



“Aret Kokin Nu Laplaz” [AKNL] / “Stop Stealing Our Beaches” – Civil society coalition in Mauritius against the privatisation of the last wild beaches remaining and the destruction of their unique ecosystems.

Email: contact@aknl.net Website: www.aknl.net

Making sure the *Assises Nationales de l’Environnement* leads to meaningful progress

AKNL Submission to the 2020-2021 Pre-Budget Consultations

April 2020

This document lists some critical issues regarding how development decisions are being made today in Mauritius from a sustainability and democratic participation perspective.

The *Assises Nationales* were an excellent step in the right direction. But the road that lies ahead of us unfortunately is very long and quite slippery.

Contents

- 1. Fund public national consultations regarding the major reviews underway at the Ministries of Environment and Housing & Land Use, so that these reviews are transparent and inclusive: Environment Protection Act and new National Development Strategy.....1**
- 2. Set up a formal inter-ministerial mechanism so that all Ministries concerned commit to implementing the outcomes of the *Assises Nationales* process.....2**
- 3. Give full formal recognition to the legal right of citizens to protect the environment and to lodge appeal cases against EIA licenses and building permits.....2**
- 4. Protecting our Coast - urgent and crucial proposals.....3**

1. Fund public national consultations regarding the major reviews underway at the Ministries of Environment and Housing & Land Use, so that these reviews are transparent and inclusive: Environment Protection Act and new National Development Strategy

In recent years, the passing of the annual Finance Act has served to modify key environmental laws without any consultations with civil society. The Finance Act of 2016 drastically changed how environmental appeals could be lodged at the Environment and Land Use Appeal Tribunal (ELAT).

AKNL's concern today is that the **Environment Protection Act is being revised by the Ministry of Environment WITHOUT ANY PUBLIC CONSULTATIONS**. AKNL Members queried senior officials from the Ministry of Environment during the follow up meetings post-Assises Nationales: we got only a vague and clearly uncomfortable reply that consultations are planned, but without any timeframe put forward.

It is crucial that the Ministry of Finance provides the necessary funding for National Consultations on the Environment Protection Act to take place so that civil society can provide its views and suggestions. The revision process needs to be transparent and with the participation of civil society.

Similarly, the Minister for Housing & Land Use Planning upon his nomination in November 2019 announced to the media in the gardens of the Chateau du Redit his intention to:

- Have "*un grand brassage d'idees avec la societe civile*"
- Address « *le sujet brulant des plages* »
- Revise the National Development Strategy and hold consultations in February with civil society

It is crucial that the Ministry of Finance provides the necessary funding for National Consultations to take place also regarding the revision of the National Development Strategy (NDS) that apparently is already underway. Such a vital process needs to be transparent and with the participation of civil society.

2. Set up a formal inter-ministerial mechanism so that all Ministries concerned commit to implementing the outcomes of the *Assises Nationales* process

The civil society consultations process initiated with the *Assises Nationales de l'Environnement* cannot be the concern only of the Ministry of Environment. **All the other Ministries concerned, especially the Ministry of Housing & Lands currently revising the National Development Strategy and associated laws, must commit to implementing the parts that concern them.**

There needs to be a formal inter-ministerial mechanism in place that will ensure that all ministries are going to implement the outcomes of the *Assises Nationales*. Otherwise it will have been a waste of time and effort by civil society, and of money by the Government.

For instance, it is vital that the Ministry of Housing commits to integrating into the plans of the National Development Strategy and Outline Planning Schemes the maps of Environmentally Sensitive Areas (ESAs) currently being developed by the GEF-UNDP project “*Mainstreaming Biodiversity in the Coastal Zone of the Republic of Mauritius*”. We often hear State officials invoking the threat of legal pursuits from developers to justify maintaining EIA licenses and Building and Land Use permits despite massive threats of destruction to ESAs. There would be no more such threats and risks if the permitting and licensing bodies concerned are to check ESA maps before granting a Letter of Reservation and/or a Lease to a developer.

This will give ESAs real protection.

3. Give full formal recognition to the legal right of citizens to protect the environment and to lodge appeal cases against EIA licenses and building permits

A modern country cannot carry on denying the right of citizens to lodge environmental cases in the courts and tribunals against development permits and clearances issued by public bodies (EIA licenses, Building permits).

The State Law Office at present considers that citizens DO NOT have the legal right to protect the environment. This totally anti-democratic situation in the 21st century is an absolute disgrace for our country in the context of the climate emergency where the voices of citizens and youths are playing a decisive role in advancing COP26 discussions.

Will a SIDS most affected by climate change and who is pleading for the international community to listen to its cries for help keep on blocking the voice of its environmental activists and citizens at home?

The entire appeals process for citizens at the Environment and Land Use Appeal Tribunal (ELAT) has now become a farce. This Tribunal was meant to operate in a user-friendly way so that simple citizens can gain effective access and remedy. The ELAT Act states clearly that “*Any proceedings of the Tribunal shall be conducted with as little formality and technicality as possible*”.

Here are our proposed solutions:

- **Amend the Environment Protection Act for public interest to be fully recognised** in the field of environment protection and with regards to appeals at the ELAT regarding EIA licenses and Building and Land Use Permits (BLUP)
- **Reinstate the legal timeframe of 42-days** to lodge appeals at the ELAT against EIA and BLUP approval decisions.

- **Allow the submission of relevant evidence and documents during the course of the appeal process, after the initial 42-day delay to lodge an appeal**

4. Protecting our Coast - urgent and crucial proposals

With the worsening impact of climate change and the urgent need to preserve the key asset that is our coast, the following actions are crucial:

(i) Set up, in close collaboration with the Ministry of Housing & Lands, a “Conservatoire du Littoral” as in France (“Conservator of the Coast”)

France’s Conservatoire du Littoral is a public body that manages and buys back for conservation portions of the coastal zone from private owners and leaseholders. The goals will be:

- Preserving natural landscapes and remarkable and threatened landscapes.
- Maintaining a balance in the coastal zone, taking climate change into account and ensuring its sustainable and integrated management with local partners.
- Ensuring the public’s access while respecting the sites to raise awareness of environmental preservation
- Ensuring the sustainable development for all the activities seen on the sites (agriculture, heritage management ...)

(ii) Create new public beaches and set up coastal parks within coastal Environmentally Sensitive Areas (ESAs), with the aim of having two thirds of the coastline proclaimed as public space by 2050.

Public space does not mean only public beaches, but also coastal public parks with restrictions on what is allowed and what is not. If we are to preserve the attractiveness of Mauritius as a top tourism destination, we need to stop killing the Golden Goose (“la poule aux oeufs d’or”). **Post-Covid and with the climate emergency worsening, it will become more and more difficult to get tourists to come to Mauritius.** We must stop building up our coastal zones, be it with hotels, PDS projects or Smart Cities. By adding concrete, we are only worsening the erosion of our beaches and the slow death of our lagoons. What was a Paradise-like coast is becoming ordinary and even dull. We cannot compete with other destinations that are protecting their attractiveness.

Moreover, the fundamental right of Mauritius to enjoy the coast and beaches of their country must be preserved. In the absence of official data publically available after 2005 on the amount of development on the coast, Google Map estimates reveal that hotels, Smart Cities, luxury villas, golf courses and *campements* occupy roughly 150 kms of our coastline. **Half of our coast has been privatised. This has to stop and be reversed if the Government does not intend to make Mauritians second-rate citizens in their own country.**

(iii) Set up a coastal park between Gris Gris and La Cambuse so as to have a “poumon vert”/ “green lung” in the South / South-East to counterbalance the heavily built up Northern and Western coasts.

This park can be managed by the National Parks and Conservation Service, in collaboration with local land owners and with the future Conservatoire National du Littoral.

(iv) Proclaim a public space in front of hotels and *campements*, defined by HWM+3 metres wherever feasible.

Such a public space will be different from a public beach, to be defined after consultations with hotel and *campement* leaseholders (e.g. no music and no littering so as to respect people using the hotels and the *campements*).

Also, in light of the worsening impacts of sea level rise and coastal erosion, **the High Water Mark (HWM) must be reviewed.**

(v) Land development in the coastal zone must be pushed back inland, so as to create the necessary setback to have a buffer zone in view of the worsening impacts of sea level rise / erosion:

- Encourage tourism activities inland in order to reduce pressure on the coastal zone, with notably the development of eco-lodges and agrisolar farms by small planters on abandoned sugar field land
- Ban all new development on the coast. No more constructions and no more beach hotels so as to protect Blue Carbon Assets, e.g, the natural barriers against sea level rise and coastal erosion (wetlands, sand dunes, sea grass, coral communities)
- Pull down constructions that are too near the existing and outdated HWM.
- Engage consultations with *Pas Geometriques* leaseholders (e.g. hotels and *campements*) for them to understand that with rising sea level due to climate change, there needs to be a strategic setback so as to have the necessary buffer zone for climate change adaptation measures.

(vi) Empower small community business operators in the coastal zones to participate in and to contribute to localised Integrated Coastal Zone Management (ICZM) plans ensuring sustainable economic development

- a. provide economic support programmes to help local fisherfolk transition to sustainable outer lagoon fishing or to becoming sustainable lagoon tour operators.
- b. ban in-lagoon aquaculture, especially of alien species