimalinga@gmail.com</a>
11	Ms. Makhosazana Shongwe	Water quality analyst	Department of Water Affairs	<a href="mailto:khosi@live.com">khosi@live.com</a>
12	Mr. Ncamiso Mhlanga	Country Director	WaterAid	<a href="mailto:ncamisomhlanga@wateraid.org">ncamisomhlanga@wateraid.org</a>
13	Mr. Henry Mndawe	Economist	Ministry of Agriculture	<a href="mailto:mndawehn@gmail.com">mndawehn@gmail.com</a>
14	Mr Siphon Shiba	Acting HOD –Land Use Department	Ministry of Agriculture	<a href="mailto:sthokozane@yahoo.co.uk">sthokozane@yahoo.co.uk</a>
15	Ms Kholiwe Mdluli	Irrigation Engineer	Ministry of Agriculture	<a href="mailto:Kholiweskhanzisa2@gmail.com">Kholiweskhanzisa2@gmail.com</a>
16	Mr. Musa Ngwenya	Chairperson	Eswatini Aquaculture Association	<a href="mailto:Musa48ngwenya@gmail.com">Musa48ngwenya@gmail.com</a>
17	Mr Wandile Sibanyoni	Fish Feed supplier	Assegai Trading	-
18	Ms. Zandile Dhlamini	Legal Advisor	Ministry of foreign Affairs	<a href="mailto:Zandi_mkhwanazi@yahoo.com">Zandi_mkhwanazi@yahoo.com</a>
19	Mr Gama Jabulani	Fisheries	Ministry of Agriculture	-
20	Nomvuselelo Dlamini	Communications	Ministry of Agriculture	<a href="mailto:Nomvuselelo.dlamini@gmail.com">Nomvuselelo.dlamini@gmail.com</a>
21	Ms. Calsile Mhlanga	Acting Director Policy	Eswatini Environment Authority	<a href="mailto:cfmhlanga@eea.org.sz">cfmhlanga@eea.org.sz</a>
22	Mr. Dumie Ndzinisa	Energy Assistant Officer	Ministry of Natural Resources and Energy	<a href="mailto:ndzinisadumie@gmail.com">ndzinisadumie@gmail.com</a>
23	Ms. Philisiwe Mabuza	Energy Assistant Officer	Ministry of Natural Resources and Energy	<a href="mailto:philisiwesmabuza@gmail.com">philisiwesmabuza@gmail.com</a>
24	Mr. Patrick Karani	-	AU-IBAR	<a href="mailto:p-karani@hotmail.com">p-karani@hotmail.com</a>
25	Mr. Eric Nadiope	-	AU-IBAR	<a href="mailto:eric.nadiope@gmail.com">eric.nadiope@gmail.com</a>
26	Ms. Simphrose Ogutu	-	AU-IBAR	



African Union  
Inter-African Bureau for Animal Resources (AU-IBAR)  
Kenindia Business Park  
Museum Hill, Westlands Road  
P.O. Box 30786  
00100, Nairobi, KENYA  
Telephone: +254 (20) 3674 000 / 201  
Fax: +254 (20) 3674 341 / 342  
Website: [www.au.ibar.org](http://www.au.ibar.org)  
Email address: [ibar.office@au-ibar.org](mailto:ibar.office@au-ibar.org)