

FSC National Risk Assessment

For South Africa

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

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Risk designations in finalized risk assessments for South Africa

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Low Risk
1.2	Low Risk
1.3	Low Risk
1.4	Low Risk
1.5	Not Applicable
1.6	Low Risk
1.7	Low Risk
1.8	Low Risk
1.9	Low Risk
1.10	Low Risk
1.11	Low Risk
1.12	Low Risk
1.13	Not Applicable
1.14	Not Applicable
1.15	Not Applicable
1.16	Not Applicable
1.17	Not Applicable
1.18	Not Applicable
1.19	Low Risk
1.20	Low Risk
1.21	Not Applicable
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low Risk
2.2	Low Risk
2.3	Low Risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low Risk
3.1	Low Risk
3.2	Low Risk
3.3	Low Risk
3.4	Low Risk
3.5	Low Risk
3.6	Low Risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low Risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low Risk

Background information

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

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

NRA Proposal Approved: 30 November 2016

First Draft Development: 15 April 2017

Review by FSC International: 15 September 2017

Public Consultation on Draft 1: 13 October – 13 December 2017

Final Draft submission to FSC International: 15 January 2018

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

1. Social Chamber – Rory Mack and Jeanette Clarke
2. Environmental Chamber – Steven Germishuizen and Naomi Fourie (Department of Water and Sanitation)
3. Economic Chamber – Brent Corcoran (Mondi Group) and Johan Nel (TWK Agri Ltd.)

Consultation on draft 1 was carried out in October - December 2017. Any comments received during this period was recorded and addressed by the NRA Working Group.

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

Name	Organization and Qualification	Contact details
Boyd Escott	Ezemvelo KZN Wildlife Manager Biodiversity Spatial Planning and Information	boyd.escott@kznwildlife.com
Stiaan Kotze	Department of Environmental Affairs Head of Biosecurity Directorate, Environmental Programme	SKotze@environment.gov.za
Illaria Germishuizen	Institute of commercial forestry research. Program Manager: Spatial Technologies	Illaria.Germishuizen@icfr.ukzn.ac.za
John Scotcher	Representative of Forestry South Africa Environmental Consultant	jscotcher@forestlore.co.za
Andrew Wannenburg	Department of Environmental Affairs MSc Botany, Zoology and Ecology	Awannenburg@environment.gov.za
Andrew Skowno	South African National Biodiversity Institute (SANBI)	a.skowno@sanbi.org.za
Greg G. Forsyth	Council for Scientific and Industrial Research (CSIR) ,	gforsyth@csir.co.za

	South Africa	
Grant Thornton	Accounting Firm – Grant Thornton	+27105907200

NRA Working Group members who qualify as experts		
Name	Organization and Qualification	Contact details
Naomi Fourie	Department of Water and Sanitation	FourieN@dws.gov.za
Steve Germishuizen	Applied Ecology Services	steve@aes.co.za
Jeanette Clarke	Forests and People	zambezi@icloud.com
Rory Mack	Mack and Associates Business Trust	rory@macktrust.co.za
Johan Nel	TWK Agri Ltd.	j.nel@twkagri.com
Brent Corcoran	Mondi Group - South Africa	Brent.Corcoran@mondigroup.co.za

National Risk Assessment maintenance

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

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

Complaints and disputes regarding the approved National Risk Assessment

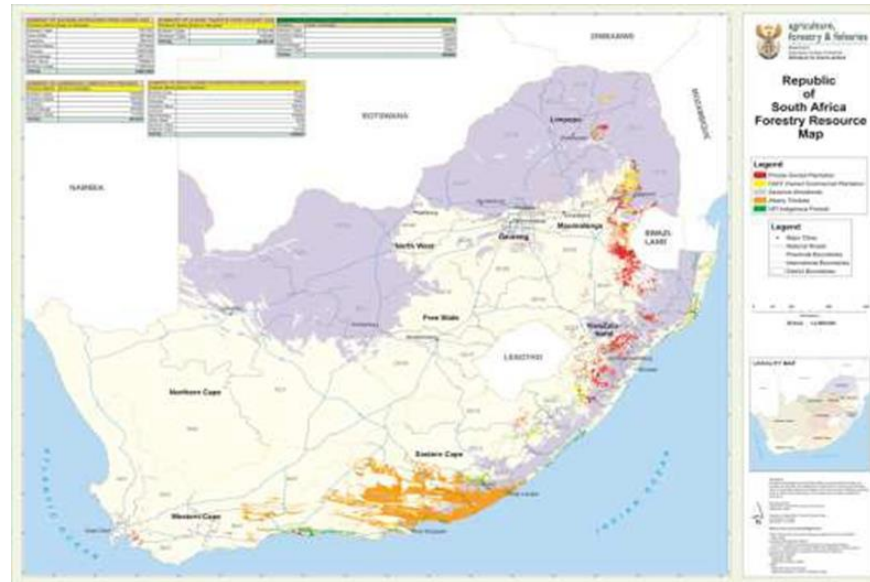
The FSC Southern Africa sub-regional office shall address all complaints related within the scope of the NRA in accordance with FSC-PRO-01-008 (V1-0) Processing formal complaints in the FSC certification scheme. The FSC Southern Africa sub-regional office shall acknowledge complaints within two (2) weeks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

List of key stakeholders for consultation

Interest	Organization /Individual	Contact details
a) Economic interests of:		
Owners/managers of large and medium sized forests	Forestry South Africa (FSA)	Mr Michael Peter mike@forestrysouthafrica.co.za
Large Organizations	Sappi Southern Africa	David.Everard@sappi.com
Large Organizations	Mondi Group	Brent.Corcoran@mondigroup.co.za
Owners/managers of medium scale plantations	NCT Forestry Co-operative Limited (NCT)	Craig Norris craig@nctforest.com +2782 8067013 +2733 8978529
Medium/small Organizations	TWK Agri Ltd	J.Nel@twkagri.com
Owners/managers of small scale plantations	Umsonti	Themba Radebe / Peter Nixon peter@rfmcc.co.za +2782 8022826
Small scale plantations	FSA Smallgrowers	+27 33 346 0344
Owners/managers of operations where there is a low intensity of timber harvesting	South African National Parks (SANParks)	Len DuPlessis lendpl@sanparks.org
Forest contractors	South African Forestry Contractors Association (SAFCA)	Dr Jaap Steenkamp jaap.steenkamp@nmmu.ac.za
Timber producers associations	Sawmilling SA	Roy Southey southeys@iafrica.com
	Paper Manufacturers Association of South Africa (PAMSA)	Jane Moloney jane.molony@pamsa.co.za
b) Social interests of:		
Forest workers	Food and Canning Workers' Union (FAWU)	Jerry Makhanya
	Building and Wood Worker's International (BWI)	Crecentia Mofokeng crecentia.mofokeng@bwint.org
Local communities	The Southern Cape Land Committee (SCLC)	Phumi Booyens phumi_booyens@telkomsa.net
Forest recreation	Storms River Adventures	Ashley Wentworth adventure@gardenroute.co.za
c) Environmental interests relating to:		
Biological diversity	South African National Biodiversity Institute	Kristal Maze k.maze@sanbi.org.za

	(SANBI)	
Water	Department of Water Affairs	Norman Ward WardN@dwa.gov.za
Soils	Department of Agriculture, Forestry and Fisheries (DAFF) Land Care	Ms L. Bosoga. DLUSM@nda.agric.za
Ecosystems and Landscapes	Wildlife and Environment Society of South Africa (WESSA)	Peter Burger pieter@burgerip.co.za
	World Wide Fund for Nature (WWF)	Morne Du Plessis mduplessis@wwf.org.za
Biological diversity	Mpumalanga Tourism and Parks Agency (MPTA)	mervyn@mtpa.co.za

Risk assessments



Of South Africa's forest, 10% is primary forest, 71% is naturally regenerated, and 19% comprises plantations. Commercial forestry in South Africa is based exclusively on plantation forestry. Since its origins at the beginning of the 1900s, the industry has become well established, with a high level of self-imposed internal regulation; reflected in over 80% of the commercial forestry area being FSC-certified. Three genera dominate the market, namely Eucalyptus, Pinus and Acacia.

Although this risk assessment covers both natural forests and exotic commercial plantations, the situation in the country is such that natural forests are protected, with limited commercial activity.

Ownership of the South African commercial forest area is primarily private. The Department of Agriculture, Forestry and Fisheries manages some 85 451 hectares (7%) of a total of some 1.2 million hectares of plantation forestry in South Africa. Ownership of the private forest area can be divided into three categories: the bulk of the area, owned by private companies and state owned enterprises; followed by farms planted by commercial farmers; and lastly a very small portion of forest plantations on community land.

Thresholds utilized in the NRA are as per the definition supplied in the FSC-PRO-60-002a V1-0 National Risk Assessment Framework. The selected threshold is explained for each Indicator. Thresholds utilized for category 3 are detailed on within the Assessment table.

Controlled wood category 1: Illegally harvested wood

Overview

General/contextual information used for the risk assessment, referencing the number of any specific sources used (Annex C1):

Of South Africa's forest, 10% is primary forest, 71% is naturally regenerated, and 19% comprises plantations. Commercial forestry in South Africa is based exclusively on plantation forestry. Since its origins at the beginning of the 1900s, the industry has become well established, with a high level of self-imposed internal regulation; reflected in over 80% of the commercial forestry area being FSC-certified. Three genera dominate the market, namely Eucalyptus, Pinus and Acacia species.

Although this risk assessment covers both natural forests and exotic commercial plantations, the actual situation in the country is such that natural forests are protected, with limited commercial activity. Government issues permits to Organizations to selectively harvest and sell natural timber. These timber species do not enter the FSC supply chain and is not used for large scale commercial activities (FSC Southern Africa).

Ownership of the South African commercial forest area is primarily private. The Department of Agriculture, Forestry and Fisheries owns and manages approximately 85 451 hectares (7%) of a total of approximately 1.2 million hectares of plantation forestry in South Africa. SAFCOL, a state owned enterprise manages 187 417 of FSC certified area. It is estimated that there is 45 167 ha (4%) of communal land within the forestry sector (FSA, 2015 and DAFF Plantation Register, 2003). Ownership of the private forest area can be divided into three categories: the bulk of the area, owned by private companies and state owned enterprises; followed by farms planted by commercial farmers; and lastly a very small portion of forest plantations on community land.

Harvesting permits are only required to harvest natural timber (indigenous trees) in South Africa. Indigenous trees area selected by DAFF officials and the number and location are stipulated on the permit. Any landowner has the right to harvest plantation timber on his land, based on his management objectives and financial needs. There is no legislation requiring the checking of any harvesting activity per se, however there is Best Operating Practice available. As mentioned above, natural forests are fully protected in South Africa, with limited incentive to harvest them for commercial purposes on any large scale, as none of the natural wood species is used or marketed on any significant scale within the commercial plantation forestry products produced in South Africa.

The establishment of plantation forestry is regulated in South Africa via the Department of Water Affairs and Sanitation (regulation of water use), The Department of Environmental Affairs and its provincial counterparts (regulating the impact of plantations on ecosystems and biodiversity) as well as the Department of Agriculture, Forestry and Fisheries: Agricultural Branch (regulating the impact on water, soil and vegetation for agricultural purposes). This Controlled Wood Category was assessed accordingly for Natural and commercial Plantation timber bearing in mind that in South Africa, only commercial Plantation timber products (timber from exotic species) enters the FSC supply chain.

The list of sources provided in FSC-PRO-60-002a, section 3.3.3, has been reviewed in regards to the national legality risk assessment for South Africa. The following sources have been used: World Bank Worldwide Governance Indicators and the Transparency International Corruption Perceptions Index. The remaining sources were determined to be not relevant to the legality risk assessment for South Africa.

South Africa has an average governance score according to the World Bank Governance Index. On a range from -2.5 to +2.5, South Africa has a 2013 score of 0.13 in relation to 'rule of law' and, on control of corruption, a 2013 score of -0.12. According to Transparency International, South Africa has a Corruption Perception Index of 45 (2016). However, there is no/negligible levels of corruption in the forest sector. This is based on no significant risk when dealing with South African land administration; Property rights are explicitly guaranteed by the constitution and respected in practice; and corruption in the South African tax authorities presents a low risk for companies (<https://www.business-anti-corruption.com/country-profiles/south-africa>).

Additionally, perceived corruption among tax authorities in South Africa is significantly lower than the continental average. The South African Revenue Service (SARS) operates a 24-hour Fraud and Anti-Corruption Hotline where companies can report corruption related to the tax administration. Within the Natural Resources Sector, the Mining Sector displays vulnerability to corruption and illegal activities (<https://www.business-anti-corruption.com/country-profiles/south-africa>). Although the threshold of a CPI of 50 set by FSC is not met, the assessment is not leading to specified risk for legality in the forest sector.

Regarding taxation, the South African Revenue Service (SARS) is not considered to be highly corrupt. Consultation with stakeholders through interviews has confirmed the perception that the South African forest sector is well-regulated and enforced by the government. The South African forestry industry has a high level of self-governance with a high level of certification and company due diligence.

The Department of Water and Sanitation (DWS) has committed in providing an update on their Verification and Validation process in the annual review of the NRA. This will be used to determine if any of the quaternary catchments have greater than or equal to 20% of forestry area are unauthorized. The 20% Threshold (legal determination) was determined by DWS (relevant authority) and supported by the NRA-WG. Should they exceed this threshold, identified quaternary catchments shall be determined to be specified risk. The NRA-WG supported the annual review process and to update data sources and risk designations, where relevant.

For applicable legislation see Annex 3

Sources of legal timber in South Africa

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Production plantation	<p>An authorization needs to be in place for plantations established in South Africa. Such authorization needs to be in place from the Department of Water and Sanitation in terms of the National Water Act, 1998, the Department of Environmental Affairs or its provincial counterparts in terms of the National Environmental Management Act, 1998 and the National Environmental Management Biodiversity Act, 2004 (where relevant) as well as from the Department of Agriculture, Forestry and Fisheries (Agricultural Branch) in terms of the Conservation of Agricultural Resources Act, 1983.</p> <p>A heritage resources authorization is required in terms of the National Heritage Resources Act, 1999 if heritage resources occur on the property.</p>	<p>No harvesting license required</p> <p>Water use authorization is required to establish plantation</p> <p>Environmental Authorization is required to establish plantation</p> <p>Agricultural directive and consent is required to establish plantation</p> <p>Heritage resources authorization is required to establish plantation</p>	<p>All commercial forestry in South Africa is in the form of fast-growing, exotic plantations in commercial operations.</p> <p>When established, these exotic plantations replace the natural vegetation and as a result, impact on ecosystems and biodiversity. This is controlled via an authorization process which requires either a Basic Assessment or an Environmental Impact Assessment (EIA). Exotic trees that spread from plantations have the potential to invade watercourses and non-plantation landscapes and therefore need to adhere to requirements set for the control of exotic species. The fast growing exotic plantations are regarded as a water use activity (streamflow reduction activity) in terms of the National Water Act, 1998 and is therefore regulated to manage the impact on water resources. The aim of the Conservation of Agricultural Resources Act, 1983 is to regulate the impact of activities on agricultural resources like soil, water and vegetation.</p> <p>The occurrence of graves and objects of historical/ archeological value on land proposed for the establishment of plantations requires</p>

			a heritage resources authorization to protect the heritage resources.
Natural forest	A license needs to be obtained to cut, disturb, damage or destroy any indigenous (natural) tree in a natural forest. This is regulated under the National Forest Act, No.84 of 1998. There is no commercial harvesting of any significant scale of natural forests in South Africa.	Not Applicable	A license is required to cut, disturb, damage or destroy any indigenous (natural) tree in a natural forest, but these licenses have no bearing on commercial forestry operations in South Africa, which excludes natural forests.

Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <p>National Water Act (No. 36 of 1998), specifically: Chapter 4</p> <p>National Environmental Management Act, 1998 (Act 107 of 1998)</p> <p>Environmental Impact Assessment Regulations</p> <p>National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004)</p> <p>Alien and Invasive Species regulations</p> <p>Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)</p> <p>Companies Act (No. 71 of 2008), Specifically, Sections 11–22</p> <p>Tax Administration Act (No. 28 of 2011), specifically Chapter 3 (Sections 22–24)</p> <p>Value-Added Tax Act (No. 89 of 1991), specifically Part III (Sections 23–26). Also Part A of Schedule 2 relating to Plants (Item 5)</p> <p>Land Tenure Rights Acts, 1991</p> <p>Land Administration Act, 1995</p> <p>Formalities in respect of Leases on Land Act, 1969</p> <p>Land Reform Act, 1996</p> <p>Restitution of Land Rights Act, 1994</p> <p>Communal land rights Act, 2004</p>	<p>CIPC website: www.cipro.co.za/</p> <p>National Water Act (No. 36 of 1998), specifically: Chapter 4</p> <p>National Environmental Management Act, 1998 (Act 107 of 1998)</p> <p>Environmental Impact Assessment Regulations</p> <p>National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004)</p> <p>Alien and Invasive Species regulations</p> <p>Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)</p>	<p>Relevant authorities issue authorizations for plantations in terms of the mentioned acts and monitor compliance to the authorizations.</p> <p>Prior to 1972, there was no permit or license necessary for the establishment of plantation forests in South Africa. The authorization for the establishment of a plantation was first implemented in 1972 in terms of the Forest Act, 1968 through a permit system, known as an “afforestation permit”</p> <p>Plantations established prior to 1972 are regarded as lawful, if existence can be proven with aerial photographs taken prior to or in 1972.</p> <p>Afforestation established prior to 1994 in Transkei, Bophuthatswana, Venda, and Ciskei (the so-called "TBVC States") (self-regulated states prior to the 1994 democratic elections) is regarded as lawful provided that it adhered to the relevant legislation that might have existed in the TBVC states prior to 1994. In South African homeland areas, afforestation was subject to the South African legislation unless a specific act applied to the relevant homeland area.</p> <p>If a relevant act governing the homeland area existed, the afforestation existing in 1996-1998 qualifying period provided in section 32 of the National Water Act, 1998 would be regarded as lawful. Proof of existence of the afforestation must be provided.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>Department of Water Affairs and Sanitation (DWS) (National Water Act)</p> <p>Department of Environmental Affairs and provincial counterparts</p> <p>Department of Agriculture, Forestry and Fisheries (Agricultural Branch) Land Use and Soil Management</p> <p>National and Provincial Heritage Resources Agencies</p> <p>Department of Trade and Industry Companies and Intellectual Property Commission</p> <p>South African Revenue Service</p> <p>Department of Agriculture, Forestry and Fisheries Forestry and Fisheries</p> <p>Department of Rural Development and Land Reform</p> <p>Legally required documents or records</p> <p>Water use authorization Environmental Authorization or Record of Decision</p> <p>NEMBA Alien invasive species regulation authorization and management plan</p> <p>Conservation of Agricultural Resources Act, Directive and Consent</p>	<p>http://faolex.fao.org/docs/pdf/saf123836.pdf</p> <p>Companies Act (No. 71 of 2008), Specifically, Sections 11–22</p> <p>http://www.justice.gov.za/legislation/acts/2008-071amended.pdf</p> <p>Tax Administration Act (No. 28 of 2011), specifically Chapter 3 (Sections 22–24)</p> <p>http://www.sars.gov.za/AIIDocs/LegalDoclib/AABC/LAPD-LPrim-Act-2012-01%20-%20Tax%20Administration%20Act%202011.pdf</p> <p>Value-Added Tax Act (No. 89 of 1991), specifically Part III (Sections 23–26). Also Part A of Schedule 2 relating to Plants (Item 5)</p> <p>http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp</p> <p>Stakeholder 1 (Forestry South Africa)</p> <p>Land Tenure Rights Acts, 1991</p>	<p>Non-compliance results in penalization via directives by the Department of Water Affairs and Sanitation.</p> <p>The permit was replaced in 1998 with a water use license (WUL) issued under the National Water Act, 1998. Under this Act, plantation forestry was declared a “stream flow reduction activity” for which a WUL was required. The NWA recognized lawful (pre-72 & permitted) plantations that were in existence two years prior to the promulgation of the Act, i.e. October 1996 to October 1998 as an existing lawful water use (ELWU). In addition to these authorized plantations should also be Registered in terms of the National Water Act, 1998.</p> <p>Since the promulgation of the Environmental Conservation Act, 1989, (ECA) replaced by the National Environmental Management Act, 1998, an environmental impact assessment for the establishment of a plantation was required. If approved by the competent authority an environmental authorization is issued.</p> <p>In terms of the Conservation of Agricultural Resources Act, 1983 a Directive and Consent is issued for plantations. In addition to the requirements of this Act, the control of alien and invasive species is regulated as indicated in the National Environmental Management Biodiversity Act, 2004. This act requires that each landowner control and eradicate alien invasive species on his property. For new afforestation of specifically listed alien invasive species, authorization is required in terms of this act.</p> <p>The occurrence of graves and objects of historical/ archeological value on land proposed for the establishment of plantations requires a heritage resources authorization to protect the identified heritage resources.</p> <p>All authorizations have various conditions attached which are legally binding.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>National Heritage Resources Act Authorization</p> <p>Business registration document (CC or Pty Ltd)</p> <p>Tax clearance certificate</p> <p>Receiver of Revenue to provide proof of tax registration</p>	<p>Land Administration Act, 1995</p> <p>Formalities in respect of Leases on Land Act, 1969</p> <p>Land Reform Act, 1996</p> <p>Restitution of Land Rights Act, 1994</p> <p>Communal land rights Act, 2004</p> <p>Chief Land Claims Commissioner's Annual Report 2016/2017</p> <p>http://www.ruraldevelopment.gov.za/publications/annual-report/file/5762</p> <p>Stakeholder – Grant Thornton</p> <p>Business Anti-corruption Portal https://www.business-anti-corruption.com/country-profiles/south-africa</p>	<p>The Department of Rural development and Land Reform is responsible for ensuring that security of tenure is provided for all. The Land Reform Programme consists of four elements: Land Restitution, Land Redistribution, Land Tenure Reform, and Development. The Programme aims to reverse the current land ownership patterns that were part of the legacy of the Native Land Act of 1913.</p> <p>This Act formally adopted territorial segregation as a principle of a post- Union South Africa land policy.</p> <p>The Restitution of Land Rights Act of 1994 requires that a person, direct descendent of an estate or community is entitled to restitution if dispossessed of a right in land, after 19 June 1913, as a result of past racially discriminatory laws or Practices. The claimant lodges a claim for Restitution. The initial deadline date was set to no later than 31 December 1998, but changed to 30 June 2019.</p> <p>The potential risks in South Africa are as follows:</p> <ul style="list-style-type: none"> - Disputes of land tenure rights - Land managers are not operating within a legally registered entity - Lack of tax registration <p>The above mentioned risks have a low probability of occurrence or high severity due to legislation and legal processes open for submission of disputes (per. Communication CNRA, Grant Thornton, Accounting Firm; Chief Land Commissioners Report 2016/2017).</p> <p>The introduction of the Restitution Programme in 1995 has contributed to changing patterns of land ownership through the award of 3 million hectares of land, 1.5 million hectares of which have been transferred to persons and communities who qualified for restitution and opted for land restoration.</p> <p>As evidence of enforcement of the Land Reform Programme, the Chief Land Claims Commissioner's 2016/2017 Annual Report</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>recorded that between 1965 and 2017, a total of 77 483 claims were settled. The majority of beneficiaries have chosen financial compensation as their preferred form of restitution. The land restitution system in South Africa is accepted by all parties as being a fair and legitimate system and poses no risk in terms of conflict.</p> <p>South African commercial forestry has a high level of self-imposed, internal regulation, as reflected by the high percentage of FSC-certified plantations in the country today (approximately 80% of the total forestry area is FSC certified).</p> <p>The larger role players constitute about 80% of the total plantation forestry in the country. Commercial timber farmers manage about 207 523 ha (16 %) of the total area and community growers the remaining 4%. All landowners and managers are required to be registered as water users under the National Water Act.</p> <p>The only entities potentially posing a risk of non-payment of water charges are community forest owners. However, for areas under 10 ha, owners must register for all uses but are exempted from the payment of water use charges. In the latest draft water pricing strategy of the Department of Water and Sanitation it is recommended that low income forest owners with more than 10ha forestry be exempted from paying of water use charges for the first 5 years after establishment of the trees. Thereafter the water use charge is phased in over 5 years increasing with 20% each year. This is pending approval of the Water Pricing Strategy by DWS.</p> <p>There are sub-committees active in certain provinces of South Africa which feed into Government structures for decision making. Such examples include the Stream Flow Reduction Activity License Assessment Advisory Committee (LAAC), which is active in KwaZulu- Natal and the Eastern Cape.</p> <p>Business registration in South Africa is very well policed and enforced by the South African Revenue Service (SARS). The</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>supportive evidence includes the significant increase in the number of registered tax payers - both companies and individuals. The South African Revenue Service is known for its efficiency and effectiveness in tax registration across the country (Refer to Indicator 1.7). It is not possible to acquire a tax clearance certificate if a company's tax affairs are not up-to-date and in order.</p> <p>The risk in terms of scale is negligible as the occurrence is very improbable in the South African business environment (Business Anti-Corruption Portal).</p> <p>The impact of businesses operating illegally and the consequential non- payment of tax, should it occur, would have a small financial impact due to the low tariffs that need to be paid. However, the occurrence is negligible, as stated above. There is no evidence of transgression of land tenure rights in natural forests. There were no concerns raised with regard to this sub-criterion during consultations with stakeholders and local experts.</p> <p>There are no significant issues based on the current information provided by authorities. The Department of Water and Sanitation (DWS) is committed in providing an update on their Verification and Validation process in the annual review of the NRA. This will be used to determine if any of the quaternary catchments have greater than or equal to 20% of forestry area unauthorized. Should they exceed this threshold, identified quaternary catchments shall be determined to be specified risk. Should the DWS identify areas to be specified risk prior to the annual review of the NRA, the details of the Directive shall be communicated to all FSC COC certificate holders with Controlled Wood within their scope of certification via the FSC Southern Africa sub-regional office.</p> <p>The stipulations of the directive issued by the authority shall determine its use as Controlled Wood. The stipulations shall be monitored by the authority and non- compliance communicated at the annual review of the NRA. In the absence of a directive, wood</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>may not be harvested/ sold to a FSC CoC certified organization from any plantation with unlawful afforestation in the catchment.</p> <p>Based on the findings of low-scale and manageable impact, it is concluded that the risk in this sub-category is low.</p> <p>Low risk,</p> <p>The following Threshold was met, (1) Identified laws are upheld. Cases where Law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
1.2 Concession licenses	<p>Applicable laws and regulations</p> <p>There is no legislation relating to forest concessions in South Africa.</p> <p>Legal Authority</p> <p>Not Applicable</p> <p>Legally required documents or records</p> <p>Not Applicable</p>	Not Applicable	<p>Low Risk</p> <p>There is no legislation relating to forest harvesting concessions in South Africa.</p>
1.3 Management and harvesting planning	<p>Applicable laws and regulations</p> <p>National Forests Act (No. 84 of 1998), specifically Chapter 2</p> <p>NEMA, 107 of 1998</p>	<p>National Forests Act (No. 84 of 1998), specifically Chapter 2</p> <p>NEMA, 107 of 1998</p> <p>http://cer.org.za/wpcontent/uploads/2014/02/National-Forests-Act-84-OF-1998.pdf</p>	<p>The National Forests Act (NFA), “promotes sustainable management and development of forests for the benefit of all”</p> <p>Section 28 Duty of Care under NEMA requires every person who causes, has caused or may cause significant pollution or degradation of the environment to take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution and degradation of the environment. "Reasonable measures" include measures to:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>Department of Agriculture, Forestry and Fisheries (DAFF)</p> <p>Legally required documents or records</p> <p>There are no specific documents required in the Act.</p>	<p>www.daff.gov.za/Stakeholder 1 (Forestry South Africa)</p> <p>http://www.forestry.co.za/environment/</p> <p>http://www.icfr.ukzn.ac.za/sites/default/files/pubs/Forest %20Engineering%20Guidelines%202014.pdf</p>	<p>investigate, assess and evaluate the impact on the environment; cease, modify or control any act causing pollution or degradation and remedying the effects of pollution or degradation.</p> <p>The Duty of Care in NEMA may be utilized to implement responsible forest management. Promotion and enforcement of the NFA is through the development of criteria and indicators using the Principles outlined in the Act, which are yet to be promulgated.</p> <p>Commercial forestry in South Africa is based exclusively on plantation forestry, with a high level of self-regulation within the industry. There is a high percentage of FSC-certified plantations in the country with approximately 80% of the total forestry area being FSC-certified. Of the remaining 20% that constitutes uncertified forestry area, 16% are owned or managed by Government, large organizations or private farmers. The 4% of uncertified forestry area lies within Traditional authority areas (land held under communal land tenure). No formalized planning required. Elements of planning required are covered by the other indicators in Category 1</p> <p>The forestry industry, as part of its self-regulation, has developed and implemented several guidelines with which the whole industry is expected to comply. These are the following:</p> <ol style="list-style-type: none"> 1. Guidelines for Forest Engineering Practices in South Africa 2. Environmental Guidelines for Commercial Forest Plantations in South Africa <p>However, these rules and guidelines are voluntary.</p> <p>Stakeholders raised no concerns regarding this sub-criterion; and there are no significant issues that would constitute specified risk. The risk designation is low.</p> <p>Low risk</p> <p>The following Threshold was met:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <p>National Forests Act (No. 84 of 1998), Section 12,15</p> <p>Legal Authority</p> <p>Department of Agriculture, Forestry and Fisheries (DAFF)</p> <p>Legally required documents or records</p> <p>Single tree permit for a dead or dying tree</p>	<p>National Forests Act (No. 84 of 1998), Section 12,15</p> <p>http://cer.org.za/wpcontent/uploads/2014/02/National-Forests-Act-84-OF-1998.pdf</p> <p>Stakeholder 1 (Forestry South Africa)</p> <p>Stakeholder 2 (Department of Agriculture, Forestry and Fisheries)</p>	<p>(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p> <p>Removal of single trees that are protected in the National Forest Act, harvesting of natural forests.</p> <p>Section 12 & 15 of the forestry act stipulates the rules for declaring protected trees. Government gazette no 38215 lists 46 trees for protection. The Act requires a license to be issued for any tree that is not in a forest and which is to be removed for whatever reason. Such licenses do not relate to commercial forestry. Harvesting practices for commercial forestry operations are available as best practice guidelines in South Africa, which are self-regulated.</p> <p>Since 1994 (when South Africa became a democracy), there has been no evidence of dead or dying wood from natural forests illegally entering the country's commercial timber value chain (DAFF). There are no significant issues that would constitute specified risk relating to licenses to cut, disturb, damage or destroy any indigenous (natural) tree in a natural forest. Based on the findings, it is concluded that the risk in this sub-category is low.</p> <p>Low risk</p> <p>The following Threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
Taxes and fees			
1.5 Payment of royalties and harvesting fees	<p>Applicable laws and regulations</p> <p>Applicable laws and regulations There is no legislation requiring specific fees to be paid to authorities based on harvesting of forest products.</p>	Not Applicable	Not Applicable

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>Not Applicable</p> <p>Legally required documents or records</p> <p>Not Applicable</p>		
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <p>Value-Added Tax Act (No. 89 of 1991), specifically Section 7(1)(a); Sections 9–12</p> <p>Legal Authority</p> <p>South African Revenue Service</p> <p>Legally required documents or records</p> <p>Tax clearance certificate</p>	<p>www.sars.gov.za</p> <p>Value-Added Tax Act (No. 89 of 1991), specifically Section 7(1)(a); Sections 9–12</p> <p>http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp</p> <p>Stakeholder 3 (accounting firm)</p> <p>https://www.business-anti-corruption.com/country-profiles/south-africa</p>	<p>The risk posed here is that a company is not registered for VAT and therefore does not pay VAT to the Receiver of Revenue.</p> <p>Business registration in South Africa is very well policed and enforced by the South African Revenue Service (SARS) in particular. The evidence of this is the significant increase in the number of registered tax payers, both companies and individuals, since the advent of democracy in South Africa in 1994. SARS is known for its efficiency and effectiveness in revenue collection across the country. It is not possible to acquire a tax clearance certificate if a company's tax affairs are not up-to-date and in order.</p> <p>The risk in terms of scale is negligible as the occurrence is very improbable in the South African business environment.</p> <p>As a large company needs to claim VAT expenses, it is actually in the company's interest to register for VAT. Therefore, there is no/minimal risk that medium and large companies will not register for VAT. Furthermore, small companies are exempted from registering and therefore charging VAT on their invoices. No stakeholders raised concerns regarding this criterion. There are no significant issues that would constitute specified risk. Based on the findings of low scale and manageable impact, it is concluded that the risk in this sub-category is low.</p> <p>Low risk</p> <p>The following Threshold was met:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <p>Income Tax Act (No. 58 of 1962), specifically: Section 12B First Schedule, paragraphs 12(1)(g), 14, 15</p> <p>Legal Authority</p> <p>South African Revenue Service</p> <p>Legally required documents or records</p> <p>Tax clearance certificate</p>	<p>South African Revenue Service (SARS) website: www.sars.gov.za/</p> <p>Income Tax Act (No. 58 of 1962), specifically: Section 12B First Schedule, paragraphs 12(1)(g), 14, 15</p> <p>http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp</p> <p>Business Anti-Corruption Portal – Country Profile: South African Tax Administration: https://www.business-anti-corruption.com/country-profiles/south-africa</p> <p>Stakeholder 1 (Forestry South Africa)</p>	<p>The risk posed here is that a company does not pay income tax which it is legally obliged to pay to the Receiver of Revenue. Corruption issues highlighted by Transparency International are related to the mining industry, Government and the Presidency which are non-related to the forestry sector.</p> <p>Evaluation of risk:</p> <p>- Scale: Tax collection systems in South Africa are considered robust and well- implemented. Despite a CPI of 45 (below the threshold of 50), tax officials are considered to be relatively uncorrupt (Business Anti-Corruption Portal: http://www.business-anti-corruption.com). This subject was discussed during stakeholder consultations as part of the process to develop the CNRA. All stakeholders consulted confirmed compliance. SARS is known for its ability to police and enforce tax collection. Supporting evidence includes the significant increase in the number of registered tax payers – both companies and individuals.</p> <p>The South African Revenue Service (SARS) is known for its efficiency and effectiveness in revenue collection across the country. It is not possible to acquire a tax clearance certificate if a company's tax affairs are not up-to-date and in order. Further consultation about this issue was carried out with the Operations Director of Forestry South Africa who confirmed the above. The risk in terms of scale is negligible as the occurrence is very improbable in the South African business environment.</p> <p>- Impact: The impact of non-registration for income tax can be significant from the perspective of income to the state from large forestry companies. Corporate governance prohibits large companies from non-payment of the required income tax, so the probability of this happening is extremely low. The impact of community forestry not paying VAT is very low.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Stakeholders raised no concerns regarding this sub-criterion. There are no significant issues that would constitute specified risk. Based on the findings of low scale and manageable impact, it is concluded that the risk is low in this sub-category.</p> <p>Low risk</p> <p>The following Threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
Timber harvesting activities			
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <p>National Forests Act (No. 84 of 1998), Chapter 2</p> <p>Legal Authority</p> <p>Department of Agriculture, Forestry and Fisheries (DAFF)</p> <p>Legally required documents or records</p> <p>Harvesting permit for Indigenous (Natural) trees</p>	<p>National Forests Act (No. 84 of 1998), Chapter 2</p> <p>http://cer.org.za/wpcontent/uploads/2014/02/National-Forests-Act-84-OF-1998.pdf</p>	<p>Not applicable to commercial plantation forestry</p> <p>Chapter 2 of the National Forests Act (NFA), “promotes sustainable management and development of forests for the benefit of all” An extract from Chapter 2 states ‘forests must be developed and managed so as to—</p> <ul style="list-style-type: none"> (i) Conserve biological diversity, ecosystems and habitats; (ii) Sustain the potential yield of their economic, social and environmental benefits; (iii) Promote the fair distribution of their economic, social, health and environmental benefits; (iv) Promote their health and vitality; (v) Conserve natural resources, especially soil and water; (vi) Conserve heritage resources and promote aesthetic, cultural and spiritual values; and (vii) Advance persons or categories of persons disadvantaged by unfair discrimination.” <p>As per the National Forest Act No 84 of 1998 - the Principles, Criteria and Indicators of Standards is the instrument developed for the management of forests.</p> <p>General management in terms of environmental impact is carried out by the Department of Environmental Affairs, Department of Agriculture, Fisheries and Forestry during ad-hoc compliance audits.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Section 7 of the National Forest Act outlines the harvesting and sale of indigenous (natural) trees. Natural forest areas (not commercial forestry) are under the responsibility of the National Parks Board and the Department of Agriculture, Forestry and Fisheries (DAFF).</p> <p>Harvesting practices for commercial forestry operations are available as best practice guidelines in South Africa, which are self-regulated.</p> <p>Based on the above evidence and non-applicability to commercial forestry operations (Plantations), risk is designated as Low.</p> <p>Low Risk for (Indigenous) Natural timber</p> <p>The following threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
1.9 Protected sites and species	<p>Applicable laws and regulations</p> <p>National Environmental Management Act (No. 107 of 1998) (NEMA), specifically Section 24(2)(a) or (b)</p> <p>National Environmental Management Biodiversity Act (No. 10 of 2004), specifically Chapters 3, 4, 5 and 7</p> <p>National Forests Act (No. 84 of 1998), Chapter 3, Part 1 and Part 3</p> <p>National Heritage Resources Act</p> <p>Legal Authority</p> <p>Department of Environmental Affairs</p>	<p>https://www.environment.gov.za/legislation/actsegregulations</p> <p>National Environmental Management Act (No. 107 of 1998) (NEMA), specifically Section 24(2)(a) or (b)</p> <p>http://faolex.fao.org/docs/pdf/saf123691.pdf</p> <p>National Environmental Management Biodiversity Act (No. 10 of 2004), specifically Chapters 3, 4, 5 and 7</p>	<p>NEMA, 1998 requires that areas adjacent to forestry operations requiring protection be identified and protected during forest operations.</p> <p>Evaluation of risk: - Scale: South African commercial forestry is based exclusively on plantation forestry, with a high level of self-regulation and compliance to FSC FM standard requirements (80% FSC certified area).</p> <p>The 20% uncertified plantations are largely managed by forestry companies with strong governance systems in place as well as commercial farmers who are known for their legally compliant forest operations. Of the remaining 20% that constitutes uncertified forestry area, 16% are owned or managed by Government, large organizations or private farmers. The 4% of uncertified forestry area lies within land held under communal land tenure.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Department of Agriculture, Forestry and Fisheries - protection of trees</p> <p>The South African Heritage Resources Agency (SAHRA)</p> <p>Legally required documents or records</p> <p>Environmental authorization from the Department of Environmental Affairs</p>	<p>https://www.environment.gov.za/sites/default/files/legislations/nemba10of2004_alienandinvasive_speciesregulations.pdf</p> <p>National Environmental Management: Protected Areas Act (No. 57 of 2003), specifically chapters 2, 3 and 4</p> <p>https://www.environment.gov.za/sites/default/files/gazetted_notices/nempaa_actno57of2003_protectedareas.pdf</p> <p>National Forests Act (No. 84 of 1998), Chapter 3, Part 1 and Part 3</p> <p>http://cer.org.za/wpcontent/uploads/2014/02/National-Forests-Act-84-OF-1998.pdf</p> <p>National Heritage Resources Act</p>	<p>The requirements stipulated in industry guidelines go beyond the law, which reflect the industry commitment to manage forest resources in a responsible manner.</p> <p>Forestry land owners voluntarily worked with DWS on the development of a wetland and riparian area identification and delineation guideline in 1999/ 2000, entitled A practical field procedure for the Identification and Delineation of Wetlands and Riparian Areas. In 2000, large companies committed to implementing the delineation and the buffering of watercourses in their existing afforestation areas. The delineation of watercourses and the implementation of a described buffer distance have, since 2000, been included in all stream flow reduction water use authorizations and record of decisions/ environmental authorizations. The implementation has led to a reduction in plantation afforested land, increased conservation areas which has positively impacted on streamflow (DWS).</p> <p>Impact: Commercial forestry is based exclusively on plantation forestry, and the impact of not complying with the protection of sensitive areas can lead to a reduction in available water resources and adversely affect biodiversity in some areas.</p> <p>In the case of natural forests, harvesting is prohibited, with the exception of limited cutting occurring in the southern Cape area; an activity strictly managed by the National Parks Board. None of this harvested wood enters the traditional commercial forestry domain. No stakeholders raised concerns regarding this criterion and the risk is considered low.</p> <p>The South African Heritage Resources Agency (SAHRA) must be contacted regarding any matters pertaining to the National Heritage Resources Act.</p> <p>For example, grave sites may be found from time to time during forestry operations. The South African Environmental Guidelines require that local communities be consulted, with grave sites to be</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>managed in cooperation with them; thus protection measures are developed with the relevant community members. All companies record such grave sites internally. The close interaction between forestry operations and communities exist in the identification and maintenance grave sites. There are no records and no other evidence of disputes in this regard in South Africa.</p> <p>The risk is negligible.</p> <p>Based on the findings of low scale and manageable impact, it is concluded that the risk in this sub-category is low.</p> <p>Low risk</p> <p>The following threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
1.10 Environmental requirements	<p>Applicable laws and regulations</p> <p>National Environmental Management Act (No. 107 of 1998) (NEMA)</p> <p>Legal Authority</p> <p>Department of Environmental Affairs</p> <p>Department of Water and Sanitation</p> <p>Department of Agriculture, Forestry and Fisheries (Land Use and Soil Management)</p>	<p>https://www.environment.gov.za/legislation/actsregulations</p> <p>Updated Manual for the Identification and Delineation of Wetlands and Riparian Areas: https://www.dwaf.gov.za/Documents/Other/EnvironRecr/wetlands/DRAFT_3_Wetland%20and%20Riparian%20Delineation%20Guidelines%202008.pdf</p> <p>Stakeholder 1 (Forestry South Africa)</p>	<p>The listed activities within the National Environmental Management Act defines when Basic Assessments or EIAs are required and how they should be effected. All EIAs are required to be implemented by a registered Environmental Assessment Practitioner (EAP)</p> <p>The authorizations define how (unplanted) buffer zones should be implemented adjacent to wetlands and water courses. There is a risk that forestry companies do not comply with EIA requirements and/or do not maintain buffer zones as stipulated in the Authorization. The Department of Water Affairs and Sanitation is responsible for the verification and validation process to record and action non-compliance. Government officials including DEA and DAFF monitor compliance</p> <p>Forest land owners voluntarily worked with DWS on the development of a wetland and riparian area identification and delineation guideline in 1999/ 2000, entitled 'A practical field procedure for the Identification and Delineation of Wetlands and Riparian Areas'. Large companies committed to implementing the delineation and the buffering of watercourse in their existing afforestation areas in 2000. The delineation of watercourses and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Water use authorization</p> <p>Environmental Authorization</p> <p>Directive and Consent (CARA)</p>		<p>the implementation of a described buffer distance have, since 2000, been included in all stream flow reduction water use authorizations and record of decisions/ environmental authorizations.</p> <p>Impact: Commercial forestry is based exclusively on plantation forestry, and the impact of not complying with the protection of sensitive areas can lead to a reduction in available water resources and adversely affect biodiversity in some areas. In the case of natural forests, harvesting is prohibited, with the exception of limited cutting occurring in the southern Cape area; an activity strictly managed by the National Parks Board.</p> <p>No stakeholders raised concerns regarding this criterion. There are no significant issues that would constitute specified risk.</p> <p>Based on the findings that the scale of non-compliance is negligibly small and the impact is not significant, it is concluded that the combined risk in this sub-category is considered low.</p> <p>Low risk</p> <p>The following threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>
1.11 Health and safety	<p>Applicable laws and regulations</p> <p>Occupational Health and Safety Act (No.85 of 1993)</p> <p>Legal Authority</p> <p>Department of Labour</p>	<p>Occupational Health and Safety Act (No.85 of 1993)</p> <p>http://www.saflii.org/za/legis/num_act/ohasa1993273/</p> <p>Stakeholder (Forestry South Africa)</p> <p>Smallholder report to Forestry South</p>	<p>The Occupational Health and Safety Act (OHSA) defines the legislative requirements related to health and safety in the South African working environment. There is a risk that forestry companies do not comply with health and safety requirements stipulated in the OHSA.</p> <p>Evaluation of risk: - Scale: South African commercial forestry has a high level of self-regulation, as reflected by the high percentage of FSC-certified plantations in the country today (over 80% of the total forestry area is FSC-certified). Of the remaining 20% of uncertified area, 16% is</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Record of Accidents in the workplace Records of legally required training (first aid)</p> <p>Health and Safety meeting minutes (dependent on number of employees) Safety Risk Assessment (dependent on number of employees)</p>	Africa – 20/05/2016	<p>managed by large forestry companies and commercial farmers, who (according to stakeholder interviews) have very strong governance systems in place. There is a strong safety culture in South Africa, with all large forestry companies demonstrating a zero tolerance towards unsafe forestry practices on their land. Approximately 85 451 ha (4%) of uncertified commercial timber is in Communal Land which employ contractors for operational activities.</p> <p>Some of these contractors have poor governance systems with minimal record keeping and application of governance systems (R Mack, expert reference on NRA-WG). This functional scale is found to be a risk, however due to the scale and impact it is found to be overall low risk.</p> <p>All companies keep an internal record of their accident statistics. The industry norm for managing accidents is the Disabling Injury Frequency Rate (DIFR), but these figures are not collected within a centralized database.</p> <p>Fatalities and injuries leading to hospitalization need to be reported to the Department of Labour, which then investigates these incidents.</p> <p>Based on the findings that the scale of non-compliance is negligibly small and the impact is not significant, it is concluded that the combined risk in this sub-category is considered low. There is thus a very small percentage (possibly 4% or 85 451 ha) of members of the forestry industry not applying the requirements regarding H&S as stipulated in the OHSA.</p> <p>Low risk for Country Level: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p> <p>Low Risk for Outsourced Operations on Communal Land: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.12 Legal employment	<p>Applicable laws and regulations</p> <p>Basic Conditions of Employment Act (No. 75 of 1997), specifically Chapters 3, 4, 5 and 6</p> <p>Employment Equity Act (No. 55 of 1998), specifically Chapters 2 and 3</p> <p>Labour Relations Act (No. 66 of 1995), specifically Chapters 2, 3, 4, 5, 6, 7 and 8</p> <p>Legal Authority</p> <p>Department of Labour</p> <p>Legally required documents or records</p> <p>Payroll of companies www.labour.gov.za/</p>	<p>www.labour.gov.za/ Annual Reports of The Department of Labour: http://www.labour.gov.za/DOL/documents/annual-reports/annualreport-pfma/2013/annual-report-of-the-department-of-labour-2012-2013</p> <p>Basic Conditions of Employment Act (No.75 of 1997), specifically Chapters 3, 4, 5 and 6 http://www.labour.gov.za/DOL/downloads/legislation/acts/basicconditions-ofemployment/Amended%20Act%20%20Basic%20Conditions%20of%20Employment.pdf</p> <p>Employment Equity Act (No. 55 of 1998), specifically Chapters 2 and 3 https://www.saica.co.za/Technical/LegalandGovenance/Legislation/EmploymentEquityAct/tabid/3041/language/en-ZA/Default.aspx</p>	<p>South African commercial forestry has a high level of regulation, as reflected by the high percentage of FSC- certified plantations in the country today (over 80% of the total forestry area is FSC-certified). Of the remaining 20% afforested areas, 16 % is managed by forestry companies and commercial farmers, which (according to stakeholder interviews) have very strong governance systems in place. Approximately 4% of uncertified timber is in Communal Land.</p> <p>South Africa has labour legislation that exceeds the requirements stipulated by the ILO. The Labour law is well implemented and functioning throughout the South African working environment.</p> <p>Labour unions ensure that Organizations, where they play a role, assist with compliance; and a company cannot prohibit its employees from joining a union. In South Africa, very few forestry workers have opted be part of unions (this is inclusive of large multi-national corporates). Joining unions is voluntary and is dependent on the employees to apply to the union. Workers in these areas would rather not join due to the membership fee payable vs. benefits received (as they normally do not have large workforces). Department of Labour is responsible for the monitoring and enforcement of the Labour Law. Furthermore, the Department of Labour investigates all accidents and imposes penalties where a company is found to be negligent.</p> <p>Communities located in communal areas sometimes utilize the services of contractors to harvest their timber. Some of these contractors have demonstrated non- compliance to payment of minimum wages (R Mack, expert on NRA WG). This functional scale is determined to be a risk. Based on the findings that non-compliance is negligible and of a small scale (<4%, 85 451 ha of forestry area which potentially may not be implementing the requirements of legislation), it is found that this Indicator has an overall Low Risk designation.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		Labour Relations Act (No. 66 of 1995), specifically Chapters 2, 3, 4, 5, 6, 7 and 8 http://www.labour.gov.za/DOL/le Smallholder report to Forestry South Africa – 20/05/2016	Low risk for Country Level: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities. Low Risk for Outsourced Operations on Communal Land: (2) Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
Third parties' rights			
1.13 Customary rights	Applicable laws and regulations There is no legislation in South Africa covering 'Customary rights' Legal Authority Not applicable Legally required documents or records Not applicable	Not applicable	Not applicable
1.14 Free prior and informed consent	Applicable laws and regulations Not Applicable. There is no legislation in South Africa covering 'free, prior and informed consent' in connection with transfer – to the Organization in charge of the harvesting operation of forest management rights and customary rights. Legal Authority Not applicable	Not applicable	Not applicable

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Not applicable</p>		
<p>1.15 Indigenous peoples rights</p>	<p>Applicable laws and regulations</p> <p>Not Applicable – no indigenous people on forestry land.</p> <p>Legal Authority</p> <p>Not applicable</p> <p>Legally required documents or records</p> <p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>
Trade and transport			
<p>1.16 Classification of species, quantities, qualities</p>	<p>Applicable laws and regulations</p> <p>Not Applicable. There are no requirements relating to classification of species, quantities and qualities in South Africa.</p> <p>Legal Authority</p> <p>Not applicable</p> <p>Legally required documents or records</p> <p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.17 Trade and transport	<p>Applicable laws and regulations</p> <p>Not Applicable. No trading permits or transport documents are required by law to transport wood in South Africa.</p> <p>Legal Authority</p> <p>Not applicable</p> <p>Legally required documents or records</p> <p>Not applicable</p>	Not applicable	Not applicable
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <p>Income Tax Act (No. 58 of 1962), specifically: - Section 31 - Practice Note 7/1999</p> <p>Tax Administration Act</p> <p>Legal Authority</p> <p>South African Revenue Service (SARS)</p> <p>Legally required documents or records</p> <p>Yearly tax assessments</p>	<p>export permit: http://www.services.gov.za/services/content/Home/OrganizationServices/exportpermit/Exportpermits/en_ZA</p> <p>import permit: http://www.services.gov.za/services/content/Home/OrganizationServices/Tax/CustomDuties/applicationforregistrationofanimporter/en_ZA</p> <p>Income Tax Act (No. 58 of 1962), specifically: - Section 31 - Practice Note 7/1999 http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp</p> <p>World Transfer Pricing 2014, International Tax</p>	<p>In relation to transfer pricing, South Africa has had legislation in place since 1995; this has been amended with an effective date of 1 April 2012, with more focus on the taxpayer being proactive in compliance.</p> <p>The Income Tax Act requires connected parties to deal at arm's-length in respect of cross-border transactions. Taxpayers are required to determine the taxable income that would arise from arm's length transactions, if different from what would be reported. Companies that do not comply with the requirements of off-shore trading will have adjustment to their taxable income. Refer http://download.pwc.com/ie/pubs/2012_international_transfer_pricing.pdf</p> <p>The South African Revenue Service (SARS) has been furnished with greater powers under the Tax Administration Act; and increased audit activity, across all industries, by experts within SARS' specialist Transfer Pricing Unit has been observed. As a result, SARS is actively auditing taxpayers on their transfer pricing and has indicated that it will place greater scrutiny on multinationals with connected-party entities; the Organization has a strict requirement for documentation and supporting evidence.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>Review: http://www.internationaltaxreview.com/pdfs/wtp/world-transferpricing-2014.pdf</p> <p>International Transfer Pricing 2013/14: http://www.pwc.com/gx/en/international-transferpricing/assets/itp-2013-final.pdf</p> <p>Transfer Pricing Country Profile – South Africa http://www.oecd.org/ctp/transferpricing/SouthAfrica_TPCountryProfile_Jan2013.pdf</p>	<p>However, SARS is experiencing a resource issue, with protracted audit outcomes.</p> <p>Furthermore, when transactions take place in African countries lacking a transfer pricing regime, it is unlikely that mutual agreement procedures will mitigate illegal transfer pricing.</p> <p>South Africa is not a member of the OECD, but has exchange of information relationships with 119 jurisdictions through 78 Double Taxation Conventions (DTCs), 17 Tax Information Exchange Agreements (TIEAs) and 1 multilateral mechanism (http://www.eoitax.org/jurisdictions/ZA#agreements).</p> <p>The introduction of the amendments in 2012 has led to stricter regulations on transfer pricing. There are still challenges, but consultation with relevant stakeholders raised no issues in the South African forestry sector.</p> <p>Thus the indicator is considered to be of low risk.</p>
1.19 Custom regulations	<p>Applicable laws and regulations</p> <p>Customs and Excise Act (no. 91 of 1964)</p> <p>Legal Authority</p> <p>South African Revenue Service International Trade Administration Commission (ITAC)</p> <p>Legally required documents or records</p> <p>Export documentation (SARS confirmation letter of Customs Client Number)</p>	<p>http://www.sars.gov.za/Customs and Excise Act (no. 91 of 1964) Tariff Classification guideline</p> <p>http://www.vertic.org/media/National%20Legislation/South_Africa/ZA_Customs_Excise_Act_1964.pdf</p> <p>Relevant websites: * export permit: http://www.services.gov.za/services/content/Home/OrganizationServices/exportpermit/Exportpermits/en_ZA * import permit:</p>	<p>The large forestry companies in South Africa are almost all listed on the stock exchange and are required to undergo annual independent financial audits. Regarding the other scales of companies, there is currently no public domain evidence of illegal activities related to import–export licensing being relevant to any of the South African forestry companies. As a rule, forestry companies who export apply for the required export documentation and there is no evidence of companies in the forest industry acting in an illegal manner regarding export permit use.</p> <p>- Impact: If an export permit were absent, there would be no impact on pricing or value. Non-compliance to legislation would result in fines and possibly imprisonment as per our Custom Regulations. Stakeholders raised no concerns regarding this indicator. There are no significant issues that would constitute specified risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Bill of loading Packing lists	http://www.services.gov.za/services/content/Home/OrganizationServices/Tax/CustomDuties/applicationforregistrationofanimporter/en_ZA	Based on the findings of low scale and low impact, it is concluded that the risk is low in this indicator. Low risk The following threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.
1.20 CITES	<p>Applicable laws and regulations</p> <p>NEMA – National Environmental Management: Biodiversity Act (10/2004)</p> <p>Legal Authority</p> <p>The national Minister responsible for environmental affairs is the National Management Authority for CITES-related activities.</p> <p>Legally required documents or records</p> <p>CITES export/re-export permit</p>	<p>CITES checklist: http://checklist.cites.org/#/en/search/country_ids%5B%5D=71&output_layout=alphabetical&level_of_listing=0&show_synonyms=1&show_author=0&show_english=1&show_spanish=1&show_french=1&scientific_name=Plantae&page=1&per_page=20</p> <p>NEMA – National Environmental Management: Biodiversity Act (10/2004): http://www.environment.co.za/environmental-laws-and-legislationin-south-africa/nema-nationalenvironmental-managementbiodiversity-act-10-2004-convention-international-trade-endangered-species-citesregulations-gazette-33002-9240-</p>	<p>Export: No Pinus, Eucalyptus or Acacia species produced in South Africa are listed on the CITES lists and the risk is therefore Low.</p> <p>Import: Not applicable</p> <p>Low risk</p> <p>The following threshold was met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventative actions taken by the authorities and/or by the relevant entities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		volume-537- south-africa.html	
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	<p>Applicable laws and regulations</p> <p>N/A. There is no legislation relating to due diligence/due care of wood and timber in South Africa.</p> <p>Legal Authority</p> <p>Not applicable</p> <p>Legally required documents or records</p> <p>Not applicable</p>	Not applicable	Not applicable

Control measures

N/A

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

Overview

The CNRA category assessment was analyzed and amended by the NRA working group. The working group included 2 social chamber members who met the FSC requirements of Expert.

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low Risk
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Low Risk
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	Low Risk

Control measures

N/A

Detailed analysis

Indicator	Source of information (linked with Annex C1)	Indication of risk, evidence used	Functional scale	Risk designation and specification (if not 'low risk') Provide numbers of thresholds ¹ that are met and justify the outcome for each threshold	Control Measures M – mandatory R – recommended
<p>2.1 The forest sector is not associated with Violent armed Conflict, including that which threatens national or regional security and/or linked to military control.</p>	<p>Compendium of United Nations Security Council Sanctions Lists http://www.un.org/sc/committees/list_compend.shtml</p> <p>US AID: www.usaid.gov http://pdf.usaid.gov/pdf_docs/pnact462.pdf</p> <p>Global Witness: www.globalwitness.org www.globalwitness.org/campaigns/environment/forests</p> <p>Human Rights Watch: http://www.hrw.org/</p>	<p>Low Risk:</p> <p>There is no UN Security Council ban on timber exports from South Africa. South Africa is not covered by any other international ban on timber export. There are no individuals or entities involved in the forest sector in South Africa that are facing UN sanctions.</p> <p>No information on conflict timber related to South Africa found.</p> <p>No information on conflict timber related to South Africa found.</p> <p>No information on conflict timber related to South Africa found.</p>	<p>Country</p>	<p>Overall Low Risk:</p> <p>Although information was found on high levels of violence in South Africa this cannot be classified as “armed conflicts”. Furthermore, no information on conflict timber was found.</p> <p>The following low risk thresholds apply:</p> <p>(1) The area under assessment is not a source of conflict timber²; AND</p> <p>(2) The country is not covered by a UN security ban on exporting timber; AND</p> <p>(3) The country is not covered by any other international ban on timber export; AND</p> <p>(4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND</p> <p>(5) Other available evidence does not challenge ‘low risk’ designation.</p>	<p>Not Applicable</p>

	<p>World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/workin_g_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998</p> <p>Amnesty International Annual Report: http://amnesty.org/en/annual-report/2013/</p> <p>Greenpeace: www.greenpeace.org</p> <p>CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</p>	<p>http://www.profor.info/node/1998 This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to South Africa.</p> <p>No information on conflict timber related to South Africa found.</p> <p>No information on conflict timber related to South Africa found.</p> <p>http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm Forests and conflict illegal forestry activities and poor governance in tropical forested regions are two factors which can encourage violent conflict. Widespread violence in turn makes forestry and conservation policies in forested areas less effective. The scope of the problem- There are currently violent conflicts in forested regions in Colombia, Côte D'Ivoire, Democratic Republic of the Congo, India, Indonesia, Liberia, Mexico, Myanmar, Nepal, Philippines, Sierra Leone, Solomon Islands, Sudan, and Uganda. In the past twenty years there have also been violent conflicts in the forested regions of Angola, Burundi, Cambodia, Central African Republic, Guatemala, Mozambique, Nicaragua, Peru, Republic of Congo, Rwanda, and Surinam. Together these countries account for about 40 percent of the world's tropical forest and over half of all tropical forest outside Brazil.</p>			
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	<p>Google the terms '[country]' And one of the following terms or in Combination 'conflict timber' 'illegal logging'</p>	<p>Timber incomes have financed violent conflict in Cambodia, Democratic Republic of Congo, Indonesia, Liberia, Myanmar, Sierra Leone, and other countries. While Illicit drugs are widespread in the forested regions of Bolivia, Colombia, Laos, Myanmar, and Peru.</p> <p>South Africa not mentioned http://www.bbc.com/news/world-africa-14094760</p> <p>“Many South Africans remain poor and unemployment is high - a factor blamed for a wave of violent attacks against migrant workers from other African countries in 2008 and protests by township residents over poor living conditions during the summer of 2009.”</p> <p>http://en.wikipedia.org/wiki/List_of_conflicts_in_Africa#South Africa</p> <p>Most recent conflict mentioned: June 16, 1976 C.E. Soweto Uprising</p> <p>http://en.wikipedia.org/wiki/South_African_Border_War</p> <p>“The South African Border War, commonly referred to as the Angolan Bush War in South Africa, was a conflict that took place from 1966 to 1989 largely in South-West Africa (now Namibia) and Angola between South Africa and its allied forces (mainly the National Union for the Total Independence of Angola, UNITA) on the one side and the Angolan government, South-West Africa People’s Organization (SWAPO), and their allies (mainly Cuba) on the other.”</p> <p>http://www.studentpulse.com/articles/401/identity-in-conflict-race-and-violentcrime-in-south-africa-in-the-context-of-contemporary-insurgencies</p> <p>“Violent crime is a major security issue in South Africa. The South African Police Service (SAPS) claims that 112,982 people were murdered in the six years between 2003/2004 and 2008/2009, compared with the civilian death toll during the war in Iraq from March 2003 to March 2009 of between 90,892 and 99,242 (www.iraqbodycount.org, 2009).”</p> <p>http://info.worldbank.org/governance/wgi/index.aspx#reports</p> <p>In 2012 (latest available year) South Africa scores on the indicator political stability and absence of violence place 44.08 on the percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank) with higher values corresponding to better outcomes.</p>			
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<p>2.2 Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.</p>	<p>Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0:0::NO:11200:P11200_COUNTRY_ID:102888</p> <p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/wcmsp5/groups/public/dgreports/integration/documents/publication/wcms_232765.pdf</p> <p>Decent Work Country Profile SOUTH AFRICA—pre-publication draft, 2014</p> <p>Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association</p>	<p>Low Risk: South Africa ratified all 8 fundamental ILO conventions.</p> <p>Low risk for forced labour: “South Africa’s current situation needs to be read against the background of the first non-racial elections of 1994, and the wide range of legal, policy and programmatic interventions which emerged since and have attempted to address imbalances of the past and create an inclusive society characterized by shared and equitable economic growth.” [...] “despite its middle income status, South Africa is characterized by high levels of poverty and high income inequality between population (race) groups and within groups. [...] There are further stark differences by race group [regarding unemployment rates] and – as elsewhere in the developing and developed world – substantially higher unemployment rates for youth than for older people.” (p. v)</p> <p>“In terms of work that should be abolished, forced labour is outlawed in the Constitution, and this prohibition is repeated in the BCEA. The Act sets age 15 as the minimum possible for legal employment of a child as an employee and also prohibits the employment of a child who is under the minimum school-leaving age.” (p. vi)</p> <p>Specified Risk for child labour: “Overall, 784,000 children were found to be vulnerable according to at least one of the indicators of child labour, where the indicators considered other factors, such as interference with school studies, alongside age.” (p. vii)</p> <p>Specified Risk of race discrimination: “The Employment Equity Act is a key instrument for achieving equal opportunity and treatment in respect of employees. The Act focuses on race and gender alongside disability. The on-going gender and race imbalances in the upper echelons of the workforce are clear in that Africans accounted for only 12.3 per cent of top management and 18.4 per cent of senior management, while white employees accounted for 72.6 and 62.4 per cent respectively. Women’s share of top management has increased over time, but the pattern has been erratic, while women’s share of senior management appears to have declined dramatically between 2002 and 2012. The share of people with disabilities in companies’ workforces has increased over the same period, but is</p>	<p>Country</p>	<p>Low Risk:</p> <p>The low risk thresholds (10) and (12) apply.</p> <ul style="list-style-type: none"> • All social rights are covered by the relevant legislation and enforced in South Africa. (refer to category 1) • Rights to freedom of association and collective bargaining are upheld, although violations are reported but these are not widespread and no reported incidents were found in the forestry sector. • There is evidence confirming compulsory and/or forced labour in the agricultural sector (which includes forestry), but no substantial evidence was found of cases of forced labour in the forestry sector • There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender, however this should be seen in the context of the history of “apartheid” until 1994. South Africa now works to close the gender and race gaps. • There is evidence confirming child labour in the agricultural sector (which includes forestry), but this is relatively low and no evidence was found of incidents of child labour in the forestry sector. • The country is signatory to all 8 fundamental ILO Conventions. • There is some evidence that some groups (in particular women and African people in the lower sectors of the labour market and indigenous people) do not feel adequately protected related to the rights mentioned above, but no specific evidence related to the forestry sector was found. • Violations of labour rights are not limited 	<p>Not Applicable</p>
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		<p>still lower than desired.”(p. vii)</p> <p>Low Risk for freedom of association: “Freedom of association related to employment was considered important enough in South Africa to be included in the Bill of Rights in the Constitution, thus setting a firm basis for the promotion of social dialogue and representation of employers and workers. According to data for August 2013, there were 190 trade unions and 164 employers’ organizations registered with the Department of Labour. The QLFS of 2012 recorded a total of approximately 3.4 million union members, of whom 1.4 million (40 per cent) were female.” (p. viii)</p> <p>Low Risk for child labour: “The Basic Conditions of Employment Act prohibits employment of children less than 15 years of age. The Act prohibits work for children aged 15 to 17 years where it is inappropriate for the child’s age, places at risk the child’s education, well-being, health or development, or has been expressly prohibited by the Minister of Labour.” [...] The CEACR noted with interest that Regulations 8 and 9 of the Basic Conditions of Employment Act contain a list of 38 types of work prohibited to children under the age of 18 years, including work where remuneration is based on the completion of specific tasks and night work. (p.42)</p> <p>Low Risk for discrimination: “The Constitution and other subordinate legislation outlaws unfair discrimination on a wide range of factors. The Employment Equity Act focuses specifically on promoting equal opportunity among employees in respect of race, gender and disability. The Act provides for the establishment of an advisory Commission on Employment Equity, which is funded and serviced by the Department of Labour. The Act requires regular reports from all employers with more than 50 employees detailing their employment equity plans, achievements and challenges. Where individuals have complaints, these can be taken up with the Commission on Conciliation, Mediation and Arbitration, established in terms of the Labour Relations Act. The Labour Relations Act also defines unfair labour practices, and the definition of an unfair labour practice includes dismissal of a worker on account of pregnancy, intended pregnancy; any reason related to her pregnancy is automatically unfair. The CEACR noted the</p>		<p>to specific sectors, but are most widely reported in the mining, engineering, agricultural and domestic work sector. No incidents of violations were found in the forestry sector.</p> <p>The following low risk thresholds apply, based on the evidence: (10) Applicable legislation for the area under assessment covers the key principles recognized in the ILO Fundamental Principles and Rights at work (which are recognized as: freedom of association and right to collective bargaining; elimination of forced and compulsory labour; eliminations of discrimination in respect of employment and occupation; and effective abolition of child labour), AND the risk assessment for relevant indicators of category 1 confirms enforcement of applicable legislation ('low risk'); AND</p>	
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		<p>National Skills Development Strategy which focuses on the training of black persons, women, people with disabilities and youth.”</p> <p>Specified Risk for discrimination of indigenous people: The CEACR repeatedly pointed out that indigenous people are highly marginalized and concentrated at the lower end of the socio-economic scale. (p. 49)</p> <p>Low Risk for equal remuneration: “There is currently no law or policy that explicitly provides for equal remuneration for work of equal value. However, the Employment Equity Act implicitly provides for this, and the amendments under consideration provide for it explicitly. [...] The Act does not currently refer explicitly to the requirement of equal remuneration for work of equal value. However, a new section 6(4) of the Employment Equity Amendment Bill provides explicitly for equal remuneration for work of equal value for employees working for the same employer. (p. 55)</p> <p>Low Risk for the right to form a Union Specified Risk for the right to Strike “The Bill of Rights in the Constitution affords every worker the right to form and join a trade union, participate in union activities and programmes, and strike. The Bill of Rights gives every employer the right to form and join an employers’ organization and to participate in its activities and programmes. The Labour Relations Act elaborates on these rights. [...]There are no active cases before the CEACR on freedom of association. The CEACR noted the comments by the International Trade Union Confederation in communications dated 4 August 2011 and 31 July 2012, reporting acts of violence leading to injuries and death, and arrests of striking workers, as well as the dismissal of strikers. The CEACR also noted the communication by the International Trade Union Confederation of 2010, reporting acts of violence and arrests of workers, including trade union leaders, during the course of demonstrations and strikes in various sectors, as well as the dismissal of strikers, in 2009. The Committee recalled that in 2008 the Confederation had sent comments on serious infringement of trade union rights including attempts to obstruct unionization in the agricultural and communication sectors, police repression during a general strike and, in the mine</p>			
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		<p>sector, intimidation and mass dismissals following strikes. The Committee also noted from the ITUC's communication about the difficulties faced by casual workers in respect of joining a trade union." (p. 65)</p> <p>Low Risk for collective bargaining: The Bill of Rights in the Constitution gives every trade union, employers' organization and employer the right to engage in collective bargaining. The Labour Relations Act elaborates on that right. [...]According to the Quarterly Labour Force Survey of 2012 about 6 per cent of workers in the agricultural sector are unionized. The CEACR welcomed the information that a study on identifying obstacles faced by trade unions organizing on farms has been commissioned by the Government, and that another study on facilitating unionization of farm workers has been conducted by the ILO.</p> <p>Low Risk for child labour: http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23484/lang--en/index.htm <i>Business and the fight against child labour - Experience from India, Brazil and South Africa</i> In 2010 Statistics South Africa included a special module in the Quarterly Labour Force Survey that was addressed to children aged 7 and above. This exercise (and previous) "found very minimal child labour and work in South Africa if these terms are understood as referring to work that qualifies as employment, including employment outside of a regular employment relationship, for example as a self-employed worker or unpaid family worker." (p. 64)</p> <p>Children working on family farms outside of school hours is not regarded as employment.</p> <p>Specified risk for race and gender discrimination on at lower levels in labour market: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_150430.pdf <i>Gender Equality and Social Dialogue in South Africa- 2011</i> "Post-1994 South Africa has put in place a relatively solid legislative framework, with the Constitution and its emphasis on non-discrimination as the base. Yet gender-based inequalities continue. Indeed, in research commissioned by the Labour Research Service, only half of the women workers interviewed</p>			
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	<p>ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang-en/index.htm</p>	<p>felt that women had more rights in the workplace today than they had ten years ago. [...]</p> <p>The post-1994 period has seen marked changes in the profile of people at the upper end of South African society. In both political and economic spheres, it is no longer something work remarking on when black people and women occupy the top spaces. At lower levels, however, the race and gender patterns remain strong." (p. 20)</p> <p>Low Risk for child labour: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141606 <i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Minimum Age Convention, 1973 (No. 138) - South Africa (Ratification: 2000)</i></p> <p>"The Committee notes that the Government has communicated the results of the survey on child labour and other work-related activities in South Africa of 2010 (SAYP 2010). The SAYP 2010 found, over a period of 12 months, a total number of 268,000 children aged 7–17 years reported at least one kind of "market" economic activities, that is, work for a wage or salary, running of own business, or unpaid work in a family business, which amounts to 2.4 per cent of the total number of all children in this age group. When market and non-economic market work (that is, subsistence farming, collection of fuel and water, production of goods for household use, household construction, and catching of fish or animals for household consumption) are considered together, 31 per cent of children aged 10–15 years and 16 per cent of those aged 7–9 years were engaged in economic work. Overall, 16 per cent of children worked one to six hours on economic work, 5 per cent worked 7–13 hours, and 1 per cent each worked 14–20 hours and more than 21 hours per week. Moreover, a total of 90,000 children reported having been injured in the 12 months preceding the SAYP 2010 while doing an economic work activity.</p> <p>The Committee notes the indication in the SAYP 2010 that while the numbers involved in child labour are relatively low, and seem to have decreased over the years, the number affected – estimated at 821,000 – is large in absolute terms, and that these children need action to be taken. Consequently, the Committee urges the Government to strengthen its efforts to ensure the gradual elimination of child labour. In this regard, it requests the Government to provide information on the adoption of a national</p>			
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	<p>Global March Against Child Labour: http://www.globalmarch.org/</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</p>	<p>policy to combat child labour, including the possible extension of the CLPA. The Committee also requests the Government to continue to supply information on the application of the Convention in practice, including extracts from the reports of the inspection services, and information on the number and nature of infringements reported by these services.”</p> <p>Low Risk for forced labour: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141644 <i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Worst Forms of Child Labour Convention, 1999 (No. 182) - South Africa (Ratification: 2000)</i> “The Committee notes the Government’s information that, in July 2013, the President approved the Prevention and Combating of Trafficking in Persons Act (PCTP Act). This Act addresses the shortcomings of the existing legislative infrastructure on trafficking in persons, creates new offences in the area of trafficking of persons, and provides for the referral of victims of trafficking by certain officials, professionals, and others, to the South African Police Service for investigation.”</p> <p>No specific information found on child labour in South Africa (Global March Against Child Labour)</p> <p>http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=ZAF&Lang=EN</p> <p>No reports available on implementation of UN Convention on the Rights of the Child by South Africa</p> <p>Low Risk for forced labour: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3141462:NO <i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)</i> <i>Forced Labour Convention, 1930 (No. 29) - South Africa (Ratification: 1997)</i> “[...] the Committee notes with interest the adoption of the Prevention and Combating of Trafficking in Persons Act, 2013, section 4(1) of which prohibits trafficking in persons. The Act also</p>			
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	<p>ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm</p>	<p>contains provisions prohibiting debt bondage (section 5), using the services of victims of trafficking (section 7) and facilitating trafficking in persons (section 8). Moreover, the Act contains measures for the protection of victims of trafficking, including the granting of a recovery and reflection period, measures for appropriate repatriation and provisions for the compensation of victims.”</p> <p>Specified risk for the right to strike: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3077989:NO <i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)</i> <i>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - South Africa (Ratification: 1996)</i> “The Committee notes the comments made by the International Trade Union Confederation (ITUC) in communications dated 4 August 2011 and 31 July 2012, alleging in particular, in different sectors, several instances of acts of violence, leading to injuries and death, arrests of striking workers as well as the dismissal of strikers (communication, pharmaceutical, retail chain, poultry, public and municipal sectors). The Committee recalls that it considers that in the event of assaults on the physical or moral integrity of individuals, an independent judicial inquiry should be instituted immediately with a view to fully clarifying the facts, determining responsibility, punishing those responsible and preventing the repetition of such acts. Furthermore, the Committee recalls that the arrest, even if only briefly, of trade union leaders and trade unionists, and of the leaders of employers’ organizations, for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association. The Committee also notes from the ITUC’s communication the difficulties faced by casual workers to join a trade union.”</p> <p>Low risk on the right to form trade unions: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3080628:NO <i>Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)</i> <i>Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – South Africa (Ratification: 1996)</i> “[...]The Committee notes that a study on identifying obstacles faced by trade unions</p>			
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		<p>organizing in farms has been commissioned by the Government, and that another study on facilitating unionization of farm workers has been conducted by the ILO. The Government hopes that these studies will help improve collective bargaining in the agricultural sector.”</p> <p>Specified risk for gender wage gap: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699091:NO <i>Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)</i> <i>Equal Remuneration Convention, 1951 (No. 100) - South Africa (Ratification: 2000)</i> “Gender wage gap and occupational segregation. The Committee notes from the information provided by the Government under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that the Commission for Gender Equality’s (CGE) study conducted in 2008 revealed a gender wage gap of 33.5 per cent. The Committee also notes from the 2010 statistics provided by the Government that women predominate in clerical and domestic work. The CGE indicates that invisible elements continue to marginalize women, such as the institutional culture within a male- dominated environment, internal policies and practices regarding recruitment and promotion, and access to skills training, coupled with the sense that “men are taken more seriously and women have to earn their stripes”. This study also reveals that black women and women with children are particularly concerned by the gender wage gap. In order to address this issue, the Committee notes that the Government has put into place the Director- General’s Review System, which allows the Director- General to make recommendations to employers, who must include solutions in their Employment Equity Plans (EEPs) where disparities in remuneration based on gender or race are revealed (sections 43, 44, 45 of the Employment Equity Act (EEA)). [...] The Committee welcomes the Government’s intention to include in future amendments to the EEA, the possibility for small employers to report on matters such as barriers to employment equity in respect of remuneration and benefits, and affirmative action measures adopted to redress them in employment equity report forms (EEA2). [...] The Committee recalls that there is a tendency to set lower wage rates for sectors predominantly employing women, and due to such occupational segregation, particular attention is needed in setting sectoral minimum wages to ensure that the rates fixed</p>			
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		<p>are free from gender bias.</p> <p>Specified risk for equal remuneration: [...]<i>The Committee notes the Government's indication that collective agreements do not include specific provisions dealing with equal remuneration for men and women for work of equal value.</i>"</p> <p>Specified risk for gender and race discrimination: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699412:NO <i>Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)</i> <i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – South Africa (Ratification: 1997)</i> "The Committee notes from the statistical data provided by the Government that <i>women continue to be under represented in top and senior management</i> positions (18 per cent and 26.7 per cent). White males still dominate top management positions in the workplace and <i>women are more widely represented in administrative functions</i>. Recalling its previous comments, the Committee notes that there are still more black women in unskilled occupations than white women (of the total amount of people employed in unskilled occupations, 28.6 per cent are black women and 0.4 per cent are white women).</p> <p>Low risk on gender and race discrimination: [...]<i>The Committee notes from the Government's report that the Director- General's reviews conducted in terms of sections 43–45 of the EEA revealed that the "white group" accounts for 62 per cent of all positions at top and senior management levels, 55 per cent of all recruitments and 52 per cent of all promotions in 2009 at these upper occupational levels. The reviews indicated that Africans and coloured, both male and female, seem to be most negatively affected by unfair discrimination and racial stereotypes in workplaces. The Government indicates that it continues to advocate and educate both employers and employees, including trade unions, on how to implement measures to redress these imbalances through employment equity road shows. The Government also refers to a skills development strategy, and black economic empowerment targets contained in the Codes published under the Broad-Based Black Economic Empowerment Act, 2003, including with respect to public procurement processes.</i></p>			
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	<p>Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.asp x</p> <p>(Use the link to 'Key documents' on the left hand side. Go to "observations' and search for country.) (Refer to CW Cat. 1)</p>	<p>[...]The Committee notes from the Government's report that the National Skills Development Act aims to provide equal opportunities for people to undergo skills development programmes and that, in this connection, measures have been put in place to reach out to persons who are particularly affected by discrimination in employment and occupation.</p> <p>Low Risk for discrimination on persons with disabilities [...] The Committee notes from the CEE's tenth annual report that persons with disabilities still face various challenges in terms of accessing equality in employment and occupation. The CEE's report also indicates that workers with disabilities were concentrated in lower occupational levels, and the most underrepresented groups of persons with disabilities are blacks and women, particularly Africans and coloured. In this connection the Committee notes the Government's indication that the measures included in the Code of Good Practice on the Employment of People with Disabilities and its Technical Assistance Guidelines are "continually considered to be necessary" and include the principle of reasonable accommodation.</p> <p>Specified risk for discrimination on indigenous peoples: [...]The Committee notes from the report published by the ILO and the African Commission on Human and Peoples' Rights in 2009 that indigenous peoples were numbered at approximately 316,600 and constituted five groups (Khomani San, Khwe San, Xun San, Nama Khoe and Griquas). The Committee further notes that while general legislation on discrimination provides protection for indigenous peoples (sections 1 and 9 of the Constitution), the legal framework is not specific to groups self-identifying as indigenous peoples. The Committee recalls its comments concerning the adoption of special measures aimed at addressing the discrimination historically suffered by indigenous peoples in employment and occupation contemplated by Article 5(2) of the Convention.</p> <p>Low Risk for gender discrimination: [...] The Committee notes from the concluding observations of the United Nations Committee on the Elimination of Discrimination against Women the establishment of the Women's Empowerment and Gender Equality Branch within the recently created Ministry for Women, Children and People with Disabilities and the adoption of a National Gender</p>			
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		<p>Policy (CEDAW/C/ZAF/CO/4, 4 February 2011, paragraph 6).”</p> <p>Specified Risk of discrimination against women: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fZAF%2fCO%2f4&Lang=en</p> <p><i>Concluding observations of the Committee on the Elimination of Discrimination against Women - 5 April 2011</i></p> <p>“The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women’s roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society.</p> <p>[...] While noting that a number of policy, legislative, administrative, victims empowerment and other measures, based on a multi-sectoral approach at the operational level, have been put in place to combat violence against women in the country, the Committee expresses serious concern at the inordinately high prevalence of sexual violence against women and girls, and widespread domestic violence.”</p> <p>[...] The Committee acknowledges the State party’s efforts to implement legislative measures aimed at eliminating discrimination against women in employment, such as the Employment Equity Act, and the establishment of the Employment Conditions Commission to ensure the right of equal remuneration for women and men. However, the Committee is concerned about the persistence of discrimination against women in the labour market, in particular the high rate of unemployment affecting women (30 per cent), the wide gender/wage gap, and occupational segregation. The Committee also regrets that even though the Employment Equity Act (1998) and the Equality Act (2000) prohibit discrimination on the grounds of pregnancy, and the Basic Conditions of Employment Act (1997) protects maternity leave, there is no provision in domestic legislation for remunerated maternity leave.”</p> <p>“The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas who constitute the majority of women in South Africa, which is characterized by poverty, difficulties in access to health and social services, and a lack of participation in decision-making processes at the community level. The Committee also reiterates its concern that customs and traditional practices, prevalent in rural areas,</p>			
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	<p>Human Rights Watch: http://www.hrw.org/</p> <p>Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risksincrease-china-and-russia-most-progress-shown-south-america-maplecroft-index/</p> <p>http://www.verite.org/Commodities/Timber (useful, specific on timber)</p> <p>The ITUC Global Rights</p>	<p>prevent women from inheriting or acquiring ownership of land and other property.”</p> <p>Low Risk http://www.hrw.org/news/2012/09/04/south-africa-mpa-still-wrong-lonmin-matter “The tragic scenes of August 16, 2012, when police opened fire and killed 34 miners who were part of a group protesting against low wages, sent shockwaves throughout the world. Many reacted with horror at a display of police force that was reminiscent of apartheid South Africa.” http://www.hrw.org/news/2011/08/23/south-africa-farmworkers-dismal-dangerouslives AUGUST 23, 2011</p> <p>“Workers in Western Cape province who help produce South Africa’s renowned wines and fruit are denied adequate housing, proper safety equipment, and basic labour rights, Human Rights Watch said in a report released today.” No violations reported on labour rights in forestry sector in South Africa</p> <p>Specified risk for child labour: http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risksincrease-china-and-russia-most-progress-shown-south-america-maplecroft-index/ South Africa scores ‘high risk’ on the Child Labour Index 2014.</p> <p>Low risk: “According to the U.S. Department of Labor (2010), timber is produced with forced labor in Peru, Brazil and Myanmar (Burma).” South Africa not mentioned.</p> <p>Low risk for the freedom of association and collective bargaining: http://www.ituc-csi.org/IMG/pdf/survey_ra_2014_eng_v2.pdf South Africa is classified in the category 1 – Irregular violations of rights, with a score between 0-8 “Collective labour rights are generally guaranteed. Workers can freely associate and defend their rights collectively with the government and/or companies and can improve their working conditions through collective bargaining. Violations against workers are not absent but do not occur on a regular basis.”</p> <p>Low Risk http://www.refworld.org/docid/4fd8892623.html “Excessive violence was again used against striking workers,</p>			
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	<p>Index http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</p> <p>Google the terms '[country]' and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender gap labour', 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p>leading to the death of a municipal worker in clashes with police in March, and injuries to four engineering workers when rubber bullets were fired against strikers in July. There were also two cases of mass dismissals of striking municipal workers in Metsimaholo and Ekurhuleni, while seven union leaders were dismissed for whistle-blowing. Bridgestone SA persistently refused to recognise a collective agreement while the National Employers Association sought, unsuccessfully, to nullify a collective agreement in the engineering industry. The unions expressed concern about the high levels of casual labour and its effect on union rights, and called for a ban on the labour brokerage system."</p> <p>Low Risk http://www.dol.gov/ilab/reports/child-labor/south_africa.htm "Children in South Africa are engaged in the worst forms of child labor, many in dangerous work in agriculture and domestic service. Although evidence is limited, there are reports that children are involved in a variety of agricultural activities, including forestry and in harvesting sugarcane, mango, lychee, bananas, grapes, citrus, and other fruits. There are reports that some of these children may be exposed to extreme heat and physical and sexual abuse. In addition, children in agriculture may work long hours, use dangerous tools, and apply harmful pesticides.</p> <p>As per Labour legislation in South Africa, children are allowed to work outside of school hours on their family plots/ farms. The South African Labour legislation considers the ratified ILO convention on Child Labour. The Department of Labour carries out ad-hoc compliance audits in the Private Sector.</p> <p>Low Risk http://en.wikipedia.org/wiki/Child_labour_in_Africa No incidences of child labour mentioned in South Africa</p> <p>Specified Risk for child labour: http://www.fin24.com/Economy/Child-labour-in-SA-still-too-high-20130801 "More than 800 000 children are still involved in child labour, Labour Minister Mildred Oliphant said on Thursday. "The number of children involved in child labour seems to have fallen over the years. But this is cold comfort as the number of children affected still remains unacceptably high at an estimated 821 000," she said."</p>			
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		<p>either within the traditional female occupations or within the domestic (97%) and farming sectors. They are often concentrated within positions which are low paying and which have high rates of turnover. [...]</p> <p>The unemployment rates are higher for women than for men at all ages, but are particularly acute for the youth (15-24 years): 54% for young women and 45% for young men. [...]</p> <p>South Africa has also seen large increases in the numbers of parliamentary seats occupied by women and it is becoming a country with one of the highest proportions (nearly 45%) of female members of parliament. Yet women remain underrepresented in senior management in the private sector with only 13% of women on boards in listed companies. The prevalence of traditional views of women's role within households limit their opportunities to participate in paid work and entrepreneurial activities."</p> <p>Specified Risk for gender discrimination: http://www3.weforum.org/docs/WEF_GenderGap_Report2013.pdf <i>The Global Gender Gap Report 2013</i> South Africa ranks nr 17 on the overall Global Gender Gap Index 2013 out of 136 countries listed with nr. 1 being the best score. But on nr. 78 for the indicator 'economic participation and opportunity'.</p>			
2.3. The rights of indigenous and traditional peoples are upheld.	<p>ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm</p> <p>- ILO Convention 169</p>	<p>Specified Risk http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102888</p> <p>South Africa did not ratify Convention 169. Therefore this source does not provide information on its implementation by South Africa.</p> <p>Low Risk http://www.survivalinternational.org/news/82</p> <p>On 14 October 2003, in one of the most historic court judgments ever made in favour of indigenous peoples, the Constitutional Court of South Africa ruled that an indigenous people had both communal land ownership and mineral rights over their territory. Laws which tried to dispossess them were 'racial discrimination'. The case concerned the 3,000 Richtersveld people who live in Northern Cape Province. They are from the Nama subgroup of Khoikhoi peoples, and have always lived in the area called Richtersveld until they were evicted in the 1950s to make way for a diamond mine, now owned by the South</p>	Natural forests and forest plantation areas in the country	<p>Low Risk:</p> <p>The following low risk thresholds apply, based on the evidence:</p> <p>(16) There is no evidence leading to a conclusion of presence of indigenous and/or traditional peoples in the area under assessment; (19) There is no evidence of conflict(s) of substantial magnitude pertaining to rights of indigenous and/or traditional peoples;</p> <p>Collectively, the Indigenous Peoples in South Africa are known as Khoe-San, comprising the San and the Khoekhoe. Although not officially</p>	Not Applicable

	<p>Survival International: http://www.survivalinternational.org/</p> <p>Human Rights Watch: http://www.hrw.org/</p> <p>Amnesty International http://amnesty.org</p> <p>The Indigenous World http://www.iwgia.org/regions</p>	<p>African government. Five years ago, the people took both the government and the mining company to court, claiming ownership rights over both 85,000 hectares of land and the minerals it contains. They lost the case but then appealed, and the appeal court ruled in their favor. But then the mining company itself appealed against the decision. The 14 October judgment, from the Constitutional Court, is final.</p> <p>Low Risk http://www.survivalinternational.org/news/8412</p> <p>Dawid Kruiper, a traditional leader of the Khomani Bushmen of South Africa has died, aged 76. He will perhaps be best remembered for his determination to recover the lands of the Khomani people in the Kalahari Gemsbok National Park (now the Kagalgadi Transfrontier Park). When the park was created in 1931, the last 50 remaining Khomani were evicted and forced to live in dismal squatter camps nearby. Later Dawid and his family lived on a farm performing for tourists in return for food and lodging. For years Dawid and his father Regopstaan kept alive the flame of hope, dreaming of returning to their land in the park, and Dawid was the driving force and inspiration behind the Khomani land claim which was lodged in 1995. Four years later Thabo Mbeki, then Deputy President of South Africa, signed a document giving four farms to the Khomani and the right to enter and use the natural resources in part of the park. At the ceremony Mbeki declared: 'This is a step towards the rebirth of a people that nearly perished because of oppression. This is your land. Take it. Care for it. Thrive on it.'</p> <p>Low Risk No information found on indigenous peoples in South Africa.</p> <p>Low Risk No information found on indigenous peoples in South Africa.</p> <p>Specified Risk for IP Rights: Recognition of the Khoe and San communities and its leaders. It also sets out specific criteria for the recognition of cultural</p>	<p>recognized by the SA Government, the UN Commission on Human Rights confirmed their status as Indigenous People during a 2006 Mission to SA. Indigenous people comprise less than 1% of the national population, and of these, the majority live in arid areas of the country unsuitable for forest plantations.</p> <p>The main San groups are the Khwe and !Xun who reside mainly in Platfontein near Kimberley, and the ‡Khomani San in the Kalahari. These groups have no current or historical association or interests in commercial forestry areas. The only surviving San groups within parts of the country suitable for forestry are descendants of the Drakensberg San, famous for the rock paintings made by their ancestors up until the middle of the last century. Their original language is extinct. Today these comprise a small pocket of Xegwi San living on farms in Mpumalanga Province near Lakes Banager and Chrissie and around the towns of Lothair and Carolina. Their numbers are not known, though estimates run between 30 and 100 adults.</p> <p>Individuals with claims to San descent live amongst non-indigenous communities in the Drakensberg mountain regions of both Kwa Zulu Natal and Eastern Cape (so called 'Secret San', Prins 2009). Management strategies of the Ukhahlamba Drakensberg World Heritage site were recently revised to facilitate San descendants' access to rock art in protected areas and incorporate of indigenous perspectives in heritage management plans (Prins 2009).</p>	
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	<p>United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenoupeoples/pages/sripeoplesin dex.aspx</p>	<p>communities and their leaders to qualify as such. Criticism of the Bill includes its disregard of the effects of colonialism and apartheid on Khoe-San culture and communities, in particular through the historically weighted label “Coloured”. In addition, it is suggested that the Bill does not offer the Khoe-San community any meaningful rights, and thus further entrenches the existing challenges around traditional leadership in South Africa. However, the National Traditional Affairs Bill can be seen as a legislative framework that holds the possibility for positive engagement on the part of the Khoe-San with regard to their heritage and cultural identity. On this basis, the Bill is an opportunity to begin the historical restoration process for this community.</p> <p>As per the Land Restitution Act, any claims lodged by a South African shall be addressed by the Government. This includes any applications made by Indigenous People.</p> <p>Low Risk In 1998, under the democratic South African government’s Land Restitution legislation, the †Khomani San received some 25,000 ha of ancestral land in the Kalahari Gemsbok National Park (Northern Cape Province) and a further 36,000 ha outside of the park. Although designed to partially redress past injustices, the process soon experienced major difficulties.[...] After a series of failed initiatives to obtain satisfactory responses from the government, their appointed legal representatives finally lodged formal litigation documents with the High Court in October 2012. The state parties opted not to oppose the court action and a settlement proposal, in which the state undertook to honor its initial contractual obligations and take further steps to rectify the situation, was agreed and accepted by the people during 2013.</p> <p>Specified Risk [...] South Africa’s indigenous people, who continue to feel marginalized in the new democratic South Africa.” http://daccess-ddsny.un.org/doc/UNDOC/GEN/G05/167/46/PDF/G0516</p>	<p>San descendants live amongst Mpondomise people in the Eliot, Ugie, Maclear area and have enjoy a special status amongst the community as rain makers and healers. They retain a fragile link to their unique San heritage, conducting rain making ceremonies at rock art shelters. Some of these important sites are within plantation areas (Richard Wicksteed Documentary Film Maker, pers comm).</p> <p>Khoekhoe. Groups comprise the Nama, Koranna, Griqua and a number of smaller 'revivalist' groups who claim a Khoekhoe heritage. Nama, Koranna and some Griqua communities reside outside of forestry areas in the Northern Cape and Free State. Within forestry areas are a number of Griqua communities and other small groups or 'tribes' that self-identify as 'KhoiSan' (the Gamtkwa, Gamtabakwa Khoi).</p> <p>In conclusion, there is no documented evidence of the presence of individuals, families and groups claiming descent from indigenous people living in proximity to forestry plantations in certain areas. The majority live amongst and have been assimilated within local 'non-indigenous' communities. The rights and interests of these remnant and revivalist groups and individuals cannot easily or usefully separated from the rest of the local community members. Furthermore, South Africa has a robust Constitution and Bill of Rights protecting all citizens, as well as a land reform programme aimed at redressing the legacy of centuries of land dispossession and inferior land rights. The risk of violation of IPs rights by forestry activities is therefore assessed to be low.</p>	
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	<p>UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>746.pdf?OpenElement <i>Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen</i> Addendum MISSION TO SOUTH AFRICA*15 December 2005 [This source is outdated. Therefore only used as background information and no risk indication derived from it.] “In South Africa there are six large groups who identify themselves as indigenous. These ethnic groups include the three main San peoples (!Xun, Khwe and Khomani), the various Nama communities, the major Griqua associations and so-called revivalist Khoisan. The Special Rapporteur is encouraged by the Government’s declared commitment to meet the demands of the indigenous groups in the country and by the ongoing efforts to formulate and implement appropriate legislation and policies to address issues such as land restitution, multilingual and multicultural education, the representation of traditional authorities in public life and the delivery of health and other services. Government authorities are aware of the urgency to focus on the accumulated backlog of unsatisfied needs of indigenous communities. Indigenous people in South Africa have in principle equal access to all social services provided by the Government, including education, health delivery systems and infrastructure. However, they tend to be more marginalized than other sectors to the extent that they are concentrated at the lower end of the socio-economic scale. All indigenous groups face different challenges within the national society as a result of distinct historical processes and current circumstances. The Khomani San in the Kalahari were dispossessed of their lands and lost their traditional hunter-gatherer livelihood in the process. Today they are probably among the poorest and most marginalized indigenous communities in the country and their situation requires priority attention. The Griqua communities of the Western and Northern Cape, who are also present in other parts of the country, have long struggled politically for the recognition of their lost cultural identity as part of the Khoi-San people. Having been included during the apartheid regime in the amorphous category of “Coloureds”, they demand statutory recognition as a distinct indigenous community and respect for their particular ethnic identity. [...] The Special Rapporteur further recommends that the</p>		<p>There are no known or documented examples of conflicts of substantial magnitude pertaining to the rights of Indigenous and/or Traditional Peoples.</p> <p>The threshold (16) is therefore met and risk is designated as Low.</p>	
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	<p>UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country</p> <p>Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p> <p>Forest Peoples Programme: www.forestpeoples.org</p> <p>Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english</p>	<p>restitution of land claims by indigenous communities not be limited to the cut-off date of 1913;"</p> <p>Low Risk http://daccess-ddsny.un.org/doc/UNDOC/GEN/G12/151/29/PDF/G1215129.pdf?OpenElement Report of the Working Group on the Universal Periodic Review* South Africa 9 July 2012 "99. China commended endeavors to safeguard the rights of women, children, persons with disabilities, indigenous peoples and veterans. It highlighted achievements in education and the promotion and initiation of a national insurance scheme. It noted efforts to eradicate xenophobia and promote social harmony. It made a recommendation."</p> <p>http://daccess-ddsny.un.org/doc/UNDOC/GEN/G12/118/74/PDF/G1211874.pdf?OpenElement <i>Summary of 19 stakeholders' submissions to the universal periodic review of South Africa</i> No reference found in this report on indigenous peoples.</p> <p>http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=ZAF&Lang=EN Latest State party's report dates from 2000 and is not available online.</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fZAF%2fCO%2f3&Lang=en <i>Concluding observations of the Committee on the Elimination of Racial Discrimination 19 October 2006 (latest available report).</i> [This source is outdated. Therefore only used as background information and no risk indication derived from it.]</p> <p>"19. The Committee is concerned at the situation of indigenous peoples, inter alia the Khoi, San, Nama and Griqua communities, and, in particular, hunter-gatherer, pastoralist and nomadic groups, and notes the absence of information on the specific measures adopted by the State party to ensure the enjoyment of all rights most disadvantaged and poor ethnic groups, including indigenous people, especially those unfamiliar with English or</p>			
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<p>Regional human rights courts and commissions:</p> <ul style="list-style-type: none"> - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights http://www.achpr.org/ Working Group on Indigenous Populations/Communities in Africa http://www.achpr.org/mechanisms/indigenous-populations/ - African Court on Human and Peoples' Rights - European Court of Human Rights 	<p>Afrikaans (arts. 5 (a) and 6).” (p. 5) by those indigenous communities (art. 5 (e)). In the light of general recommendation 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party provide detailed information in its next periodic report on the situation of the indigenous peoples and on any special measures, pursuant to article 1, paragraph 4, and article 2, paragraph 2, of the Convention, taken with a view to ensuring the enjoyment of their rights under the Convention, including their freedom of movement and their right to participate in decisions affecting them.” (p. 4)</p> <p>“22. [...] The Committee also notes the absence of information on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (art. 5 (e)). The Committee recommends that the State party provide information on [...] the status, activities and resources of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.</p> <p>24. While noting the existence of legal aid mechanisms, the Committee is concerned about the difficulties of access to justice, especially for members of the most disadvantaged and poor ethnic groups, including indigenous people, especially those unfamiliar with English or Afrikaans (arts. 5 (a) and 6).” (p. 5)</p> <p>Low Risk</p> <p>“The South African Constitution provides that, due to past inequalities, affirmative action is acceptable. Such measures are directed at ‘black South Africans’, women and disabled people. Indigenous people are not targeted in law or in practice.” (p. 36)</p> <p>Low Risk on consultation</p> <p>“Specific measures have also been taken in South Africa with regard to consultation of indigenous peoples at the national level. The non-statutory but government-funded National Khoi-San Council (NKSC) was established in 1999, consisting of 21 members. Among other things, it has been mandated to ‘review the contents of the Government’s Status Quo Report on the role of traditional leaders in local government, providing advice on indigenous issues’.</p> <p>The consultations are occurring within the context of the Department of Provincial and Local Government’. Although indigenous peoples have expressed ‘dissatisfaction over the slow</p>				
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		<p>pace of the process and that it has been placed under general negotiations relating to the status of traditional authorities,' the process affords indigenous peoples with a forum to engage directly with the State on issues that affect them." (p. 43)</p> <p>Low Risk on access to judicial system "South Africa has also found a solution to the geographic accessibility problem by launching mobile ('circuit') courts in rural and isolated communities, especially in the Northern Cape where the San mainly lives. These courts deal with both criminal and civil matters." (p. 62)</p> <p>"In order to cater for persons who cannot afford legal services, South Africa has established a national legal aid scheme. Unlike the case in criminal matters, there are no specific constitutional duties imposed upon the State to provide the services of a legal practitioner to litigants in civil matters." (p. 63)</p> <p>Low Risk on cultural rights "The South African Constitution exceptionally mentions indigenous languages by name, and requires that the State promote the Khoi, Nama and San languages. The enactment of legislation has also been utilized in South Africa to protect and promote indigenous languages through the establishment of specific institutions."(p. 76)</p> <p>"In South Africa, the question of land ownership has been high on the agenda in a bid to facilitate redress of past wrongs perpetuated by the apartheid regime. Apart from the Constitution making provision for land reform, a number of laws were enacted as well, including the Communal Property Association Act 28 of 1996, to recognize indigenous land tenure as well as address dispossessions. This Act has been instrumental in according indigenous peoples the right to own and utilize their land." (p. 91)</p> <p>Low Risk on land rights: "In South Africa, the Communal Property Association Act 28 of 1996 has the potential to protect indigenous peoples' land rights since it is designed to address historical injustices related to land use and tenure. The Communal Property Association Act has been instrumental in according indigenous peoples the right to own and utilise their land collectively, especially after the restitution of their traditional land [...]. However, the conditions envisaged by the Act which demand the election of officials to represent the community sometimes clash with existing traditional</p>			
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		<p>leadership structures of the indigenous communities, creating tension and delaying the management and execution of decisions.” (p. 101)</p> <p>Low Risk on Land and resource rights: “[...]Spurred by the provisions of the Restitution Act, the Richtersveld community in December 1998 lodged claim to their land rights and associated valuable mineral rights to a large diamond-rich area of land in the Barren Northern Cape. Following an unsuccessful claim made at the Land Claims Court, the community made a successful direct application to the Supreme Court of Appeal, which held that ‘the Richtersveld Community is entitled in terms of Section 2(1) of the Restitution of Land Rights Act 22 of 1994 to restitution of the right to exclusive beneficial occupation and use, akin to that held under common-law ownership, of the subject land (including its minerals and precious stones)’. The Court found that the dispossessions were racially discriminatory ‘because they were based on the implicit premise that because of the Richtersveld community’s race and presumed lack of civilization, its rights to the land had been lost with annexation’.</p> <p>The company that had been granted ownership of the subject land appealed to the highest court in South Africa – The Constitutional Court – which upheld the right of the Richtersveld community to restitution of the rights to the exclusive beneficial use and occupation of the land including its minerals and precious stones. The Constitutional Court went further finding that the Richtersveld community held ownership of the land under indigenous law, as well as affirming the independent status of customary law under the South African Constitution: While in the past indigenous law was seen through the common law lens, it must now be seen as an integral part of our law. Like all law it depends for its ultimate force and validity on the Constitution. Its validity must now be determined by reference not to common law, but to the Constitution . . . [T]he Constitution acknowledges the originality and distinctiveness of indigenous law as an independent source of norms within the legal system . . . [I]ndigenous law feeds into, nourishes, fuses with and becomes part of the amalgam of South African law.” (p. 103)</p> <p>Specified Risk on gender discrimination “In South Africa one other key issue affecting gender equality for indigenous women is that of the role and participation of indigenous women in development.</p>			
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	<p>Data provided by National Indigenous Peoples', Traditional Peoples organizations;</p>	<p>At present most indigenous women are not represented in designing and participating in negotiations and strategies to uplift the appreciated the important contribution and role of women in development.</p> <p>Low risk on gender discrimination For example, the Riemvasmaak Namas have made efforts to ensure that women are at the forefront of advocacy training and negotiations with the Government. Women of the ‡Khomani community form their own working groups during planning sessions to ensure that their gender specific contributions are taken into account. Although these measures have not been applied consistently, it is anticipated that they could inspire more systematic programmes in the future.” (p. 236)</p> <p>Low Risk on cultural rights “[...] some indigenous languages have all but disappeared, and others such as Tamazight and Khoi are under severe pressure. A number of States have taken some measures to combat this, often in the form of establishing new institutions. Examples are the South African Commission for the Promotion of and Protection of the Rights of Cultural, Religious and Linguistic Communities [...].” (p. 155)</p> <p>Specified Risk for land rights, self-governance and cultural rights</p> <p>National Khoi-San Council (NKSC) http://www.docip.org/Online-Documentation.32+M5d525537e2e.0.html <i>National Khoi-San Council's (South Africa) Third DRAFT statement to be presented at the United Nations Permanent Forum on Indigenous Issues in New York during May 2014</i> “We, the National Khoi-San Council (NKC) as the official representative body for the Khoi & San indigenous peoples, self-identify as the First Indigenous Peoples of South Africa. The Khoi-San communities are represented through the political structure called the National Khoi- San Council formed by former President Nelson Mandela during 1999. The National Khoi-San Council comprise 30 Khoi-San tribes. [...] The Constitution in some parts and the absence of relevant legislation therefore, does not provide for the Khoi-San peoples to live according to their</p>			
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		<p>collective values such as secure rights and access to their ancestral lands, the official recognition of their indigenous languages and the recognition of their own indigenous institutions and leadership[, amongst other things. [...] the Khoi-San peoples, as a nation, continue to be marginalized in South Africa. We believe South Africa's democracy will only be a true democracy if the Khoi-San people are afforded the right to self-determination as envisaged by the United Nations Declaration on the Rights of Indigenous Peoples. [...] We however wish to call upon our Government to formally recognize and implement our collective rights through enacted legislation. [...] The South African government has produced a National Traditional Affairs Bill during 2013 with the purpose of also recognizing the leadership and governance structures of the Khoi-San indigenous peoples together with the other dominant tribes of South Africa. The Khoi-San peoples wish to congratulate the SA government on producing this Bill. It shows the government's commitment to give effect to its obligations as a party to international instruments dealing with indigenous issues.</p> <p>Based on the above: Specified risk for self-governance Specified risk for land rights Specified risk for consultation</p> <p>However, we wish to express our serious concern about the length of time it is taking the South African government to enact this legislation. It has been a long 20 year process thus far and it still remains unclear when the Bill will be promulgated. [...] The NKC is most encouraged with the legislative amendment to the Restitution of Land rights Act of 1994. This amendment allows South Africans to institute land claims for dispossession of lands lost after 1913. South Africans in terms of this amendment have another opportunity to institute land claims until the period of 2018. The NKC want to express serious concerns around certain parts of this amendment and the process of consultations around it: 2.1 The amendment still does not allow for restitution of land during the period when the Khoi & San communities were dispossessed from their lands, in the period of 1652 onwards. This concern of the Khoi & San is in line with the former UN Special Rapporteur, Prof. Rodolfo Stavenhagen's recommendations that the Restitution of Land Rights be amended as such. This means the Khoi-San is still not in a</p>			
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		<p>position to institute land claims for their collective historical land lost.</p> <p>2.2 The SA government's Department of Land Affairs created high level consultative and participative structure with the Khoi-San peoples around their historical land claims. The NKC, as the official government recognized body is however, not given the opportunity to meaningfully participate in the most important process of land restitution on behalf of their communities. The SA government is not respecting the representative structures of the Khoi & San communities as clarified through the independent research process as established by former President Nelson Mandela during 1999/2000. The Khoi & San's legitimate, representative structures were independently verified through independent researchers appointed by government. This research process was documented in official government reports called Status Quo reports.</p> <p>Out of that process only five historical communities and institutions were identified as Nama, Griqua, San, Cape Khoi and Koranna. These five historical communities are represented through 22 Khoisan representatives on the NKC since 1999. This membership was expanded to 30 members during 2012 to include additional Khoisan communities that did not feel represented through the NKC's structure. During 2013 the SA government started consultations around the Amendment of the Restitution of Land Rights Act. The SA government started this consultations process without the (i) meaningful participation of the NKC and (ii) without the representatives chosen by the NKC themselves which is not in accordance with their own decision making procedures as set out in the official government reports called the Status Quo reports. This consultative/participative process with the Department of Land Affairs set up during 2013, is however deeply flawed and in clear violation of Article 18 and Article 19 of UNDRIP.</p> <p>2.3 We recommend:</p> <p>2.3.1 The Amendment to the Restitution of Land Rights 2013 be changed to also make provision for the Khoi & San communities' period of land dispossession prior to 1913.</p> <p>2.3.2 We ask that the land claims consultative/participatory process be stopped immediately and for the process of our historical land claims be done through the NKC's representative institutions as vetted by former President Nelson Mandela.</p> <p>2.3.3 We request the Department of Land affairs bring the</p>			
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		<p>consultative/ participative process in line with Articles 18 & 19 of UNDRIP.</p> <p>South African San Institute (SASI) <i>The South African San Institute-SASI has its roots in the formation of the Working Group of Indigenous Minorities in Southern Africa (WIMSA). In the 1980s and the early 1990s, development programmes were initiated for the San in Botswana and Namibia. Through a series of meetings, the San realised the need for regional Organization and established WIMSA. As part of a South African initiative to secure basic human rights for San people, a support Organization- SASI- was established, becoming a Trust in April 1996.</i> http://www.sasi.org.za/why-sasi.php</p> <p>“The San are the aboriginal people of South Africa. Their distinct hunter-gatherer culture stretches back over 20 000 years, and their genetic origins reach back over one million years. Recent research indicates that the San are the oldest genetic stock of contemporary humanity.</p> <p>Today, the two largest San groups in South Africa are immigrants from Angola via Namibia. These are the !Xun and the Khwe, who were settled on their land Platfontein at the end of 2004, approximately 15 km outside the Northern Cape provincial capital, Kimberley. There are 3 500 !Xun and 1 100 Khwe. Both groups claim an indigenous identity on the basis of their languages and cultures.</p> <p>The next largest group is the San population of the southern Kalahari. Today, most San in this area (Lower Orange District) describe themselves as the ǀKhomani. The group is descended from several original San groups, including the Ng!u (close relatives of the !Xam who lived south of the !Gariep River), the ǀKhomani who spoke the same language as the Ng!u but had distinct lineage, the !’Auni, the Khatea, the Njamani and probably others whose names are now lost to us. Most San of this bloodline now speak Khoekhoegowap and /or Afrikaans as primary language. There are 7 speakers of the original 23 confirmed speakers of the ancient N!u language remaining. They constitute some of the few surviving aboriginal South African San. Approximately 1 500 adults are spread over an area of more than 1 000 km in the Northern Cape Province. Most people live in the northern reaches of Gordonia, at Witdraai, Askham, Welkom, Rietfontein and surrounding villages. Others live in and around</p>			
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	<p>Data provided by Governmental institutions in charge of Indigenous Peoples affairs;</p>	<p>Uppington and Olifantshoek. A small pocket of aboriginal South African Xegwi San lives on farms in Mpumalanga Province near Lakes Banager and Chrissie and around the towns of Lothair and Carolina. Their numbers are not known, though estimates run between 30 and 100 adults. These Xegwi San are descendants of a displaced group of Drakensberg San, famous for the rock paintings made by their ancestors up until the middle of the last century. Their original language is extinct. There is a group of about 70 adult !Kung San living across the border from South Africa at Masetleng and Ngwaatle Pans in Botswana. These people originally lived next to the ‡Khomani in what became the Kalahari Gemsbok National Park (KGNP). They were displaced by the KGNP and driven into Botswana. They have lodged a land claim in South Africa though they have yet to resolve the issue of their citizenship. !Kung is a Northern San language.</p> <p>There are thousands of people in the Northern Cape who are to some degree aware that they are direct descendants of the largest South African San population of the 18th and 19th centuries, the !Xam. In the area of Prieska there are semi-nomadic farm labourers known as Karretjiemense (Cart People). These people know they are of San descent and may have spoken San languages in the previous century. In recent years the Khoisan Representative Council attempted to claim responsibility for !Xam representation. It is unclear at this stage if there are any coherent community structures that have maintained a !Xam identity or whether this is a form of revisionism.</p> <p>[...] The San of South Africa, living in the communities of the ‡Khomani, and the !Xun and Khwe, have experienced a tragic history marked by foreign domination and eviction from their ancestral land. During the 1990s, they succeeded in securing land ownership and finding permanent settlements; however, the San are still faced with various social, cultural and political difficulties, and their communities are among the poorest in South Africa. The ‡Khomani (as descendants of South Africa's autochthonous population) and the !Xun and Khwe (originating from Angola and Namibia) come from very different backgrounds, but nonetheless their community problems are similar in many respects.</p> <p>Based on the above: Low risk on consultation Low risk on land rights</p>			
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	<p>Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);</p> <p>National land bureau tenure records, maps, titles and registration (Google)</p>	<p>Low risk on cultural rights</p> <p>http://www.thepresidency.gov.za/pebble.asp?relid=17022 &t=107</p> <p>Response by His Excellency, President Jacob Zuma, on the occasion of the debate of the Address by the President delivered during the Annual Opening of the National House of Traditional Leaders, Cape Town – March 2014</p> <p>[...] Mr Cecil Le Fleur, Chairperson of the National Khoi- San Council and your Councilors [...] We are pleased that today traditional leaders are engaging at the highest level of government. This proves once again that being a traditional leader in 2014 is far better than it was prior to 1994. [...] I am pleased that the Khoi and San leadership under the National Khoi-San Council (NKSC) are with us today. The process towards integrating the Khoi and San leadership into the mainstream of cultural leadership is on course. The Traditional Affairs Bill, which you have been engaging deeply, will be amongst the laws to be considered by the new Parliament after the May elections. You will again still have a second opportunity to make further inputs through the National Assembly and the National Council of Provinces (the NCOP) public hearings process. I urge you to use this opportunity of public consultations on this Bill, following the Government Gazette published by Cabinet last year, to make further inputs before its submission to Parliament. [...] The reopening of the land claims law was passed by Parliament on Tuesday the 24 February [2014], slightly more than two weeks ago. We intend to interact with you directly as we together have to accelerate the pre-1913 land claims, an opportunity created by the ANC government for the descendants of the Khoi and San to lodge their claims. The reopening of the land claims will also recognize the heritage and national landmarks that must be protected –areas of huge interest to traditional leadership as they have sacred meanings. [...] Chairperson of the National Khoi-San Council, The Khoi and San victories of more than 500 years ago and the subsequent ones are recorded.</p> <p>Programmes must be developed to integrate these commemorations and celebrations of the Khoi and San battles, and their victories, into the general cultural events calendar of the COGTA, particularly led the Department of Traditional Affairs.</p> <p>Working Group of Indigenous Minorities in Southern Africa (WIMSA)</p> <p>The Working Group of Indigenous Minorities in Southern Africa (WIMSA) is a nongovernmental network that coordinates and</p>			
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	Relevant census data	<p>represents the interests of indigenous and highly marginalized San people throughout southern Africa. The websites of WIMSA are not accessible. It is redirected to: http://www.san.org.za/ South African San Institute (SASI).</p> <p>Specified risk on land rights Commission on Restitution of Land Rights http://www.ruraldevelopment.gov.za/component/content/article/339-landclaim/685-re-opening-of-land-claims#.U_cts_YcSUI President Jacob Zuma has, in terms of section 84(2)(a) of the Constitution of the Republic of South Africa, 1996, assented to the Restitution of Land Rights Amendment Act. The Act now provides for the re-opening of the lodgment of land claims by people who missed the 31 December 1998 deadline to lodge land claims. The lodgment of land claims shall take place over a period of five years, ending on 30 June 2019. [...] Since 1994, the government has been addressing land reform through restitution, redistribution and tenure reform. In terms of the Restitution of Land Rights Act 22 of 1994, claims for restitution of land must have been lodged by no later than 31 December 1998. The evaluation of the restitution Programme has pointed to a number of limitations which resulted in exclusion from restitution process of various categories of persons and communities whose land rights were taken as a result of colonization and apartheid laws. The evaluation also pointed out that communication on the lodgment of land claims did not reach every corner of the country. [...] One of the key outcomes of the Green Paper on Land Reform was a proposal on the amendment of the Restitution of Land Rights Act, Act 22 of 1994, in order to allow those who missed the cut-off date of 31 December 1998 for the lodgment of land claims, to do so. In addition, the Green Paper on Land Reform also made a proposal for exceptions to the 19 June 1913 Natives Land Act cut-off date, in order to accommodate the Khoi and San communities.</p> <p>The Restitution of Land Rights Amendment Act of 2014 opens a window of opportunity for a period of five years, allowing qualifying South Africans who missed the initial deadline, to lodge their land claims.</p> <p>Low risk</p>			
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	<p>- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.); (not found)</p> <p>National/regional records of claims on lands, negotiations in progress or concluded etc.</p>	<p>Because the territories of the Khoi and San communities are not yet claimed or registered at present no clear maps of their territories could be found.</p> <p>Specified risk on the recognition of IPs http://beta2.statssa.gov.za/?s=khoi&sitem=content No aggregated data on Khoi or San people available on Statistics South Africa website.</p> <p>http://www.kas.de/wf/doc/kas_35255-1522-2-30.pdf?130828123610 Although indigenous peoples are still not officially recognized as such and official statistics do not reflect their presence in South Africa, the 1996 Constitution included a reference to “Khoe and San” people. The Khoisan historically comprise five main groupings, namely San, Griqua, Nama, Koranna and the Cape Khoi. No clear data exist about the official number of Khoisan people that currently live in South Africa. Khoisan are not constitutionally recognized as Indigenous communities. The current legal institutions continue to classify them as “Coloureds” just like the apartheid regime did. [...]According to South Africa’s 2011 Census, the country’s 51 million people are comprised of 79.2% Black Africans; 8.9% Whites; 8.9% Coloureds; 2.5% Indians; and 0.5% Other. See info on Khoi San participation in National House of Traditional Leaders and in negotiations on 19 June 1913 Natives Land Act cut-off date.</p> <p>Low risk on participation in decision making No evidence of IPs refusing to participate found.</p> <p>Specified risk on land rights http://allafrica.com/stories/201407021197.html 1 July 2014 Cape Town — Government is working on policy that will allow the Khoi and San people to lodge claims on land lost prior to the 1913 cut-off date, Rural Development and Land Reform Minister Gugile Nkwinti said on Tuesday. Welcoming the signing into law of the Restitution of Land Rights Amendment Act by President Jacob Zuma, he told reporters at Parliament these communities had not been forgotten. "As we re-open the lodgment period, we are mindful that there are parts of our community that remain excluded by this process. I refer to the Khoi and the San communities, who are not accommodated by this [act].</p>			
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	<p>"I want to assure them that a policy on the exceptions to the 1913 Natives Land Act cut-off date is being developed, that seeks to address their concerns." Nkwinti said the situation with the Khoi and San was complex.</p> <p>"It is actually quite complex, especially in the Western Cape. It is not confined to restitution law, but will create a project over time which will consider the Khoi and San because they were dispossessed much earlier than 1913."</p> <p>The Khoi, or Khoikhoi, were the herder people first encountered by early European sailors, settlers and explorers at the Cape. Archaeological evidence suggests they started moving into the region from the north from about 1800 years ago. They are distinct from the indigenous San, or Bushmen, whose presence across large portions of the sub-continent can be traced back for tens of thousands of years. There are several groups in South Africa today - especially in the Western, Eastern and Northern Cape - who lay claim to Khoikhoi and, to a far lesser extent, San ancestry.</p> <p>Nkwinti said government had received a report from representatives of both groups.</p> <p>"We are looking at that. We have got a first report from the Khoi and the San. We have said to them, what do you advise government to do? What do we do about yourselves first, and then about the kind of Programme you think we should pursue." He would submit the report to the president.</p> <p>Low Risk on consultation</p> <p>http://indiancountrytodaymedianetwork.com/2014/07/28/s-outh-african-indigenousget-long-overdue-land-rights-156075 (28 July 2014) <i>South Africa Recognizes Land Rights of the Khoi and San Peoples</i></p> <p>The South African government recently announced it is working on policy that would allow Khoi and San peoples to lodge land claims prior to the 1913 cutoff date.</p> <p>However, the policy has received cautious optimism from the aboriginal community and interested stakeholders. [...]Aboriginal activists in South Africa have long argued that the history of white colonial land dispossession did not begin with the passing of the Native Land Act in 1913 but went as far back as the expansion of Dutch colonial rule in what is today the Cape area, the southernmost area of South Africa.</p> <p>The recent announcement by government is a long time coming.</p>			
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	<p>Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)</p>	<p>It follows President Jacob Zuma's pronouncement during his 2013 state of the nation address in which he stated: "Also to be explored, are exceptions to the June 1913 cut-off date to accommodate claims by the descendants of the Khoi and San as well as heritage sites and historical landmarks. Another key lesson is to provide adequate post-settlement support to new landowners so that land continues to be productive." Following President Zuma's address, a series of dialogues between the government and the Khoi and San community were held to map a way forward on the President's pronouncement. Stakeholders of the proposed land restitution policy have expressed cautious optimism at the new development.</p> <p>Indigenous People's Rights Programme Manager at the Open Society Initiative for Southern Africa (OSISA), Delme Cupido had this to say about the proposed policy: "This is a very welcome and long overdue development, but it remains to be seen what the policy will actually entail, who it will benefit and how benefits will be distributed. Previous experiences with successful land claims, such as the Richtersveld case and the experiences of the Khomani San, however, suggest that returning land to communities, while necessary as a partial fulfillment of the obligation to make restitution to these communities, is not in itself sufficient to ensure that those communities will prosper. Communities will need ongoing support from the government in order to make a success of this initiative, and will need to build their governance capacities and strengthen their institutions, in order to ensure that all members of the community benefit appropriately from the redistribution of land.</p> <p>Specified risk on consultation "Having said that, however, this is a historic move by the South African government, especially in view of the denial by their neighbors in Botswana and Namibia of indigenous status to the descendants of Southern Africa's First Peoples." Cecil le Fleur, trustee of the Indigenous Peoples of Africa Coordinating Committee (IPACC) and the chair of the national Khoi San council explained the legal complexity of developing a land restitution policy prior to 1913. "The 1913 cut-off date is a constitutional arrangement. They want to develop a policy to bypass that and that is currently going on." le Fleur confirmed that another meeting with government is in the works to determine the finer details of the proposed land restitution policy.</p>			
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	<p>Social Responsibility Contracts (Cahier des Charges) established according to FPIC (Free Prior Informed Consent) principles where available</p>	<p>Institute for the Restoration of the Aborigine of South Africa (IRASA) co-founder Tania Kleinhans-Cedras is also a part of the policy drafting process but says that she is challenging the way it is being done.</p> <p>"I am involved in the process but I have mixed feelings about it. It was a very controlled process. We have to construct an act within an act. The 1913 land act now has to make provisions for the Khoi San. I would have imagined a separate act ...as long as it is (the draft policy process) controlled politically it is not going to have a positive outcome." Referring to the issue of economic freedom of aboriginal peoples in South Africa, Kleinhans- Cedras asked: "If they are going to give us land are they going to give us mineral rights?" At this stage, it's unclear when the proposed land restitution policy will come into effect.</p> <p>See also some disputes already mentioned elsewhere in this report.</p> <p>http://indiancountrytodaymedianetwork.com/2014/06/22/feuding-cape-townindigenous-community-split-over-land-occupation-155423 22 June 2014</p> <p><i>Feuding in Cape Town: Indigenous Community Split Over Land Occupation</i></p> <p>Specified risk for land rights</p> <p>The recent occupation of a piece of land in the city of Cape Town in South Africa by Khoisan activists has appeared to rupture a fault line in the local community of indigenous people after it emerged that the occupation was not supported by all in the community.</p> <p>Khoisan activists occupied the main hall of the Oude Molen Eco Village situated in Pinelands, an area just outside the main city center of Cape Town. The site is historically significant given that it was originally used by Khoi pastoralists for cattle grazing before colonial occupation in 1652. Khoisan activists believe the site is part of their ancestral Gorinaqua Kraal. Tania Kleinhans-Cedras, cofounder of the Institute for the Restoration of the Aborigine of South Africa (IRASA), who was one of the leaders of the occupation said that "historical record shows that the land belongs to the Khoisan." Kleinhans- Cedras hesitates to describe the activists' action as an occupation, preferring instead to describe their action as act of restoration.</p> <p>However, not all in the Khoisan community support Kleinhans and followers claim to the land by occupation. In a statement released</p>			
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	<p>Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'</p>	<p>by the Gorinhaiqua Council, Kleinhans-Cedras and supporters of the Oude Molen land occupation were denounced for not adhering to Khoisan principals.</p> <p>The statement reads in part: "The Gorinhaiqua Cultural Council herewith makes public its condemnation and distaste of actions undertaken by Tania Kleinhans- Cedras and a small group under her influence, who have embarked on a willful takeover of the main hall at Oude Molen. This is just one of many publicity seeking actions of Kleinhans-Cedras, who is part of a small Non-Governmental Organization called IRASA. This organization has recently been visible inside the Khoi and San resurgence, and is not grounded in any customary or indigenous protocol."</p> <p>[...] This disagreement is set against the backdrop of a high court battle between Kleinhans-Cedras and followers on one side and the provincial government on the other. The Western Cape High court granted an interim order that the group should vacate the land shortly after the occupation; but the matter is not yet settled and returns to court on August 18. Both parties in the dispute must show why an interim order must not be made which stops the activists from occupying the land."</p> <p>Low Risk on land rights http://www.fao.org/docrep/006/j0415t/j0415t0a.htm The Khomani San and Mier land claims <i>Background</i> In 1995, descendants of various San families, who later decided to call themselves the Khomani San, lodged a land claim to an area in the northwest of Northern Cape Province. This claim was not for landownership but for use rights to more than 4000 km2 of land (calculated using an internationally applied reduction formula of 4:1 for hunting-gathering territory - see Chennels, 1998) in the area now known as the Kgalagadi Transfrontier Park and the Mier Municipality, which their ancestors had used in a nomadic way. Their land claim is unique in South Africa because the San people are acknowledged as one of the first peoples of South Africa, having lived in southern Africa for more than 20 000 years. In the early 1990s, they and their language were thought by many to be extinct. The lodging of the claim brought together 300 initial land claimants. This number is expected to expand to about 1 000 as the verification process of people claiming to form part of this community is finalized. The San people were originally not one community with a joint structure of governance. They were descendants of various San</p>			
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		<p>clans or family groups, which historically had only occasional contact with each other. During the twentieth century, the San were "scattered all over South Africa in search of refuge ... Their centuries old culture, one of the oldest known to mankind, was gradually disintegrated." The descendants of the erstwhile occupiers became a disparate group of people, some now living hundreds of kilometers away from one another. The San claim overlapped with a claim of another community in the area, the Mier community. The Mier community came to live in the Northern Cape from about 1865 when members of the "bastervolk" fled British rule in the Cape Colony, thereby displacing many of the San. The Mier community claimed areas within the Kgalagadi Transfrontier Park from which they were displaced when a nature reserve was first established in 1931.</p> <p>The settlement had to be negotiated between four main parties: the San community, the Mier community, SANParks and the Land Claims Commission.</p> <p>The negotiations ran for four years. A settlement framework was concluded in 1999, and a detailed agreement settling all San and Mier claims was reached in 2002. The 1999 agreement resulted in the transfer of about 37 000 ha of land to the San community and 42 000 ha to the Mier community, each area to be used and occupied by the respective communities under rules to be established by each community. In accordance with the terms of the final 2002 agreement, the South African Government transferred the ownership of 28 000 ha of land in the Kgalagadi Transfrontier Park, called the San Heritage Land, to the San community. The government also transferred ownership of 30 000 ha of park land, called the Mier Heritage Land, to the Mier community.</p> <p>Specified risk for cultural rights http://www.sahistory.org.za/topic/khoisan-identity [...] Since 1994, the Khoisan are no longer classified as 'Coloured' as per the apartheid system, and have increasingly demanded recognition as a distinct group with its own identity. There is an increased desire on the part of Khoisan communities for Coloured rejectionism and the reaffirmation of an indigenous heritage which entailed geographic rootedness, a sense of belonging, entitlement and ownership, in addition to unity and legitimacy as an ethno-national group.</p> <p>This has culminated in legal proceedings, such as the case of 'cultural genocide and discrimination against the Khoisan nation' that was brought to the Equality Court in 2010. In this case,</p>			
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		<p>leaders had particular opposition to the use of the term 'Coloured' in with reference to the Khoisan peoples, asserting the use of the classification to keep the Khoisan population in bondage. Their demands included government recognition not only of their leadership, but also of eighteen clans, including Namaqua, Griqua and Hassequa.</p> <p>[...] Whilst they have never been recognised as official languages, indigenous Khoi and San languages are constitutionally recognised. The current constitution recognises 'the historically diminished use and status the indigenous languages of our people, [and that] the state must take practical and positive measures to elevate the status and advance the use of these languages'. Indeed, whilst no Khoi or San language has previously been taught formally in South African schools, recent developments show some schools beginning to revive their use, and new books in these vernaculars are being created. In Schmidtsdrift, moreover, there is a Khoisan radio station, XK-FM, with an estimated 5000 listeners, concentrated in the Northern Cape. Programmes are broadcast in the !Xhu and Khwe languages, covering news, current affairs, story-telling, education, drama and music. Furthermore, the Pan South African Language Board currently claims to promote the development and use of Khoi, Nama and San languages.</p> <p>However, there is no legal obligation for the state to provide services in these languages, potentially undermining the government's aim to advance their use and status, and having a detrimental effect on Khoisan identity.</p> <p>Another important aspect of the Khoisan assertion of identity in the post-apartheid period is that of political participation and civic Organizations. As intimated earlier, members of the Khoisan community have been active in stating their claims to the South African government, for example with the 2010 lawsuit, and the current demands for the restitution of land rights. Whilst individuals from Khoisan – or earlier, Coloured – backgrounds have long been involved with wide political Organizations such as the ANC or South African National Civic Organization (Sanco), the recent land restitution claims have seen the involvement of broader Organizations, such as the South African Progressive Civic Organization and the AfriYouth Forum, in more strictly Khoisan affairs, demonstrating the extent to which Khoisan identity is becoming more widely viewed as significant within South Africa.</p> <p>Low risk on participation in decision making</p>			
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		<p>[...]In South Africa, the government officially recognises the Congress of Traditional Leaders of South Africa (Contralesa) as a body of traditional or 'tribal' leaders, but there is some controversy regarding Khoisan membership of this. Some chiefs, including Chief van Wyk, refuse to be part of this Organization, as they consider themselves indigenous, rather than traditional leaders. However, the wider Khoisan community has developed the National Khoisan Consultative Conference as a tribal representative body, established in 2001. The Conference consists of a group of 20 representatives from different Khoisan communities, representing ten different religions, and acts as an umbrella body for Khoisan peoples across South Africa."</p> <p>Specified risk on consultation http://www.kas.de/wf/doc/kas_35255-1522-2-30.pdf?130828123610 <i>The Khoisan in contemporary South Africa - Challenges of recognition as an indigenous people August 2013</i> [...]In 1999 the former South African President Nelson Mandela established the National Khoi-San Council (NKC). The NKC is a negotiating forum set up to address the constitutional accommodation of the Khoisan's historical leadership within the traditional leadership constitutional framework. The government investigated the leadership claims by the Khoisan during the period. The results of their investigation were compiled in Status Quo reports. The groupings included on this structure are the San, Griqua, Koranna, Nama and the Cape Khoi. The NKC membership comprised 22 members across different parts of South Africa. However despite its eighteen years of existence, the NKC continues to find itself in 'negotiations' with government with no meaningful progress made.</p> <p>[...]Some Khoisan communities have benefitted from the existing restitution Programme post 1994. The landmark case of the Nama community from Richtersveld demanded the fulfilment of their land rights over this mineral-rich and much exploited area. After a lengthy legal process, the Constitutional Court acknowledged the Nama lost their land before the Natives Land Act of 1913 was promulgated on the basis of racial prejudice and administrative action, and stated that the principle of restitution should apply.</p> <p>Specified risk on discrimination</p>			
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		<p>However, the Khomani, a San group from the Trans Frontier Kalahari Park (amongst others) continues to experience serious post-settlement challenges.</p> <p>During the 1970s the Khomani San of the southern Kalahari (Northern Cape Province) were dispossessed from the then Kgalagadi Transfrontier Park, their traditional land, and were dispersed through South Africa, living in small groups or “clans” as a de facto underclass. The South African Human Rights Commission released reports of their investigation around the situation of the Kho-mani San. They found the living and social conditions of the Khomani San have not substantially improved and a number of human rights issues have appeared. The government departments responsible for development projects allegedly did not provide the promised assistance nor delivered the required social services to the community. Abuses by the local police were also reported as well as the lack of access to justice services.</p> <p>The UN Special Rapporteur formally recommended in his report that needs assessment re-search in Khoisan communities should be undertaken by the competent government authorities that might define the magnitude of the problem and suggest practical remedial measures.</p> <p>The Khoisan however continue to experience serious challenges around land in terms of access, ownership and post settlement support.”</p>			
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Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

FSC International facilitated the preparation of the CNRA for Category 3 (HCV), with ProForest as the relevant consultants. The CNRA Category 3 Draft 1 is deemed to be the final draft from the CNRA process prior to the NRA process commencing. The draft document from the CNRA process was not approved for release by FSC International.

The NRA Working Group has used some of the elements of the CNRA for the purposes of the NRA for Category 3 (HCV). These provided the starting point for the national risk assessment for Category 3 (HCV) for South Africa.

The elements used are as follows:

1. Geographical scope: Country – South Africa
2. Scale of analysis:
 - Spatial Scale: Quaternary catchments are the scale of analysis for CW Category 1 (Legality) with respect to water use authorizations, NEMA CARA and SAHRA authorizations and for Category 3 (HCVs).
 - Potential Threats: Invasive Alien Plants categorized according to risk of invasion³. These were deemed to be a correct categorization for the main threats to HCVs within and near plantation forestry areas.

Possible threats:

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

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

- Interpretation of HCV Components for South Africa & HCV Occurrence
- While it is appreciated that ProForest interpreted the available conservation information relatively well, there are still some differences of opinion on some of the HCV components, and the final draft FM national standard for South Africa has adopted a different approach to HCV.
- In order to avoid the differences of opinion, and for the purposes of the Category 3 (HCV) in the present national risk assessment, it has been assumed that HCV values (HCV 1- 4) occur in all quaternary catchments across South Africa. This negates the need to adopt or adapt or refine the HCV interpretation and occurrence as proposed in the CNRA. The precautionary approach adopted is further explained below. The stepwise approach to the CNRA was not adopted as is. It was modified to reflect the approach taken by the NRA-WG.

The Precautionary approach:

The NRA-WG identified and assessed HCVs in South Africa. Information sources evaluated included Land cover maps, national biodiversity assessment (SANBI), vegetation maps, National list of invasive species, informal consultations with key experts involved in the CNRA workshop, NEMA, National Water Act and sub-national conservation plans.

The NRA-WG decided not to include mapping and zoning of risk with the development of category 3. 80% of afforested land already certified under FSC Forest Management in South Africa, these certified areas have carried out extensive HCV and environmental assessments, where relevant and is representative of the uncertified area due to conditions, context and best available information being similar within afforested land in each Province. The remaining 20% of afforested land, 16% of which is managed by the State, corporates or farmers employs best practice in industry, and the remaining 4% is under Communal land tenure with minimal impact. Based on the discussions with stakeholders from the CNRA workshop conducted by ProForest, the NRA Working Group agreed that the CNRA recommendations for HCV proxies will be disregarded to the

poor applicability and inability to refine the data. The data set utilized in the CNRA was too broad and did not assess conditions infield at local/municipality level, where 20% of uncertified afforested area is located in varying scales and locations across South Africa. There was stakeholder disagreement on the interpretation and mapping of the HCV categories due to complexity and inaccuracy. By doing this, the focus then shifts from the debate on interpreting and mapping HCV for South Africa to the identification and assessment of possible threats to these HCVs from forest management activities, and whether these threats may or may not pose some specific risk to these HCVs. The NRA-WG opted to adopt a Precautionary approach over the 20% of uncertified afforested land in South Africa. The precautionary approach taken is to assume the presence of HCV and therefore manage the HCV values as if they were present. If the threat assessment reveals that there is indeed a threat to HCVs then further analysis of where and what those values are will take place. This is an approach that is particularly useful to plantations forestry in South Africa because plantations were introduced into non-forest habitat, it is therefore assumed that the actual plantations are not a habitat for HCVs, provided the plantation is authorized by all relevant authorities. Forest management activities that involve potential damage to HCVs such as harvesting occurs away from potential HCV habitats. The risk of threats to non-forest habitats adjacent to plantations was included in this assessment.

The risk assessment assumes that all HCVs occur in every quaternary catchment in the country for HCV categories 1, 2, 3 and 4. The occurrence of HCV 5 and 6 is known with regards to the presence of Indigenous Groups in South Africa. Quaternary catchments were found to be a finer scale than the FSC thresholds as afforestation licenses are issued at quaternary catchment level which is enforced by government (DWS) and can be traced back to a landowner. This was used as a starting point in the evaluation, after which a Country level approach was adopted as provided in the Table below.

Indigenous (natural) forests are protected from large scale commercial activity in South Africa via the National Forests Act. Threats to the Indigenous (natural) forests in South Africa was assessed and found to be negligible. Monitoring and Evaluation is carried out by the Department of Agriculture, Fisheries and Forestry on ad-hoc basis. This includes an evaluation of spread of invasive species against weeding plans/ programs carried out. The chances are minimal based on the percentage of uncertified land in South Africa and with just under half being with community ownership where there is low impact. Natural timber species do not enter the FSC supply chain. All natural timber products harvested and sold require a permit from the Government. The National Forests Act is further described in Category 4, Indicator 4.1

Monitoring of areas of significance is carried out by SANBI, Government departments such as Department of Environmental Affairs, Department of Water and Sanitation, The Department of Agriculture, Fisheries and Forestry and the National Heritage Council - Department Of Arts and Culture, where appropriate.

The methodology adopted by the NRA-WG does not use quantitative thresholds, except for the one adopted in the NRA for Category 1 (legality) for water use licensing and other authorization risk (i.e. as determined by the Department of Water Affairs and Sanitation, if more than 20% of the plantation forestry area in a given quaternary catchment is deemed to be illegal. See NRA for Category 1, Indicator 1.1 for more information). The threshold is provided by the relevant authority (DWS) which was supported by the NRA-WG.

4.2. Application of Risk Assessment Methodology

Step 1: Determining a scale for homogenous risk designation

Spatial scale

The NRA has adopted the spatial (geographical) scale; namely quaternary catchment boundaries, for all HCV categories. This scale allowed for analyses at a much finer spatial resolution than the minimum recommended in the FSC procedure. The majority of land owners/forest managers in South Africa know which water catchment(s) their land is in because of legal water licensing requirements for forestry in South Africa (as such, this is also the scale being used for the Category 1 risk assessment). Should specified risk be indicated in future, the NRA-WG will update the NRA. However, it is important to note that all timber is procured by local COC companies before being exported. The delivery note states which areas and farm details for traceability as per COC requirements.

Functional scale

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

- (i) Plantation forestry vs. natural forests, and
- (ii) Types of plantation timber species in terms of their invasive qualities.
 1. Plantations vs Natural Forests
 - The NRA provides different risk designations for plantations and for natural forests.
 2. Types of plantation timber species
 - Different groups of threats were identified relative to the different invasive potential of different timber species in different parts of South Africa.
 - Commercial timber species used in South Africa were divided up into non-invasive species and invasive species: defined as the subset of timber species on the National List of Invasive Species (Categories 1-3) that are grown commercially. This subset of commercially important species was agreed by the core stakeholder group during the CNRA stakeholder workshop on 17 -19 November 2015 in Durban, South Africa.

The core stakeholder group included - Boyd Escott (Ezemvelo KZN Wildlife), Brent Corcoran (FSC Member – economic & Mondi), David Everard (FSC economic member{Sappi}, Standard Development Group(SDG) , Gareth Boothway (WWF FSC environmental member -), Jeanette Clarke (Social representation & SDG Coordinator), Johan Bester (Department of Agriculture, Forestry & Fisheries), Karen Kirkman (Global Environment Fund & SDG member), Manushka Moodley (South African Bureau of Standards), Merwyn Lotter (Mpumalanga Tourism & Parks Agency), Xolani Hadebe (Department of Water & Sanitation), Steven Germishuizen, (FSC environmental member – & SDG member), Stuart Charlton (SGS Qualifor).

(i) Threat Group 1: non-invasives
<i>Commercial plantation species that are not on the National List of Invasive Species are considered to be low risk of invasive spread, and hence controlled wood sourced from these species is considered Low Risk.</i>
(ii) Threat group 2: invasive Acacia & Eucalyptus species
<i>Acacia mearnsii; Eucalyptus: camaldulensis, cladocalyx, conferruminata, diversicolor, grandis and tereticornis</i>
(iii) Threat group 3: invasive Pines
<i>Pinus: ellioti, patula, pinaster, radiata and taeda</i>

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

The NRA has adopted a precautionary approach to identifying and mapping HCVs in South Africa.

As there is no national interpretation or assessment for South Africa (pending the completion of the National Standard for Forest Management in South Africa, which will include interpretation of HCV for Principle 9), the NRA has assumed that the 4 HCVs are present in each quaternary catchment.

Instead of trying to interpret what HCV is occurring where, the focus is now on the forestry management activities and how they potentially impact on these HCVs.

Step 4: Threat assessment

The threat assessment focuses on the relevant threats that are posed to HCVs by plantation forestry management activities. With the assumption that all HCVs are everywhere, the focus is instead on the common threats from plantation forestry management activities. Category 3 (HCV) in the NRA considers both the mandatory list of threat as defined by the FSC NRA Framework and additional threats identified as relevant in South Africa.

For plantation forestry, the main dominant threat is when the plantation is established, and habitat conversion takes place. HCVs are lost in the planted footprint. This threat is addressed by the legal requirements for plantation establishment under NRA Category 1 (illegality), primarily through water use licensing, and through the more recent requirements for approval through the EIA process (Environmental Impact Assessment Regulations, 2017). It should be noted that NEMA includes the ratification of relevant international agreements.

International Conventions ratified/acceded to by South Africa which the Department of Environmental Affairs is responsible for implementing:

Quality and protection function

- Agenda 21 Rio Convention
- Convention for the Protection of the Ozone Layer
- Convention on Prior Informed Consent (PIC)
- Convention on the Control of Trans-Boundary Movements of Hazardous Wastes and Convention)
- Kyoto Protocol
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Persistent Organic Pollutants (POP's)
- United Nations Framework Convention on Climate change

Biodiversity and conservation function

- Biosafety Protocol
- Convention on Biological Diversity (CBD)
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Convention on Wetlands
- United Nations Convention to Combat Desertification (UNCCD)
- World Heritage Convention

Marine and coastal management function

- Agreement for the Implementation of the Provisions for UNCLOS Relating to Management and Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks
- Antarctic Treaty
- Convention on Biological Diversity in Marine and Coastal Habitats
- Convention on Biological Diversity: Jakarta Mandate (CBD)
- Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matters (London Convention)
- FAO Conduct of Responsible Fishing
- MARPOL: Particularly Sensitive Sea Areas
- Protocols under the Abidjan and Nairobi Conventions SADC Protocol

- UNESCO: Biosphere Reserves
- United National law of the Sea Convention (UNCLOS)
- World Heritage Sites

Should the DWS verify landowners to be specified risk prior to the annual review of the NRA, the details shall be communicated to all FSC COC certificate holders with Controlled Wood in their scope of certification via the FSC Southern Africa sub- regional office as per Category 1 threshold.

Potential measures to address high level risk – Directive issued by DWS. The stipulations of the directive issued by the authority shall determine its use as Controlled Wood. The stipulations shall be monitored by the authority and non-compliance communicated at the annual review of the NRA.

The Department of Water and Sanitation (DWS) has committed in providing an update on their Verification and Validation process in the annual review of the NRA. This will be used to determine if any of the quaternary catchments have greater than or equal to 20% of forestry area are unauthorized. This Threshold was determined by DWS (legal authority) and supported by the NRA-WG. Should they exceed this threshold, identified quaternary catchments shall be determined to be specified risk. The NRA-WG supported the annual review process and to update data sources and risk designations, where relevant.

Based on the findings of low-scale and manageable impact, it is concluded that the threat to HCV is low.

In the HCV assessment table below, specific potential threats from forestry activities for HCV are discussed in relation to the South African forestry context. The final list of threats considered in this NRA was agreed by the NRA Working Group. This list, going beyond the minimum threats defined by FSC-PRO-60-002a, built upon a generic risk assessment conducted by the South Africa Standard Development Group (SDG) for the national forest management standard process.

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

Steps 5 & 6: Threat mitigation

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

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

Adequate Protection measures considered were:

- 1) Relevant legislation (e.g. water licensing requirements, NEMBA requirements on the regulation of Plantation Forestry and the control on invasive species, NEMA Requirements for EIA),
- 2) Other voluntary mitigation measures (e.g. Industry Guidelines).

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

Step 7: Risk designation

The final risk designation is informed by all preceding steps in the methodology. By this step in the methodology, all quaternary catchments have been defined as Low Risk, unless determined otherwise during the annual review of the NRA to be Specified Risk as per Category 1.

Plantations

As stated in Section 3, the vast majority of commercial forestry operations and some of the non-certified operations in South Africa are managed in line with international best practice. Commercial forestry in South Africa is based exclusively on plantation forestry, with self-regulation within the industry. There is a high percentage of FSC-certified plantations in the country today with approximately 80% of the total commercial forestry area being FSC-certified. Of the remaining 20% that constitutes uncertified forestry area, 16% are owned or managed by Government, large organizations or private farmers. The remaining 4% of uncertified forestry area lies with Traditional authority areas.

An example of the high management standards of the FSA includes the following voluntary guidelines: Forest Engineering Guidelines of South Africa, Environmental Guidelines of South Africa.

Although there is no enforcement of adherence to the above mentioned guidelines, it is approximated that the 16% of afforested land owned by large –medium scale organizations do implement all or some of these guidelines (FSA).

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

Natural forests

This risk assessment covers both plantations and natural forests. The natural forests of South Africa are the smallest of its seven biomes covering only 0,25 per cent of South Africa is indigenous (natural) forest, both publicly owned and many privately owned natural forests are now in an advanced state of recovery from past timber exploitation (WWF). Many of these forests are run with a policy to rehabilitate destroyed forests, consolidate existing forest patches by reconverting abandoned plantations or forest margins to manageable boundaries, and to eliminate alien vegetation (Geldenhuys et al. 1986). The Natural forest succession process is managed with a four-step forest rehabilitation action process (Geldenhuys, 2008). The rehabilitation is applicable to stands of both natural pioneer and invasive alien plant species.

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

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

Step 3: Stand manipulation. The intensity of rehabilitation activities will vary according to development stage, defined by canopy and understory, of each nurse stand. Selective thinning of unwanted trees in the nurse stand, by cutting or ring-barking selected trees, will enable natural regeneration of forest species.

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

The NRA working group consulted DAFF, KZN Ezemvelo and SANBI regarding the management and protection of Natural Forests. Natural timber species do not enter the FSC supply chain. However, as stated in the draft Category 1 assessment, in reality all natural forests in South Africa are protected under the National Forests Act of 1998 (Section 7 (1), the protection of all trees declared to be protected in terms of section 12(1) of the Act, and the regulation of certain activities in a proclaimed State forest (Section 23(1) (a) – (k)). This complete protection recognizes the very high conservation importance of indigenous (natural) forests in South Africa, and they are considered as HCV. The legislation only allows harvest of timber from natural forests in limited situations under permit according to the Senility Criteria Yield Regulation System. Monitoring and Evaluation is carried out by the Department of Agriculture, Fisheries and Forestry. Natural trees are then individually checked by forest scientists appointed by DAFF. There are strict tree harvest selection criteria to be adhered to and trees are identified for topping or felling based on various observations such as crown dieback, loss of the main shoot, basal or stem rot and natural factors such as windfall. Individual permits are issued for each tree that is to be harvested. The National Forests Act is strictly enforced and ensures traceability, the market for natural timber is limited and transparent via an auctioning process (DAFF). As mentioned above, Natural timber species do not enter the FSC value chain (FSC Database). The CNRA noted that no license has been issued in terms of Section 23(1)(a) of the National Forest Act for plantation forestry

to be established in place of natural forests. With consideration to the current legal control measures for plantation forestry through the national forest act (since 2000), and through water use licensing and environmental impact assessments (very strongly enforced), there is very little chance that natural forests will be converted to plantation forestry operations. Licenses to convert are very issued infrequently - 1 or two per year for limited conversion (for example for the construction of a national road between two provinces). Provincial or districts roads are on average 7m wide, plus a road reserve of 1-2m on either side. This means for a 10km road will mean a loss of about 10ha of natural forest. Plantation forestry roads do not need to go through natural forests. The biggest threat to ecological integrity of forest patches in South Africa is degradation through natural resource use of these forest patches by impoverished local communities for firewood or medicinal use. Sources for firewood include both Plantations and Natural Forests, however this is a low risk as only be in relevant in areas where there is no provision of electricity. Local communities mostly utilize the bark from natural timber species for medicinal uses which may result in degradation (Stakeholder workshop, CNRA Cat 3).

There are minimal low-intensity forestry operations in natural forests of the southern and Eastern Cape regions of South Africa that focus on the removal of over-mature individuals. Legislation is enforced and monitored by Dept. of Forestry as per stakeholder consultations and legislative requirements. However, these operations pose little threat to HCVs and, furthermore, any timber removed is used predominantly for furniture and would not be sourced as CW. Currently no CW is sourced from natural forests (C. Burchmore pers. Communication and FSC certificate database). Overall, although all natural forests are considered HCV in South Africa, they are legally protected and any harvesting is sustainably managed and only allowed under permit.

Therefore, it is assumed that:

- 1) No timber products from natural forests are currently sourced as CW, and
- 2) Based on the occurrence, natural forests are classified as Low risk under Category 3

General/contextual information used for the risk assessment, referencing the number of any specific sources used (Annex C1): South Africa's forest cover includes natural woodland/savannah, indigenous (natural) forests and exotic timber plantations, defined by the National Forest Act (No. 84 of 1998). This definition has also been applied in Category 4 in the NRA (conversion). According to the 2013-2014 national land cover map and data set, natural woodlands cover 8.2 million hectares, indigenous (natural) forests 396,603 hectares and tree plantations just cover 2 million hectares (http://bgis.sanbi.org/DEA_Landcover/project.asp). However, we note that official DAFF statistics state that the commercial plantation area is approximately 1.3 million hectares (<http://www.gov.za/about-sa/forestry>) – the difference between this and the plantations defined in the land cover category is assumed to include smaller, informal plantations or could be a misclassification of woodlots or windrows as plantations. Although both formal and informal plantations both require a government license, Government may not have included the informal – traditional authority areas into the calculation for estimations of commercial forestry area in their land cover estimation.

South Africa's forestry sector consists almost exclusively of plantation forestry, with over 95% of South Africa's timber and pulp production coming from plantation forests. The majority of commercial plantations in South Africa consist of pine, eucalyptus and wattle situated in the east and southern portions of the country where rainfall is higher. In fact, >90% of timber plantations in South Africa are found in Limpopo, Mpumalanga, KwaZulu-Natal, Western Cape and Eastern Cape Provinces, the majority of this located in the grassland biome and the rest in the Fynbos biome.

The South Africa plantation industry is generally managed to a high standard, with >80% of the plantation area now FSC certified (as of mid-2015) (Draft CNRA Category 1 report: South Africa). The plantation industry in South Africa is well established with the first commercial plantations established as early as the 19th century.

Table 1. Summary of forest cover (natural and plantations) in South Africa. **Note that the figures for FSC certified plantations are overstated.

South Africa: Size (ha)	Forestry statistics (natural and plantations)							
	Tree plantations (Landcover 2014)*		Tree plantations (SA Govt) ***		FSC certified plantations**		Indigenous forest (Landcover 2014)****	
	ha	% of country	ha	% of country	ha	% of tree plantations	ha	% of country
122,518,138	2,066,106	1.7%	1,273,000	1.04%	1,388,954	67%	396,603	0.32%

* Area of land deemed to be plantation forestry. See note in paragraph 1 of Section 3.1 above

** Figures sourced from FSC <https://ic.fsc.org/file-download.facts-figures-march-2017.a-1535.pdf> (accessed 10 April 2017). Includes planted and conservation areas on certified plantation forestry landholdings

*** Estimate of planted forestry in South Africa (excluded conservation areas on plantation forestry landholdings). <http://www.gcis.gov.za/content/resourcecentre/sa-info/yearbook2015-16> (accessed 10 April 2017)

**** Based on 2014 Land cover data, this is the remaining extent of natural forests in South Africa. The original extent, according to SANBI, was 488,000ha (see data in CW Category 4 NRA).

In addition to the majority of the sector covered by FSC certified plantations, the remaining production comes primarily from the following five sources (https://www.environment.gov.za/sites/default/files/docs/part2_land.pdf):

1. Other large and medium-sized commercial plantations (making up the bulk of the remaining production),
2. Small timber farms planted by commercial farmers,
3. Community land planted with very small woodlots and commercial plantations,
4. Informal private growers with small plantation stands, and
5. Low-intensity selective harvesting of natural forests.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1.	Boyd Escott	Ezemvelo KZN Wildlife Manager Biodiversity Spatial Planning and Information	HCV 1, HCV2, HCV 3
2.	Stiaan Kotze	Department of Environmental Affairs Head of Biosecurity Directorate, Environmental Programme	HCV 1, HCV 3
3.	Illaria Germishuizen	Institute of commercial forestry research. Program Manager: Spatial Technologies	HCV 1, HCV 3
4.	John Scotcher	Representative of Forestry South Africa Environmental Consultant	HCV 1, HCV 2, HCV 3
5.	Andrew Wannenburg	Department of Environmental Affairs MSc Botany, Zoology and Ecology	HCV 1, HCV 2, HCV 3
6.	Andrew Skowno	South African National Biodiversity Institute (SANBI)	HCV 1, HCV 2, HCV 3
7.	Greg G. Forsyth	Council for Scientific and Industrial Research (CSIR), South Africa	HCV 1, HCV 3
8.	Grant Thornton	Accounting Firm – Grant Thornton	Category 1

Risk assessment

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0	Refer to the table of Information Sources below (Annex C1):	There is no national interpretation of HCVs in South Africa. Information sources evaluated included Land cover maps, national biodiversity assessment (SANBI), vegetation maps, National list of	Country	Low Risk

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
	43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75	<p>invasive species, informal consultations with key experts involved in the CNRA workshop, NEMA, National Water Act, Assessments for Perennial rivers, sub-national conservation plans, and Khoisan Language areas.</p> <p>A precautionary approach was adopted by the NRA-WG where HCVs were assumed to be present.</p> <p>The vast majority of timber is sourced from exotic timber plantations. The impacts of plantation management activities on HCVs are well understood and documented in South Africa as evident in the National Forest Act, NEMA and FSA Industry Guidelines. This knowledge was used to assess the impacts.</p>		<p>The following thresholds are met:</p> <p>(1) Data available are sufficient for determining HCV presence within the area under assessment and</p> <p>(2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>
3.1 HCV 1	<p>Sources as listed in Annex C1: 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75</p> <p>Stakeholders – Forestry South Africa, KZN Ezemvelo; Department of Environmental Affairs</p>	<p>Precautionary approach adopted - HCV 1 is present across the country</p> <p>Natural Forests were assessed and described in the Introduction to this Category.</p> <p>The following threats were considered were evaluated for forest and non-forest habitats</p> <p>a). Habitat removal / conversion As per Cat 1.1, 1.9 and Cat 4.1 – Most of the historic expansion of plantation forests in South Africa was in place of natural habitats, including grasslands. However, there is minimal expansion of plantations in South Africa</p>	Natural Forests	<p>Low Risk for Natural vegetation:</p> <p>a) Habitat removal b) Habitat fragmentation c) Introduction of Alien/Invasive species</p>

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>and, furthermore, any new expansion (and indeed, filling of existing areas) is regulated under the National Environmental Management Act (NEMA) and the National Forest Act. In terms of the principles of NEMA (Section 2), sustainable development requires the consideration of all relevant factors including disturbance of ecosystems and loss of biodiversity, both of which should be avoided or, if that is not possible, should be minimized and remedied. This is monitored and evaluated by DAFF or the Conservation Authorities, where applicable.</p> <p>Prior to issuing permits for expansion, authorizations are required and an EIA is completed which will look at the presence of threatened species. EIAs under NEMA became mandatory in 1998. Furthermore, approval from the provincial conservation authorities is required and they use systematic conservation planning as well as the EIA report to determine if the development will threaten any species. Therefore, if authorized in terms of NEMA or established prior to 1998, this is not considered a major threat to HCV1 in South Africa.</p> <p>The FSA Environmental Guidelines, 2017 outlines the best practices to be followed in the forestry industry in mitigating impacts on HCVs in any habitat adjacent to active forest operations. There were no concerns raised by stakeholders regarding the above.</p> <p>b) Habitat fragmentation As with habitat removal, fragmentation is a threat resulting from the establishment of new plantations into natural habitats. As South Africa's forestry industry is well established, habitat fragmentation occurred in the past and any ongoing or future threat is addressed through NEMA legislation. Since 1998 there has been a 19.3% decrease in plantation area in South Africa (http://www.forestry.co.za/uploads/File/industry_info/statistical_data/Jan). As described above, EIAs under NEMA became mandatory in 1998. Therefore, if authorized or established prior to 1998, this is not considered a major threat to HCV1 in South Africa. As Per Cat 1.1 and 4.1 – assessments take place via DAFF officials or via DEA officials who</p>	Plantation Forestry	<p>The following thresholds are met: (7) HCV1 is identified and its occurrence is likely in the area under assessment, but it is effectively protected from threats from management activities.</p> <p>Low Risk for Functional scale 1,2 and 3: (a)Habitat removal (b)Habitat fragmentation (c)Introduction of Alien/Invasive species</p> <p>The following thresholds are met: (6) There is no/negligible</p>

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>evaluate the application and assess implementation as per legislative requirements. Prior to issuing permits for expansion, authorizations require that an EIA is completed which will look at the presence of threatened species. Furthermore, approval from the provincial conservation authorities is required and they use systematic conservation planning as well as the EIA report to determine if the development will threaten any species. Potential threats may originate from community afforested areas (4% or 85 451 ha) but due to the low impact and scale of operations, this was deemed to be low risk.</p> <p>c) Introduction of invasive alien timber species Several important timber species are on the South African list of invasive species. These include Black wattle (<i>Acacia mearnsii</i>), as well as various pine and eucalyptus species. These species are listed as invasive because they are known to migrate into neighboring natural ecosystems, if the adjacent ecosystem is improperly managed. Spread of invasive species is one of the biggest threats to biodiversity in South Africa. The total area (across all biomes) invaded by alien trees in South Africa is over 100 000 km², which is over 8 percent of the country's total area (van Wilgen et al., 2001). Commercial timber species (as listed above) have historically spread widely beyond planted stands and despite increased efforts to address the -threat through legislation and programs for invasive plant clearance (e.g. 'Working for Water), there is a potential ongoing threat. As such, spread of invasive timber species is considered a potential threat to HCV1 and discussed further under 'indication of risk'.</p> <p>Note, there is also a potential threat of invasion of incidental, non-timber species generally across South Africa, but as this is not directly the result of forestry activities and it is not considered in this NRA.</p> <p>Groups of threats identified are commercial timber species used in South Africa, as outlined above, pose different invasion threats.</p> <p>Threat group 1 This group, containing the majority of commercial timber species grown in South Africa, are not considered invasive under the NEMBA Alien and</p>		<p>threat to HCV 1 caused by management activities in the area under assessment</p>

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Invasive Species Regulations (2014). Therefore, the introduction of invasive species is not a threat to HCV 1.</p> <p>Threat Group 2</p> <p>The seven invasive Acacia and Eucalyptus species listed in the NEMBA Regulation, were identified as the only commercial species in these genera that are on the invasive species list. Acacia mearnsii has invaded widely in the grassland, Fynbos and savannah biomes in South Africa, but poses the greatest threat to highly disturbed areas and along waterways. The Working for Water Programme is seen to be effective by national and international partners and contributes greatly to conservation and ecosystem health on unprotected land runs (Turpie, et.al, 2008). The Programme has over 300 projects in all nine of South Africa's provinces. Scientists and field workers use a range of methods to control invasive alien plants. The Programme aims to reduce the density of established, terrestrial, invasive alien plants, through labour intensive, mechanical and chemical control, by 22% per annum. Since its inception in 1995, the programme has cleared more than 3 million hectares of invasive alien plants providing job</p> <p>Based on the above, this does not pose a threat to HCV 1</p> <p>Eucalyptus is typically considered less invasive than other timber genera used in South Africa due to high seedling mortality, limited dispersal and the lack of compatible ectomycorrhizae.</p> <p>Eucalyptus species are known to use more water than the other commercially grown genera, this greater potential impact means that these species are considered in the NRA to pose a similar threat to freshwater HCVs as Acacia mearnsii. This group is considered an invasion threat to freshwater and riparian HCV 1</p> <p>Threat group 3: invasive Pinus species These Pinus species are considered an invasion threat to terrestrial HCV 1.</p> <p>Pinus species are recognized to be the most invasive timber species in South Africa, particularly in the Fynbos biome, and also to a lesser extent in the summer-rainfall/grasslands area. The spread of invasives in the</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Western cape area of South Africa is being addressed by a Joint work programme described above.</p> <p>Threat Mitigation for Groups 2 and 3:</p> <p>The Department of Agriculture, Forestry and Fisheries (2015) estimates that about 20% of commercial plantation area in South Africa is not FSC certified. It states that 4% of forestry area falls within Traditional Authority areas and the remaining 16% are managed or owned by large Organizations, government and/or private farmers.</p> <p>There is legislation in South Africa requiring land owners/ users to remove existing infestation and control the ongoing spread of invasive species. These controls fall under the 1983 Conservation of Agricultural Resources Act and the 2014 NEMBA Alien and Invasive Species Regulations. South Africa is the only country to have introduced legislation to address the management of such species by creating different categories of weeds; to have introduced biological control for important alien forestry species (in the genus Acacia, see Impson et al., 2009, van Wilgen et al., 2011b); and to have imposed environmental taxes on such crops (van Wilgen and Richardson, 2012).</p> <p>Beyond the legislative framework, the government has also sought to control invasives through its 'Working for Water' (WfW) programme, an aid programme that also implement biological control. This started in the mid-1990s and aimed to jointly tackle invasive species and alleviate poverty by providing thousands of paid (temporary) jobs to clear invasive species. This has had a significant impact in certain focal areas however a 2012 Van Wilgen, et al. review of the effectiveness of the program summarized it as follows: In the review, 19 of the most important invasive taxa, mainly trees, in terrestrial biomes were assessed. The effectiveness of control efforts on the extent of invasion of these taxa was assessed. Control costs over 15 years amounted to 3.2 billion rands (US\$457 million), more than half of which was spent on 10 taxa, the most prominent being in the genera Acacia, Prosopis, Pinus and Eucalyptus.</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Despite substantial spending, control operations were in many cases applied to a relatively small portion of the estimated invaded area, and invasions appear to have increased, and remain a serious threat, in many biomes in the Western Cape. The spread of Pinus species in the Western Cape is a historical issue. Since then, a strategy was developed in 2015 by NGOs such as WWF, Government (DAFF, DEA and DWS) and Private Sector to address the concerns in the Western Cape. An update on this project will be evaluated during the annual review of the NRA. In addition, as mentioned above, the Working for Water Programme has treated more than 3 million hectares of alien invasive plants to date with annual plans on-going. WfW invested approximately R50 million of its annual budget in 2015 in biological control – seeking to introduce host-specific enemies (e.g. fungi, insects) of the invasive plants. Biocontrol can drastically reduce seed production and in some cases even kill its host species. Biological controls are now fairly effective for Acacia species in some areas but no agents have been released on Pinus and Eucalyptus species. This integrated management approach may be yielding positive results across the relevant biomes. This will be re-evaluated at the annual NRA review.</p> <p>Additionally, other voluntary aid programs such as Working for Wetlands and Working for Forests contribute to the removal of invasive commercial tree species. As per discussions with experts, the spread of invasive alien species into Natural forests poses minimal threat. The intact nature of natural forests does not provide a conducive environment to the growth/spread of exotic species. Alien invasive plants typically spread onto disturbed land.</p> <p>The DEA, indicated that the implementation of the stipulations in the NEMBA regulations suffice for control over the 20% uncertified forestry area. As indicated above 16% of area owned/managed by large Organizations, government and private farmers are implementing resources to address alien invasive spread.</p> <p>The remaining 4% of uncertified area falling within Traditional authority areas are smallholders with, minimal resources and technical ability to</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>implement the NEMBA regulation without assistance from Government. Government does assist the traditional authority areas via the working for water programme and has provincial teams.</p> <p>Acacia mearnsii generally does not reach the age of seeding capability when harvested. The spread of invasive Acacia mearnsii is controlled by usage in local communities and value in relation to distance to market. The use of the species in the local market contributes to the mitigation of risk of spread. The threat is considered low for the 20% FSC uncertified land area that could potentially impact on HCV 1.</p> <p>Measures by Government and industry stakeholders are addressing the spread of invasive species in the Western Cape. Of the 20% uncertified forestry planted area, there is minimal likelihood of unacceptable sources of material that could enter CW supply chains. This is based on the knowledge of geographic spread of uncertified growers (both commercial and community plantations); and that all timber is sold to a local COC certificate holder prior to trading or processing via a system which confirms traceability back to the FMU/area of origin. Timber is most often transported via road, with an accompanying delivery note indicating the supplier or community zone. Where, transported via rail, this information is supplied and traced to the depot prior to transportation.</p> <p>With regards to Natural forests and non-afforested areas/habitats, threat of spread of invasive species is Low, as exotic invasive species spread onto disturbed land. This was confirmed with key stakeholder, SANBI. The micro-environment with Natural forests are not conducive to the growth of these invasive species. The micro-environment with Natural forests are not conducive to the growth of these invasive species. With consideration to the above, the NRA-WG has determined that invasive species are not a threat to HCV 1.</p> <p>In conclusion, indicator 3.1 has been assessed as low risk.</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		The annual review of the NRA shall determine if Specified Risk has been found in quaternary catchments as indicated in category 1.		
3.2 HCV 2	Sources as listed in HCV 1	<p>Precautionary approach adopted - HCV 2 is present across the country.</p> <p>The same threats were identified to HCV2 as for HCV1. Therefore, refer to the discussion under HCV1 for more details.</p> <p>The only additional threat mentioned in the FSC framework for HCV2, that is not discussed under HCV1 is:</p> <p>1) Logging (as applied to IFLs). This threat is not relevant in the South Africa context where there are no IFLs and where forestry is almost exclusively limited to plantation forestry</p> <p>There are no IFLs in South Africa. National parks or protected areas meet the 50 000km² area threshold, but are not afforested land (SANBI).</p> <p>Natural forests qualifying as HCV 2 were assessed and described in the introduction to this category.</p> <p>Low Risk a) Fragmentation Fragmentation is a threat linked to the establishment of plantations. As South Africa's forestry industry is well established, habitat fragmentation occurred in the past and any ongoing or future threat can be addressed/prevented via the EIA regulations and the authorization of the development (NEMA legislation), authorization for streamflow reduction, afforestation permit which is monitored and evaluated by the Department of Environmental Affairs, Department of Water and Sanitation, DAFF and relevant conservation authorities, where applicable. As discussed in Category 1 (1.1)</p> <p>As described in HCV1, the threat of alien invasives in spreading into and degrading adjacent HCVs is mitigated provided the legislative (refer to</p>	Natural forests Plantation forests	Low Risk (10) There is no/ negligible threat to HCV 2 caused by management activities in the area under assessment

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>HCV 1) requirements are adhered to, as per assessment in category 1 (1.1)</p> <p>Therefore, authorized, potential sources of controlled wood are not considered a major threat to HCV 2 in South Africa.</p> <p>b) Logging (as applied to IFLs). This threat is not relevant in the South Africa context where there are no IFLs and where forestry is almost exclusively limited to plantation forestry (Berliner & Benn 2004; Systematic conservation for forest biome of South Africa). As per Category 4 (4.1), conversion of Natural forests is regulated by Government.</p> <p>Based on the above and feedback from stakeholder consultation the risk designation is Low.</p>		
3.3 HCV 3	Sources as listed in HCV 1	<p>Precautionary approach adopted - HCV 3 is present across the country The same threats were identified to HCV3 as for HCV1. Therefore, refer to the discussion under HCV1 for more details. Natural forests were assessed and described in the introduction to this category.</p> <p>The 2nd National Biodiversity Strategy and Action Plan for 2015 -2025 is aligned with Aichi Targets and other global conventions. SANBI as per their legal mandate under the Biodiversity Act (Act no.10 of 2004) is implementing this Plan in coordination with other Government bodies. As per the Fifth national report to the convention on biological diversity, 2014, in all cases the Aichi targets have been partially achieved in South Africa. Among the partially achieved targets, good progress has been made especially on targets 5, 9, 11, and 14.</p> <p>Target 5- List of threatened ecosystems published in terms of the Biodiversity Act. Biodiversity increasingly routinely incorporated into EIAs (Question 7).</p>	Natural forests Plantation forests	Low Risk The following thresholds are met: (15) HCV 3 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Norms and Standards for Biodiversity Management Plans for Ecosystems have been finalized (Question 7). Grasslands Ecosystem Guidelines published (Question 8). Several biodiversity sector plans and bioregional plans developed to inform land-use planning and environmental authorisations (Question 7).</p> <p>Target 9 – Regulations on invasive alien species finalized (Question 7). Working for Water programme continues to clear invasive plants in priority catchments, creating significant employment. Budget of Working for Water grew by 151% from R477 million in 2009 to R1 196 million in 2013. Early detection programme established to identify emerging invasives and enable rapid response. (Question 7)</p> <p>Target 11- Significant progress made in expanding the protected area network, especially through biodiversity stewardship programmes in which landowners enter into contractual agreements to formally protect their land. As at the end of 2012, 130 000 ha had been formally declared through this mechanism, with an additional 550 000 ha either awaiting declaration or in negotiation. Six provinces have biodiversity stewardship programmes, with the remaining three in early stages of establishment.</p> <p>Target 14 - Strategic Water Source Areas mapped and included in National Water Resource Strategy (Question 8). Atlas of Freshwater Ecosystem Priority Areas published, and being used to inform management of water resources (Question 7). Active engagement with National Disaster Management Centre, including on the revision of the Disaster Management Act, to include reference to the role of ecological infrastructure in disaster risk reduction. Refer to HCV 1 Afforestation is regulated under the National Environmental Management Act (NEMA) and the National Forest Act. This is monitored and evaluated by DAFF or the Conservation Authorities, where applicable.</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Before permits are issued for expansion, authorizations are required and an EIA is done which will look at the presence of threatened ecosystems and habitats. Furthermore, approval from the provincial conservation authorities is required.</p> <p>Refer to HCV 1 Afforestation is regulated under the National Environmental Management Act (NEMA) and the National Forest Act. This is monitored and evaluated by DAFF or the Conservation Authorities, where applicable.</p> <p>Before permits are issued for expansion, authorizations are required and an EIA is done which will look at the presence of threatened ecosystems and habitats. Furthermore, approval from the provincial conservation authorities is required and they use systematic conservation planning as well as the EIA report to determine if the development will threaten any species. The Provincial conservation authorities (such as Mpumalanga Tourism and Parks Agency) carry out appropriate actions to address habitat loss, environmental degradation and fragmentation of Landscapes to provide protection to rare, threatened and endangered ecosystems and habitats. As per discussions with experts and stakeholders in industry, the implementation of legislation and protection measures is seen as effective.</p> <p>Therefore, if authorized in terms of NEMA and DWS or established prior to 1998, this is not considered a major threat to HCV 3 in South Africa. SANBI under a legal mandate under the Biodiversity Act (Act no.10 of 2004) is obligated to understand and report on the status of threatened ecosystems and habitats in South Africa. Monitoring and evaluation of degradation processes and impacts in the ecosystems (terrestrial, wetland, riverine and estuarine, marine) throughout South Africa is carried out via the National Biodiversity Assessment and the Land Vegetation Maps which are periodically updated. Scientific papers supporting the above process are released via the SANBI website.</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.4 HCV 4	Source Numbers 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 65, 66, 67, 69, 71, 72, 73, 74, 75	<p>Precautionary approach adopted - HCV 4 is present across the country: Threats - Streamflow Reduction, reduction of Water Quantity and Quality, negative impact on Human Health.</p> <p>Natural forests were assessed and described in the introduction to this category.</p> <p>South Africa is a water scarce country and forestry is recognized as a streamflow reduction activity in the National Water Act (No 36 of 1998). This recognizes that forestry is a significant water user in South Africa (~3% of total run-off) and justifies the strict regulation of afforestation by Government.</p> <p>The NRA Working Group notes that the threat or risk to streamflow from establishment of plantations is controlled through legislation requirements i.e. obtaining authorization to establish plantations, as per Category 1 (1.1) of the Risk Assessment. The threat or risk to streamflow from invasive timber species beyond the establishment footprint is controlled as per the above risk assessment i.e. Compliance to authorization requirements and monitoring by government Organizations (DWS, DEA, DAFF Agriculture). This also includes the implementation of stipulated buffer zones.</p> <p>Threats to streamflow reduction are currently low risk with annual update of the NRA shall determine if the DWS has identified catchments meeting the specified risk designation. DWS is the legal authority which monitors compliance to legislation regarding streamflow reduction. DWS issues directives (penalization) to non-compliant land owners. These are not occurring on a large-scale or intensity.</p> <p>Water Quality Relevant legislation includes the National Water Act, 1998 and NEMA, 1998. Direct impacts of forestry on water quality are not discussed explicitly under HCV1, but the same justification applies as areas with greatest potential impact on water quality are those occurring in close</p>	<p>Natural forests</p> <p>Plantation forests</p>	<p>Low Risk</p> <p>The following threshold is met:</p> <p>(21) HCV 4 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.</p>

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>proximity to waterways and wetlands. Department of Water Affairs and Sanitation monitors the national water quality. This includes: National Estuaries Monitoring Programme (NESMP), National Wetlands Monitoring Programme (NWMP) and River Ecosystem Monitoring Programme (REMP).</p> <p>Timber from these areas make up negligible proportion of total CW supply (FSC Annual Report, 2015). As mentioned previously, 80% of afforested land is FSC certified and is regulated, the remaining 16% is managed by the State and private farmers, 4% under Communal land tenure. Uncertified land owners utilize minimal volumes of chemicals and is regulated under the relevant legislation. Furthermore, any such impacts are negligible for the majority of the timber lifecycle, only becoming potentially significant in terms of impact during harvest, roading and planting.</p> <p>Threat mitigation In addition, impacts on water quality of forestry activities are mitigated by standard management practices as follows:</p> <ul style="list-style-type: none"> - Suppliers using mechanized harvesting (Large companies and larger private growers): These potential CW suppliers in theory pose a larger threat to HCV4 because the use of heavy-duty harvesting machines can cause substantial damage to soils that increases the risk of erosion. <p>However, in practice larger growers that employ mechanical harvesting have strict Standard Operating Practices in place, similar to those of FSC-certified companies, which mitigate the threats. These include not burning residues, retaining ground cover etc.</p> <p>These suppliers are considered Low Risk for impacts on water quality.</p> <ul style="list-style-type: none"> - Suppliers not using mechanized harvesting (small private growers and community woodlots): Any growers not using mechanized harvest pose a much lower threat, with the only potential impact being through burning of residues which can increase sedimentation. However, residue burning is extremely rare amongst small growers in South Africa (R Mack and S Germishuizen – NRA-WG) and so the threat is considered mitigated and these growers Low Risk. 		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Protection against critical soil erosion through landslides is a negligible threat from forestry in South Africa. There are few areas in South Africa where topography and soil types are such that landslides pose a major risk, and even fewer where such areas overlap with forestry. In addition, in comparison to overgrazing and agriculture, forestry is considered a means of stabilizing soils in South Africa. As such, protection against soil erosion in critical situations is not considered relevant in South Africa.</p> <p>Barriers against destructive fires Wildfires are a natural feature of many of South Africa's ecosystems, including grassland and fynbos ecosystems. Fire dynamics in South Africa's grassland and fynbos biomes are such that the main natural barriers to fire relate to wind direction interacting with topographical features and in some cases natural forests. However, South Africa's natural forests are fully protected and hence are not threatened by plantations. Furthermore, due to the huge economic risks of wildfire to the forestry sector, the forestry sector in South Africa goes to great lengths to reduce the risk of fire and manage wildfires. Relevant legislation includes the National Veld and Fire Act, 1998 includes requirements for fire management plans and resources. Overall, the presence of plantations in an area, and associated management actions, appears to reduce the risk of wildfire in practice (G. Forsyth, CSIR pers. comm.). Therefore, this category is not deemed relevant and hence is considered Low Risk for South Africa.</p>		
3.5 HCV 5	<p>List of Source numbers – 61, 62, 80 -110 Refer to list of sources in Annex 2</p> <p>Expert– J. Clarke (NRA- WG member)</p>	<p>The Precautionary approach does not apply to HCV5. Sites are known on a country scale.</p> <p>1) Compromising (impacting) fundamental needs of local communities by management activities.</p> <p>South Africa's indigenous San, Griqua, Nama and Khoisan communities all live in the west of South Africa and hence there is virtually no overlap of their territories with forestry. There is no threat from forestry to the livelihoods of these indigenous groups.</p>	<p>Natural forests</p> <p>Plantation forests</p>	<p>Low Risk</p> <p>(24) There is no/negligible threat to HCV 5 caused by management activities in the area under assessment</p>

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>However, other local, rural populations throughout South Africa remain heavily dependent on natural resources as a means of securing fuel, grazing, water, food and traditional medicines. For example, over 80 percent of rural households use fuelwood as their primary source of energy and a similar proportion rely on natural products as their main source of primary healthcare.</p> <p>However, this dependence on natural resources is restricted to communally owned land under traditional authorities. Elsewhere on municipal land there is minimal dependence on natural resources because other non-subsistence livelihoods dominate (NRA-WG expert). In communal areas, forestry activities may potentially compromise access to fundamental needs IF resources and land are not allocated fairly or if basic needs cannot be met through alternative means.</p> <p>The high prevalence of poverty in rural South Africa is a major driver of ongoing dependence on natural resources, especially in communal areas.</p> <p>Threat assessment Community woodlots (plantations) in South Africa are an important means of poverty alleviation, by providing a source of cash income, fuelwood, fencing and other building materials in communal areas. However, the benefits provided by woodlots (plantation) are not always equally distributed, and may only be received by the 'owner'. In communal areas, land for woodlots is made available to community members at the discretion of the chief, who is responsible for the equitable sharing of land and resolution of any land disputes. Therefore, if land is not fairly allocated, some community members may be displaced or lose land at the expense of injudicious woodlot expansion, and hence struggle to meet their basic needs.</p> <p>The dependence by Indigenous people groups and local communities on Natural forestry resources is minimal. Resources generally required include medicinal plants, bark and where required, firewood. Access is controlled and regulated by the State. No known violations.</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>Threat mitigation</p> <p>In practice, all traditional authority areas have long standing customary systems in place to manage land allocation, and ensure equitability. There are isolated reports of uncontrolled and extensive woodlot (plantation) expansion in some communal areas, such as around Richards Bay in KwaZulu Natal (J. Clarke - NRA-WG expert).</p> <p>However, there is currently little evidence that these woodlots have compromised local needs. This is mitigated and managed via the Department of Water Affairs and Sanitation which has issued directives/penalization to illegal plantings of commercial forestry. Stakeholders did not raise any concerns regarding the above. Therefore, plantations and natural forestry are considered Low Risk for HCV5 in South Africa.</p>		
3.6 HCV 6	<p>List of Sources – 61, 62, 80 -110</p> <p>Expert- J. Clarke (NRA-WG member)</p>	<p>The Precautionary approach does not apply to HCV6. Sites are known on a country scale.</p> <p>1) Destruction and / or disturbance of rights/ values determining HCV 6 presence.</p> <p>In South Africa, identified sites and values of cultural value include legally protected heritage sites, indigenous sites/values of the San, Griqua, Nama and Khoisan and local community sites/values in communal areas. There are 24 national heritage sites in South Africa. There is virtually no overlap of the indigenous territories with forestry, and hence there is no threat from forestry to cultural sites/values of these indigenous groups (Jeanette Clarke - SDG and expert on NRA-WG). People are free to move as they wish within South Africa. Government allocated land to indigenous groups which have historically remained the same. Should this change, Government would have to gazette and communicate the change/ movement of indigenous groups to new areas. Indigenous groups are also free to claim land as per the Land Restitution Act as per any individual in RSA. Legally protected sites/values and those in communal areas could potentially be threatened by forestry in the absence of appropriate protection measures. Potential threats may include impacts from forest operations such as harvesting, road network development but this seen as a Low Risk due to Industry Guidelines</p>	Country	Low Risk (29) HCV 6 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>available, dispute processes within Municipalities and Traditional Authorities.</p> <p>Threat mitigation There is potentially a threat of damage to chance cultural finds caused by both plantation forestry and natural forest management. However, the NRA Working group consider the threats to chance finds from forestry activity to be adequately mitigated by the following measures as outlined in the draft Category 1 report for South Africa</p> <ul style="list-style-type: none"> - Under the National Heritage Resources Act (NHRA), private land owners are legally required to consult with local communities on the presence of grave sites, and to record any such sites on their GIS systems. - Sites of potential cultural conservation significance must be registered with the provincial nature conservation authorities. There are over 1000 cultural and historical sites registered on state forest land. <p>The South African Heritage Resources Agency (SAHRA) is the national administrative body responsible for the protection of South Africa's cultural heritage. It was established through the National Heritage Resources Act, number 25 of 1999 and together with provincial heritage resources authorities monitors and manages national heritage sites and areas and significance. The effectiveness and performance of the SAHRA was communicated via the SAHRA Annual Report 2015/16 "continued to thrive on their legislated mandate on the nomination, grading and declaration of previously neglected heritage sites, including those that relate to the previously marginalized and ignored sections of our society."</p> <p>Threats to cultural sites/values on communal Land as described above for HCV5, communal land in South Africa is governed according to customary processes. This means that any sites, values or resources of cultural values are managed and protected according to these processes. Typically, such cultural values will be recognized for their cultural significance. South African Heritage Resources Information System, SAHRIS is a national, online heritage</p>		

Indicator	Sources of Information ¹	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
		<p>management tool and heritage resource database developed by the South African Heritage Resources Agency. It was developed as a means for coordinating responses to heritage crimes. There are no known violations.</p> <p>Therefore, communal areas is considered Low Risk with regards HCV6.</p>		

Control measures

N/A

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

Overview

The Category Assessment conducted by International consultants in 2016 was utilized as a base for the NRA working group. Information sources as found in Annex C1 including National legislation, Global Forest Watch and the Transparency International Corruption Perceptions Index were analyzed and data from the South African National Biodiversity Institute was utilized and information in the assessment updated.

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<p>National Forests Act (No. 84 of 1998), Chapters 3: Part 1 and 7, and part 2, 23.</p> <p>Worldwide Governance Indicators</p> <p>The Transparency International Corruption Perceptions Index</p> <p>DAFF: Policy Principles and Guidelines for Control of Development Affecting Natural Forests.</p> <p>Department of Agriculture, Forestry and Fisheries.</p> <p>Republic of South Africa.</p> <p>http://www.daff.gov.za/daffweb3/Branches/Forestry-Natural-Resources-Management/Forestry-</p>	Country	<p>Assessment based on legality</p> <p>Content of the law</p> <p>National Forests Act (No.84 of 1998) CHAPTER 3 - SPECIAL MEASURES TO PROTECT FORESTS AND TREES Part 1 Prohibits the destruction of indigenous (natural) trees in any natural forest without a license.</p> <p>7. Prohibition on destruction of trees in natural forests</p> <p>(1) No person may</p> <p>(a) cut, disturb, damage or destroy any indigenous tree in a natural forest; or</p> <p>(b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any tree, or any forest product derived from a tree contemplated in paragraph (a),</p> <p>(i) A license issued under subsection (4) or section 23; or</p> <p>(ii) An exemption from the provisions of this subsection published by the Minister in the Gazette on the advice of the Council.</p> <p>(2) The Minister may declare to be a natural forest a group of indigenous trees</p> <p>(a) Whose crowns are not largely contiguous; or</p> <p>(b) Where there is doubt as to whether or not their crowns are largely contiguous, if he or she is of the opinion, based on scientific advice that the trees make up a forest which needs to be protected in terms of this Part.</p> <p>(3) The Minister declares a forest to be a natural forest by</p>

	Regulation- Oversight/Documents/Reports	<p>(a) publishing a notice in the Gazette; (b) publishing a notice in two newspapers circulating in the area; and (c) Airing a notice on two radio stations broadcasting to the area.</p> <p>(4) The Minister may license one or more of the activities referred to in paragraph (a) or (b) of subsection (1).</p> <p>Enforcement of the law</p> <p>The National Forests Act defines 26 forest types in South Africa and the same section prohibits a person to cut, disturb, damage or destroy any indigenous tree in a natural forest in South Africa, unless it is of exceptional circumstances and of provincial or national importance to do so, and a license can be obtained for the felling of trees.</p> <p>Exceptional cases must be proven, and the term imply rare and unusual cases. It is clearly stated that "...natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister (the Minister of Agriculture, Forestry and Fisheries), a proposed new land use is preferable in terms of its economic, social or environmental benefits".</p> <p>Not all such issues have to be referred to the Minister for a decision, but implies that mandated officials can apply the principle in decision-making, within the framework of policy and legal interpretation. It must be proven beyond doubt that development/infrastructure projects are in the strategic national or provincial interest, and no feasible alternative is available. If unavoidable, an off-set agreement must be reached to compensate for the loss. Offsets are not yet policy or regulatory requirement in South Africa – they are voluntary or can be used in conditions of approval for any development. Strict mitigation measures must be set, which shall be subject to an approved environmental management plan, to be overseen by a qualified environmental manager, and monitored by the relevant government bodies. Furthermore, appropriate off-set agreement must be reached to benefit conservation in the immediate area. Ownership of Property does not constitute an exception.</p> <p>Department of Agriculture, Forestry and Fisheries (DAFF) are the responsible government authority. Any activities impacting on or destroying forests, are subject to licensing in terms of NFA section 7. As described in Category 1, permits are issued for the selective harvesting of dead trees. This is issued and monitored by DAFF. Natural timber is not harvested on a commercial scale for export but rather used locally in the furniture industry. For plantation forestry to be considered as a land use activity for the conversion of natural forest, there are three main legal frameworks</p> <ul style="list-style-type: none"> - License for conversion as per National Forests Act - Water use license, as required by the National Water Act - EIA, as required by the EIA regulations in National Environmental Management Act
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		<p>In addition, legislation adopts a protection and sustainable use approach to natural forests in South Africa. In this regard, Section 3(a) notes that “natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits”.</p> <p>Section 3(c) notes that “forests must be developed and managed so as to-</p> <p>(i) conserve biological diversity, ecosystems and habitats; (ii) sustain the potential yield of their economic, social and environmental benefits; (iii) promote the fair distribution of their economic, social, health and environmental benefits; (iv) promote their health and vitality; (v) conserve natural resources, especially soil and water; (vi) conserve heritage resources and promote aesthetic, cultural and spiritual values; and (vii) advance persons or categories of persons disadvantaged by unfair discrimination.”. There may well be other land uses that pose some threats.</p> <p>In terms of the National Forests Act, Natural trees are then individually checked by forest scientists appointed by DAFF. There are strict tree harvest selection criteria to be adhered to and trees are identified for topping or felling based on various observations such as crown dieback, loss of the main shoot, basal or stem rot and natural factors such as windfall. Individual permits are issued for each tree that is to be harvested.</p> <p>For plantation forestry to be considered as a land use activity for the conversion of natural forest, there are three main legal frameworks</p> <ul style="list-style-type: none"> - License for conversion as per National Forests Act - Water use license, as required by the National Water Act - EIA, as required by the EIA regulations in the National Environmental Management Act. <p>Licenses to convert are issued infrequently - 1 or two per year for limited conversion (for example for the construction of a national road between two provinces). Provincial or districts roads are on average 7m wide, plus a road reserve of 1-2m on either side. This means for a 10km road will mean a loss of about 10ha of natural forest. Plantation forestry roads do not need to go through natural forests.</p> <p>The biggest threat to the ecological integrity of forest patches in South Africa is degradation through natural resource use of these forest patches by impoverished local communities for firewood or medicinal use. Sale of natural timber requires a license, so there is there a low/no risk of this entering commercial markets.</p>
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	<p>Stakeholder – South African National Biodiversity Institute. (data available on request)</p> <p>National Vegetation Map Project (VEGMAP). (Available under http://bgis.sanbi.org/vegmap, last accessed 18 August 2017).</p>	<p>Is it possible to conclude that the spatial threshold can be met by assessing the enforcement of legislation?</p> <p>No, but there are a few instances where conversion of natural forest is allowed. However, Natural timber is not harvested on a commercial scale in South Africa.</p> <p>No licenses have been issued in the 20 years of democracy for the conversion of natural forest to plantations. No record of such licenses are available before 1994. Due to self-governance and government enforcement (reference: Forestry South Africa) this has led to the unplanted, protected areas (buffer zones) in the South African forest industry expanding from about 10% of the total area to about 30% of the total area owned/managed as forestry land over that last 20 years. The expansion refers to the amount of natural ecosystems (grasslands, wetlands, natural forests), that are set aside and managed for environmental purposes on plantation forestry landholdings. This reflects an increase of natural areas as a proportion of the plantation forestry sector's land-holdings. This is confirmed as per the Category 1 assessment.</p> <p>Land cover data supplied by SANBI (pending public release but available on request). It is due to be released with their next report on National biodiversity assessment.</p> <p>There are no reporting of illegal conversion and considering the high rate of forest recovery, the risk is considered low.</p> <p>Stakeholder interviews as confirmed during the CNRA and NRA for category 1 and 4, found the South African forest sector to be well regulated and enforced by the government. Despite challenges, the Legislative framework and its implementation are generally effective. The risk of conversion of natural forests is therefore low.</p> <p>South Africa has a middle governance score according to the World Bank Governance Index. On a range from -2.5 to +2.5, South Africa has a score of 0.13 in relation to "Rule of law" and on "control of corruption" a score of -0.12. According to Transparency International South Africa has a Corruption Perception Index of 45 (2016).</p> <p>But as stated under Cat. 1 applicable legislation for the forestry sector is perceived to be effective.</p> <p>Assessment based on spatial data</p> <p>The South African National Biodiversity Institute (SANBI) leads and coordinates research, and monitors and reports on the state of biodiversity in South Africa. The institute provides knowledge and information, provides planning and policy advice and pilots best-practice management models</p>
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	<p>http://www.geoterraimage.com/uploads/GTI%202013-14%20SA%20LANDCOVER%20REPORT%20-%20CONTENTS%20vs%2005%20DEA%20OPEN%20ACCESS%20vs2b.pdf</p>	<p>in partnership with stakeholders. SANBI completed the land cover data. According to SANBI, based on land cover data, the annual habitat loss rate of all types of forests for various reasons for the period 1990-2013 was 403ha, or 0.08% of original extent.</p> <p>The rate of loss, deemed to be due to plantation forestry, based on land cover changes for the period 1990-2013, is 130.01ha per year, or 0.03%. This describes the habitat loss rate of ALL types of forests which means 0.08 – 0.03 (plantation) = 0.05 (natural forests only). This is based on land cover data and the Habitat loss is not only conversion, it includes fire damage. There appears to be confusion with Dense Bush / Thicket, Woodland / Open Bush and Grassland in the Land cover map data (Geoterra image). This is due to image quality and height of mentioned species. Changes between land cover assessments carried out by SANBI are noted and described in their national assessment report.</p> <p>The CNRA notes that no license has been issued in terms of Section 23(1) (a) of the National Forest Act for plantation forestry to be established in place of natural forests. With consideration to the current legal control measures for plantation forestry through the national forest act (since 2000), and through water use licensing and environmental impact assessments (very strongly enforced), there is very little chance that natural forests will be converted to plantation forestry operations. Based on the assessment of legislation and its enforcement as well as results from the stakeholder consultation, risk is designated as Low.</p> <p>Low Risk</p> <p>The following threshold applies: (3) Other available evidence does not challenge a 'low risk' designation. Other available evidence does not challenge the Risk designation.</p>
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Control measures

N/A

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

Overview

The CNRA category assessment was reviewed and adopted by the NRA working group. National legislation and regulatory bodies was utilized as sources of information as per the CNRA category assessment

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	<p>Institute for Commercial Forestry Research (ICFR) http://www.nda.agric.za/pages/sideMenu/biosafety.html</p> <p>Department of Agriculture, Forestry and Fisheries</p> <p>Forestry South Africa</p> <p>FABI (Forestry and Agricultural Biotechnology Institute)</p> <p>Genetically Modified Organisms Act, 1997. Act No. 15 of 1997. http://www.daff.gov.za/daffweb3/LinkClick.aspx?fileticket=0dwzVju2ank%3d&portalid=0</p> <p>http://wrm.org.uy/oldsite/subjects/GMTrees/GMForestTrees.pdf</p> <p>http://www.fao.org/docrep/008/ae574e/AE574E07.htm</p>	Country	<p>Genetically Modified Organisms Act, 1997. Act No. 15 of 1997. Whole act applies which include risk assessments, permit applications and informing the public.</p> <p>South Africa has a GMO Act, which does not ban the use of GMO trees for commercial use. Licenses are required to develop GMOs in South Africa, but no licenses have been issued to date in the forestry sector. There is no evidence of unauthorized use of GM trees in South Africa and no trials have taken place in the region to date.</p> <p>There is no commercial use of GM tree species in South Africa, and no GM licenses have been</p>

			<p>issued in South Africa for the development of GM trees.</p> <p>South Africa is thus designated as a low risk country with regard to GMO development.</p> <p>Low Risk</p> <p>The following thresholds apply;</p> <p>2) There is no evidence of unauthorized use of GM trees in the area under assessment.</p> <p>AND</p> <p>(3) Other available evidence does not challenge 'low risk' designation.</p>
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GMO Context Question		Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	Yes	The Genetically Modified Organisms Act, 1997 includes risk assessments, permit applications and informing the public.
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	No	See GMO Act, 1997 http://www.daff.gov.za/daffweb3/LinkClick.aspx?fileticket=0dwz\ju2ank%3d&portalid=0
3	Is there evidence of unauthorized use of GM trees?	No	See The Department of Agriculture, Fisheries and Forestry website on Biosafety: Notifications http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Genetic-Resources/Biosafety/Notifications

4	Is there any commercial use of GM trees in the country or region?	No	See GMO activities approved under the genetically modified organisms act 15, 1997
5	Are there any trials of GM trees in the country or region?	No	See GMO activities approved under the genetically modified organisms act 15, 1997
6	Are licenses required for commercial use of GM trees?	No	See GMO activities approved under the genetically modified organisms act 15, 1997
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	No	See GMO activities approved under the genetically modified organisms act 15, 1997
8	What GM 'species' are used?	N/A	See GMO activities approved under the genetically modified organisms act 15, 1997
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

Control measures

N/A

Annexure 1: List of Abbreviations

DAFF – Department of Forestry and Fisheries
 DWS - Department of Water and Sanitation
 EIA – Environmental Impact Assessment
 FSA - Forestry South Africa
 NEMA – National Environmental Management Act
 SANBI – South African National Biodiversity Institute
 SANBI – South African National Biodiversity Institute
 SOP- Standard Operating Procedure

Annexure 2: Information sources

No	Source of information	Relevant indicator(s) or CW category
1	Transparency International http://www.transparency.org/policy_research/surveys_indices/cpi for Transparency International indices;	1,4
2	World Bank Worldwide Governance Indicators: www.govindicators.org	1,2,4
3	CIPC website: http://www.cipc.co.za/index.php/legislation/regulations/	1
4	License Assessment Advisory Committee (LAAC) memorandum of agreement	1
5	Royal Institute of International Affairs (RIIA): www.illegal-logging.info (provide directory to relevant report!);	1
6	Minutes of Unlawful Afforestation Committee meetings	1
7	National Water Act (No. 36 of 1998) , specifically: Chapter 4 http://faolex.fao.org/docs/pdf/saf123836.pdf	1
8	Companies Act (No. 71 of 2008), specifically Sections 11–22 http://www.justice.gov.za/legislation/acts/2008-071amended.pdf	1
9	Tax Administration Act (No. 28 of 2011) http://www.sars.gov.za/AllDocs/LegalDoclib/AABC/LAPD-LPrim-Act-2012-01%20-%20Tax%20Administration%20Act%202011.pdf	1
10	Value-Added Tax Act (No. 89 of 1991) http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp	1
11	Institute for Commercial Forestry Research http://www.icfr.ukzn.ac.za/research/sustainable-productivity-research/	1
12	Chief Land Claims Commissioner's Annual Report 2016/2017 http://www.ruraldevelopment.gov.za/publications/annual-report/file/5762	1
13	National Forests Act (No. 84 of 1998) http://cer.org.za/wp-content/uploads/2014/02/National-Forests-Act-84-OF-1998.pdf	1,4
14	Department of Agriculture, Forestry and Fisheries (DAFF) http://www.daff.gov.za/daffweb3/Resource-Centre	1
15	South African Revenue Service www.sars.gov.za	1

No	Source of information	Relevant indicator(s) or CW category
16	Income Tax Act (No. 58 of 1962) http://tools.sars.gov.za/WebTools/LNB/sarsLegislation.asp	1
17	Business Anti-Corruption Portal – Country Profile: South African Tax Administration: http://www.business-anti-corruption.dk/country-profiles/sub-saharan-africa/south-africa/corruption-levels/tax-administration.aspx	1
18	Environmental authorization from the Department of Environmental Affairs https://www.environment.gov.za/legislation/actsregulations	1
19	National Environmental Management Act (No. 107 of 1998) (NEMA) http://faolex.fao.org/docs/pdf/saf123691.pdf	1
20	National Environmental Management Biodiversity Act (No. 10 of 2004) https://www.environment.gov.za/sites/default/files/legislations/nemba10of2004_alienandinvasive_speciesregulations.pdf	1
21	National Environmental Management: Protected Areas Act (No. 57 of 2003) https://www.environment.gov.za/sites/default/files/gazetted_notices/nempaa_actno57of2003_protectedareas.pdf	1
22	Updated Manual for the Identification and Delineation of Wetlands and Riparian Areas: https://www.dwaf.gov.za/Documents/Other/EnvironRecreation/wetlands/DRAFT_3_Wetland%20and%20Riparian%20Delineation%20Guidelines%202008.pdf	1
23	Occupational Health and Safety Act (No. 85 of 1993) http://www.saflii.org/za/legis/num_act/ohasa1993273/	1
24	Department of Labour www.labour.gov.za/	1
25	Annual Reports of the Department of Labour: http://www.labour.gov.za/DOL/documents/annual-reports/annual-report-pfma/2013/annual-report-of-the-department-of-labour-2012-2013	1
26	Basic Conditions of Employment Act (No. 75 of 1997) http://www.labour.gov.za/DOL/downloads/legislation/acts/basic-conditions-of-employment/Amended%20Act%20-%20Basic%20Conditions%20of%20Employment.pdf	1
27	Employment Equity Act (No. 55 of 1998) https://www.saica.co.za/Technical/LegalandGovernance/Legislation/EmploymentEquityAct/tabid/3041/language/en-ZA/Default.aspx	1
28	Labour Relations Act (No. 66 of 1995) http://www.labour.gov.za/DOL/legislation/acts/labour-relations/labour-relations-act	1
29	South African Revenue Service (SARS) http://www.services.gov.za/services/content/Home/OrganizationServices/exportpermit/Exportpermits/en_ZA	1
30	South African Revenue Service (SARS) http://www.services.gov.za/services/content/Home/OrganizationServices/Tax/CustomDuties/applicationforregistrationofanimporter/en_ZA	1
31	World Transfer Pricing 2014, International Tax Review: http://www.internationaltaxreview.com/pdfs/wtp/world-transfer-pricing-2014.pdf	1
32	International Transfer Pricing 2013/14: http://www.pwc.com/gx/en/international-transfer-pricing/assets/itp-2013-final.pdf	1
33	Transfer Pricing Country Profile – South Africa http://www.oecd.org/ctp/transfer-pricing/SouthAfrica_TPCountryProfile_Jan2013.pdf	1
34	Customs and Excise Act (no. 91 of 1964) Tariff Classification guideline http://www.vertic.org/media/National%20Legislation/South_Africa/ZA_Customs_Excise_Act_1964.pdf	1
35	CITES checklist: http://checklist.cites.org/#/en/search/country_ids%5B%5D=71&output_layout=alphabetical&level_of_listing=0&show_synonyms=1&show_author=0&show_english=1&show_spanish=1&show_french=1&scientific_name=Plantae&page=1&per_page=20	1

No	Source of information	Relevant indicator(s) or CW category
36	DAFF: Policy Principles and Guidelines for Control of Development Affecting Natural Forests. Department of Agriculture, Forestry and Fisheries. Republic of South Africa. http://www.daff.gov.za/daffweb3/Branches/Forestry-Natural-Resources-Management/Forestry-Regulation-Oversight/Documents/Reports	4
37	Institute for Commercial Forestry Research (ICFR) http://www.nda.agric.za/pages/sideMenu/biosafety.html	5
38	Genetically Modified Organisms Act, 1997. Act No. 15 of 1997. http://www.daff.gov.za/daffweb3/LinkClick.aspx?fileticket=0dwzVju2ank%3d&portalid=0	5
39	http://wrm.org.uy/oldsite/subjects/GMTrees/GMForestTrees.pdf	5
40	http://www.fao.org/docrep/008/ae574e/AE574E07.htm	5
41	GMO activities approved under the genetically modified organisms act 15, 1997 http://www.daff.gov.za/doc/Commodity%20Clearance%20Approvals%20_GMO%20Act%2015%201997%20update%20for%20publishing.pdf	5
42	The Department of Agriculture, Fisheries and Forestry website on Biosafety: Notifications http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Genetic-Resources/Biosafety/Notifications	5
43	Department of Environmental Affairs. 2015. South Africa Protected Areas Database (SAPAD_OR_2015_Q3_iXp0). 2015-11-28. http://egis.environment.gov.za/sapad_list.aspx?m=73	3
44	South African National Biodiversity Institute http://bgis.sanbi.org/DEA_Landcover/project.asp	3
45	National Environmental Management: Biodiversity Act: National list of ecosystems that are threatened and in need of protection, (G 34809, GoN 1002), 9 December 2011 http://bgis.sanbi.org/ecosystems/project.asp	3
46	Berliner D. & Desmet P. 2007. Eastern Cape Biodiversity Conservation Plan: Technical Report. Department of Water Affairs and Forestry Project No 2005-012, Pretoria. 1 August 2007. http://bgis.sanbi.org/projectsearch.asp?prov=EC	3
47	GDARD, 2014: Technical Report for the Gauteng Conservation Plan (Gauteng C-Plan v3.3). Gauteng Department of Agriculture and Rural Development: Nature Conservation Directorate. 60 pages.	3
48	Escott, B., Livingstone, T-C., Nxele, B., Harris, J. & Jewitt, D. 2012. Draft Document describing the Conservation Planning Terms for the EKZNW Spatial Planning Products. Version 1.0. Last edited 17 January 2012. Ezemvelo KZN Wildlife	3
49	Desmet, P. G., Holness, S., Skowno, A. & Egan, V.T. 2013. Limpopo Conservation Plan v.2: Technical Report. Contract Number EDET/2216/2012. Report for Limpopo Department of Economic Development, Environment & Tourism (LEDET) by ECOSOL GIS.	3
50	Mpumalanga Biodiversity Sector Plan Handbook. 2014. Compiled by Lötter M.C., Cadman, M.J. and Lechmere-Oertel R.G. Mpumalanga Tourism & Parks Agency, Mbombela (Nelspruit). http://bgis.sanbi.org/mbasp/project.asp	3
51	North West Department of Agriculture, Conservation, Environment and Rural Development. (2009). North West Provincial Biodiversity Conservation Assessment Technical Report, Version 1.2., March 2009. North West Department of Agriculture, Conservation, Environment and Rural Development, Mmbatho. http://bgis.sanbi.org/northwest/project.asp	3
52	Department of Environment & Nature Conservation (DENC). 2011. Namakwa District Biodiversity Sector Plan. Conservation International and the Botanical Society of South Africa.	3
53	Kirkwood, D., Pence, G.Q., & von Hase, A. 2010 Western Cape Biodiversity Framework: Critical Biodiversity Areas and Ecological Support Areas of the Western Cape. A C.A.P.E. Land-use planning project. Unpublished Project Report.	3
54	FEPAs, Rehab FEPAs and Wetland FEPAs: National Freshwater Ecosystem Priority Areas, 2011. http://bgis.sanbi.org/nfepa/NFEPAMap.asp	3
55	Shapefiles for national level perennial rivers (1:50,000) were obtained on 2nd December 2015, from Dimakatso Tolo at The Department of Rural Development and Land Reform.	3

No	Source of information	Relevant indicator(s) or CW category
56	Focus areas for land-based protected area expansion: Department of Environmental Affairs, South African National Biodiversity Institute. 2009. National Protected Area Expansion Strategy Resource Document,	3
57	National Freshwater Ecosystem Priority Areas, 2011. http://bgis.sanbi.org/nfepa/project.asp	3
58	Potapov P., Yaroshenko A., Turubanova S., Dubinin M., Laestadius L., Thies C., Aksenov D., Egorov A., Yesipova Y., Glushkov I., Karpachevskiy M., Kostikova A., Manisha A., Tsybikova E., Zhuravleva I. 2008. Mapping the World's Intact Forest Landscapes by Remote Sensing. Ecology and Society, 13 (2): http://www.intactforests.org/index.html	3
59	Department of Water Affairs and Forestry (DWAf). 2005. Groundwater Resource Assessment II: Recharge Literature Study Report 3A. Department of Water Affairs and Forestry, Pretoria, South Africa; http://bgis.sanbi.org/nfepa/NFEPAmmap.asp#highgroundwater	3
60	Nel, J.L, Colvin, C., Le Maitre, D.C., Smith, J. and Haines, I. 2013. South Africa's Strategic Water Source Areas. CSIR Report CSIR/NRE/ECOS/ER/2013/0031/A, CSIR, Stellenbosch, South Africa. http://bgis.sanbi.org/NFEPA/SWSAmmap.asp	3
61	Khoisan language area SC Schuster et al. Nature 463, 943-947 (2010) doi:10.1038/nature08795	3
62	Former homelands/traditional authority areas Shapefiles provided by Brendan Boyle of University of Cape Town	3
63	Van Wilgen, Brian W., 2011. National-scale strategic approaches for managing introduced plants: insights from Australian acacias in South Africa. Diversity and Distributions 17.5	3
64	van Wilgen, B.W. and Richardson, D.M., 2014. Challenges and trade-offs in the management of invasive alien trees. Biological invasions, 16(3), pp.721-734.	3
65	DEA-SANBI 2012. National Biodiversity Assessment 2011: An assessment of South Africa's biodiversity and ecosystems. Synthesis Report. South African National Biodiversity Institute and Department of Environmental Affairs, Pretoria	3
66	van Wilgen, B.W. and Richardson, D.M., 2012. Three centuries of managing introduced conifers in South Africa: benefits, impacts, changing perceptions and conflict resolution. Journal of Environmental Management, 106, pp.56-68.	3
67	van Wilgen, B.W. and Richardson, D.M., 2014. Challenges and trade-offs in the management of invasive alien trees. Biological invasions, 16(3), pp.721-734.	3
68	Department of Agriculture, Forestry and Fisheries. 2011. State of the forests report: 2007-2009 http://www.nda.agric.za/daDev/sideMenu/ForestryWeb/webapp/Documents/Stateoftheforestsreport_web.pdf	3
69	Ham & Theron 1999. Community Forestry and Woodlot Development in South Africa: The Past, Present and Future. The Southern African Forestry Journal, Vol 184, Iss. 1.	3
70	Department of Water Affairs and Forestry. 2005. Draft key issue paper on forestry and poverty in South Africa. http://www.daff.gov.za/daDev/sideMenu/ForestryWeb/dwaf/cmsdocs/3027KIP%20on%20Forestry%20and%20Poverty%20June%2005.pdf	3
71	South African Government http://www.gov.za/about-sa/forestry	3
72	GEOTERRAIMAGE. 2013 – 2014 http://bgis.sanbi.org/DEA_Landcover/project.asp National Land-Cover Dataset.	3
73	2006 South Africa Environment Outlook. https://www.environment.gov.za/sites/default/files/docs/part2_land.pdf	3

No	Source of information	Relevant indicator(s) or CW category
74	Notice 3: National list of invasive species in terms section 70(1)(a) 8 no. 37886 Government Gazette, 1 August 2014: https://invasives.org.za/files/.../NEMBA%20Lists%20-%201%20August%202014.pdf	3
75	Geoterra Image – land use cover South Africa, March 2015. http://www.geoterraimage.com/uploads/GTI%202013-14%20SA%20LANDCOVER%20REPORT%20-%20CONTENTS%20vs%2005%20DEA%20OPEN%20ACCESS%20vs2b.pdf	3
76	SANBI: National Vegetation Map Project (VEGMAP), 2012, http://bgis.sanbi.org/vegmap	4
77	National Heritage Resources Act, 1999	1
78	KwaZulu Ingonyama Trust Act, (Act No 3KZ of 1994)	1
79	Smallholder report to Forestry South Africa – 20/05/2016	1
80	Amnesty International Annual Report: http://amnesty.org/en/annual-report/2013/	2
81	Greenpeace: www.greenpeace.org	2
82	CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	2
83	Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102888	2
84	ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/wcmsp5/groups/public/--dgreports/--integration/documents/publication/wcms_232765.pdf	2
85	http://www.ilo.org/wcmsp5/groups/public/--dgreports/--integration/documents/publication/wcms_232765.pdf Decent Work Country Profile SOUTH AFRICA – pre-publication draft, 2014	2
86	http://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_23484/lang--en/index.htm Business and the fight against child labour - Experience from India, Brazil and South Africa, 2010	2
87	http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_150430.pdf Gender Equality and Social Dialogue in South Africa- 2011	2
88	ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm	2
89	Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx	2
90	Global March Against Child Labour: http://www.globalmarch.org/	2
91	ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm	2
92	Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx	2
93	Human Rights Watch: http://www.hrw.org/	2
94	Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risksincrease-china-and-russia-most-progress-shown-south-america-maplecroft-index/	2
95	http://www.verite.org/Commodities/Timber (useful, specific on timber)	2
96	The ITUC Global Rights Index http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en	2

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97	ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169	2
98	Survival International: http://www.survivalinternational.org/	2
99	Human Rights Watch: http://www.hrw.org/	2
100	Amnesty International http://amnesty.org	2
101	The Indigenous World http://www.iwgia.org/regions	2
102	United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx	2
103	UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx UN Human Rights Committee2 http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx	2
104	Forest Peoples Programme: www.forestpeoples.org	2
105	Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english	2
106	Regional human rights courts and commissions:	2
107	- Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/http://www.oas.org/en/iachr/indigenous/	2
108	- African Commission on Human and Peoples' Rights http://www.achpr.org/	2
109	Working Group on Indigenous Populations/Communities in Africa http://www.achpr.org/mechanisms/indigenous-populations/ - African Court on Human and Peoples' Rights European Court of Human Rights	2
110	National Khoi-San Council (NKSC) http://www.docip.org/Online-Documentation.32+M5d525537e2e.0.html National Khoi-San Council's (South Africa) Third DRAFT statement to be presented at the United Nations Permanent Forum on Indigenous Issues in New York during May 2014	2

No	Source of information	Relevant indicator(s) or CW category
111	South African San Institute (SASI) The South African San Institute-SASI has its roots in the formation of the Working Group of Indigenous Minorities in Southern Africa (WIMSA). In the 1980s and the early 1990s, development programmes were initiated for the San in Botswana and Namibia. Through a series of meetings, the San realised the need for regional Organization and established WIMSA. As part of a South African initiative to secure basic human rights for San people, a support Organization- SASI- was established, becoming a Trust in April 1996. http://www.sasi.org.za/why-sasi.php	2
112	Commission on Restitution of Land Rights http://www.ruraldevelopment.gov.za/component/content/article/339-landclaim/685-re-opening-of-land-claims#.U_cts_YcSUI	2

Annexure 3: Identification of applicable legislation

1. National Water Act (No. 36 of 1998), specifically Chapter 4
2. Restitution of Land Rights Act (No. 22 of 1994)
3. Extension of Security of Tenure Act 62 of 1997 (ESTA), Communal
4. Land Rights Act 11 of 2004 (CLARA)
5. Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996)
6. Land Reform (Labour Tenants) (Act No. 3 of 1996)
7. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998
8. Companies Act (No. 71 of 2008), specifically sections 11–22
9. Tax Administration Act (No. 28 of 2011), specifically Chapter 3 (sections 22–24)
10. Value-Added Tax Act (No. 89 of 1991), specifically Part III (sections 23–26); also Part A of Schedule 2 relating to Plants (Item 5): Zero-rating
11. National Forests Act, No. 84 of 1998, specifically Chapter 2
12. National Forests Act, No. 84 of 1998, Sections 12 and 15

13. Value-Added Tax Act (No. 89 of 1991), specifically Section 7(1)(a); sections 9–12
14. Income Tax Act (No. 58 of 1962), specifically Section 12B First Schedule – paragraphs 12(1)(g), 14, 15
15. National Environmental Management Act (No. 107 of 1998) (NEMA), specifically Section 24(2)(a) or (b)
16. National Environmental Management: Biodiversity Act (No. 10 of 2004), specifically Chapters 3, 4, 5 and 7
17. National Environmental Management: Protected Areas Act (No. 57 of 2003), specifically Chapters 2, 3 and 4
18. National Forests Act (No. 84 of 1998), Chapter 3, Part 1 and Part 3
19. National Heritage Resources Act No. 25 of 1999
20. National Environmental Management Act (No. 107 of 1998) (NEMA), specifically Section 24(2) (a) or (b)
21. National Forests Act (No. 84 of 1998), specifically Section 3
22. Conservation of Agricultural Resources Act, No. 43 of 1983, specifically Sections 8.1 and 18.1
23. Occupational Health and Safety Act (No. 85 of 1993), specifically Section 7
24. Basic Conditions of Employment Act (No. 75 of 1997), specifically Chapters 3, 4, 5 and 6
25. Employment Equity Act (No. 55 of 1998), specifically Chapters 2 and 3
26. Labour Relations Act (No. 66 of 1995), specifically Chapters 2, 3, 4, 5, 6, 7 and 8
27. Income Tax Act, 1962 (Act 58 of 1962), Section 31 2010
28. Taxation Laws Amendment Act (TLAA)
29. Customs and Excise Act (No. 91 of 1964) – Tariff Classification Guideline
30. NEMA – National Environmental Management: Biodiversity Act (10/2004):
31. Convention on International Trade in Endangered Species (CITES) Regulations
32. Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights

33. Prevention and Combating of Trafficking in Persons Act 7 of 2013
34. Genetically Modified Organisms Act, 1997. Act No. 15 of 1997.
35. KwaZulu Ingonyama Trust Act, (Act No 3KZ of 1994)
36. National Heritage Resources Act, 1999