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6th March 2019

Claus Pram Astrup
Advisor
Global Environment Facility
N Building

Dear Claus,

Please find attached a representation received by our ED-EDS12 as a Council Member of GEF, for appropriate attention.

With regards,

Sincerely,


Suresh Yadav



"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.

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H.E Mr. Siim Valmar Kiisler

Minister of Environment of Estonia and
President of the 4th session of the United Nations Environment Assembly
Ministry of the Environment
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Estonia

Copy to:

- The members of the Bureau of the United Nations Environment Assembly, of the Council of the **Global Environment Facility**, of the Board of the Green Climate fund as well as of the Board and Senior Management of the United Nations Development Programme and UN Environment
- The secretariats of the Convention for Biological Diversity, of the UN Framework Convention on Climate Change, of the Ramsar Convention
- The Prime Minister and Minister of Finance of Mauritius, Honourable Jugnauth
- The Minister of Environment of Mauritius, Honourable Sinatambou
- Leaders of the opposition in Parliament
- The media

Monday 25 February 2019

Your Excellency,

Request to the United Nations system to kindly insist with the Government of Mauritius that it implements the GEF-funded 2009 legal protection framework for Environmentally Sensitive Areas [ESAs] and stops the continuous destruction of ESAs

We, the undersigned civil society organisations and activists in Mauritius, implore you as well as all the international organisations concerned by environmental protection, to please take time to read our dossier for the sake of saving what little remains of our small island's natural heritage. You have heard of the Dodo and how it is now extinct, exterminated by early European colonists coming to Mauritius. What you don't know is how much the Government of Mauritius is authorising developers to destroy the country's last environmentally sensitive areas [ESAs]. You will be told by our Government, especially our Minister of Environment, that the international community needs to provide millions of dollars in development assistance to Mauritius because climate change is harming our island. What our Government representatives will not tell you is the speed at which Government is issuing permits and clearances to developers that are destroying our last wetlands, sand dunes and coral systems, e.g. the very barriers that Nature has given us against rising sea

sand dunes and coral systems, e.g. the very barriers that Nature has given us against rising sea levels. Local civil society activists are having to fight a series of desperate David v/s Goliath battles. Without your support, our efforts, with our meagre resources, are doomed.

From your perspective, please understand that international funding for sustainable development is at great risk of being wasted when it is allocated to Mauritius. The GEF and UNDP in particular are grossly negligent of continuously channelling funding to our Governments despite a number of critical GEF-funded projects ending up in Government drawers, or coffers rather, with very little effective results. For instance, in 2007-2009, the GEF and UNEP funded a complete inventory of all ESAs, as well as the drafting of an Act that would have ensured solid legal protection for all ESAs. But the draft ESA Act was never presented to Parliament, nor was the national ESA inventory made public. It has been a complete waste of funds and time. Ten years down the road, the results are catastrophic: the ESA protection system, which was to be fully integrated in the procedures for development clearances, has become purely cosmetic as development licenses and permits are issued with scant regard for ESAs. No independent and scientific environmental assessments are done by the Ministry of Environment. Objections and even scientific reports submitted by civil society are brushed aside, while developers deploy grand Public Relations campaigns to greenwash the destruction they are causing. We have even reached the stage where the appeals process in the courts has become a sad farce for activists trying to challenge the EIA licenses granted to developers.

The latest UNDP-GEF programme is supremely ironic: over 2018 -2021, to the tune of 4.7 million US Dollars, it will aim at producing tools for better protection of coastal ESAs and ensuring Integrated Coastal Zone Management. Except that since the start of 2018, a number of new beach hotels and luxury estate projects have been approved by the Ministry of Environment in the coastal zone, with a further dozen at least under consideration. ESAs present within or adjacent to hotel project sites are being approved for destruction on a rapid and grand scale. Their existence, though explicitly identified in the 2009 ESA inventory, is barely mentioned, if not omitted in the EIA reports submitted by developers and EIA licenses subsequently issued by the Ministry. **This new UNDP-GEF programme will be a total waste of money if the Government does not freeze all current EIA licenses and building permits for major developments on the coast, as there will not be much left to protect by the time this new GEF and UNDP programme will conclude.** GEF and UNDP will in effect be validating the way the Government of Mauritius is managing development in coastal areas. This is tantamount to greenwashing. Furthermore, instead of reviving the draft ESA Act, which is a comprehensive document, UNDP and GEF have hired legal consultants to work on reviving another failed draft act: the Wetlands Bill. The Wetlands Bill in its 2016 version did not give the public the right to challenge decisions by the State affecting wetlands. In any case, it is a law for only one type of ESAs, whereas the draft ESA Act covers all ESAs and provides for the public to be able to put legal challenges in the courts. How come UNDP/GEF are ignoring the ESA Act and reviving the anti-democratic and superficial Wetlands Bill? It is truly shocking to see how blind the boards and senior managements of UNDP and GEF are to the way their brands and funding are being utilised in Mauritius. UNDP and GEF should take a long, hard look at the way they are giving away precious international funds.

Hence, though we are very well aware that our letter might cause a cut in environmental funding to Mauritius, we are making this move so that the constant destruction of environmentally sensitive areas in Mauritius is no longer accepted as "business as usual". Certainly not by UNDP and GEF. We are therefore alerting as well the secretariats of the main international MEAs, namely the Convention on Biological Diversity of which Mauritius sadly is the first signatory State, of the Ramsar Convention for Wetlands, of the United Nations Framework Convention for Climate Change. These international bodies need to take stock as to how the GEF and UNDP are failing in their mission of enabling the diligent implementation of their agreements across the world. We have already lost the

Dodo in Mauritius. We don't want to lose the little of our native ecosystems that still remain. We are sending you the scientific environmental studies that the Government does not want anyone to see: how a series of Government-backed hotel and real estate development project will be a total ecological massacre. These documents are in the enclosed pendrive which contains also the EIA reports and EIA licenses concerned so that you can have a full picture.

More widely, you will find a printed dossier enclosed in annex presenting how the entire environment protection system in Mauritius is failing and how our Governments are not committed to fighting climate change as they are more concerned with short terms gains from unsustainable luxury real estate for wealthy expatriates. The destruction of ESAs is in fact part of a wider destruction process: the population in general is being pushed out from the last wild open spaces remaining on the coast. People and ESAs have to make way for beach hotels and so called "Smart Cities", that are simply trendy enclaves built in greenfield areas for the super rich, attracted by low taxes and offshore accounts. The national planning laws are ignored, our natural right to enjoy our coast and beaches is being bulldozed. Areas that need to be kept pristine are being leased to developers. Out of a total coastline of 322 kilometres, only about 45 kilometres are public beaches while about twice the length have been taken up by hotels and luxury villa estates.

In summary, here are the actions that we humbly would like to request of the United Nations Environment Assembly, the GEF, UNDP and UNEP please:

1. Withhold all funding to Mauritius immediately and urgently review if the Government of Mauritius over the past 15 years has been using effectively or not international funds provided for environment protection and sustainable development, e.g. as per the initial agreed objectives.
2. Ask the Government to immediately implement the 2009 ESA inventory and present the draft ESA Act to Parliament for voting, instead of the superficial and opaque Wetlands Bill
3. Ask the Government to freeze all EIA licenses and building permits for hotel and real estate projects in the coastal zone until the current UNDP-GEF project "*Mainstreaming Biodiversity into the Management of the Coastal Zone in the Republic of Mauritius*" has been completed.
4. Ask the Government to cancel the amendments made to the ELAT Act by the Finance Act 201/7 as these are blocking the public and civil society from having a fair opportunity to lodge a judicial appeal against EIA licenses and building permits issued by the Government.
5. Ask the Minister of Environment to cancel EIA licenses recently granted to hotel projects that will destroy a number of coastal ESAs as demonstrated in the enclosed scientific reports:
 - a. hotel projects at les Salines Riviere Noire by developers New Mauritius Hotels, Hyvec Partners, Stella di Mare which are a direct threat to a unique coastal ecosystem comprising of coastal wetlands, sand dunes and lagoon.
 - b. hotel project by West Coast Leisure Ltd at Bel Ombre which is a direct threat to a unique coastal ecosystem comprising of coastal wetlands, sand dunes and coral reefs.
6. Ask the Minister of Environment to make his EIA decisions based solely on thorough and publicly available scientific assessments of ESAs and other key environmental aspects, including scientific reports submitted by civil society.
7. Ask the Minister of Environment that EIA reports produced for EIA licence applications by developers are done by experts that are truly independent, and not hired directly by the developers themselves

It is very sad to say but if the GEF and other development partners cannot obtain such commitments from our Government, then international funding should be directed to other Governments who are

truly committed to protecting the natural heritage of their countries and to developing sustainable economies with local people at the centre. UNDP and GEF in particular must stop wasting public money and rewarding Government hypocrisy and inaction.

Yours sincerely



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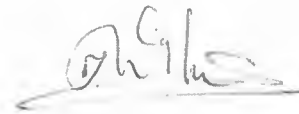
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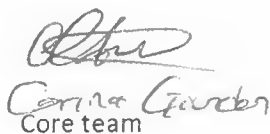
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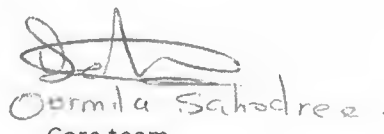
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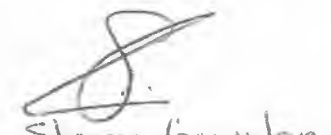
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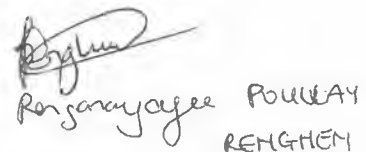
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Annex – Dossier presenting the dismal state of environment protection and sustainable development in Mauritius

1.	List of documents copied onto Enclosed Pendrive:	2
2.	Some examples of the waste of GEF, UNDP and UNEP resources:	3
3.	Review of the legal protection of ESAs in Mauritius by the GEF-funded 2009 ESA study.....	5
4.	The EIA process in Mauritius has become a complete farce.....	8
5.	Government has put the Environment Tribunal out of reach of ordinary citizens	9
6.	The shocking situation of the Mauritius National Ramsar Committee	11
7.	Unsustainable development is entrenched in Mauritius	13
8.	Hotel by West Coast Leisure Ltd in Bel Ombre in the South Coast Heritage Zone.....	18
9.	Hotels in Les Salines Peninsula in the Black River district on the West Coast of Mauritius	21
10.	Destruction of coastal wetlands connected to the Ramsar site of Pointe d’Esny	23

1. List of documents copied onto Enclosed Pendrive:

- 2009 ESA Inventory and draft ESA Act
- Tourism Development Plan for Mauritius 2002
- Digest of Tourism Statistics of Mauritius, 2017
- Bank of Mauritius' December 2018 statistical bulletin
- Bel Ombre - hotel project by West Coast Leisure Ltd
 - *EIA report of developer & EIA license*
 - *Wetlands survey by AKNL*
 - *Coastal biodiversity survey by AKNL*
- Les Salines Peninsula
 - *Wetland survey - Beachcomber Resort & Spa*
 - *Les Salines Peninsula - Wetland survey - Stella Di Mare hotel project*
- Pointe D'Esny Lakeside Co Ltd - Wetlands survey

2. Some examples of the waste of GEF, UNDP and UNEP resources:

As well as discarding the 2009 ESA study, the Government of Mauritius have a solid track record in disregarding crucial policy documents that were developed thanks to international funding to the tune of millions of US dollars:

2008-2013: “Maurice, Ile Durable” [MID, “Sustainable Mauritius” in French – development over 4 years, thanks to substantial funding from UNDP, GEF and other development partners of a comprehensive national policy, strategy and action plan for the long-term sustainable development of Mauritius, based on wide national consultations with the population, the youth, civil society. The current Government scrapped the whole MID framework in the first week of taking power and nothing remotely similar in quality, depth and scope was put up in replacement. Only a vague and short Vision 2030 document full of clichés.

2008-2013: National Programme on Sustainable Consumption and Production (SCP) for Mauritius
No national recycling system in place or Integrated Solid Waste Management. Pollution is making the country increasingly become an eyesore. A ban of plastic bags was enforced for barely a year.

2007-2009: GEF-funded ESA national inventory and draft ESA protection law

2003-2005: National Development Strategy [NDS]. It is the overarching planning policy document under the Planning and Development Act 2004. The NDS makes a series of reference to the then upcoming ESA study, stating that its outputs should be integrated in national planning decisions. The NDS also takes up the proposal from the Tourism Development Plan [TDP] of establishing a South Coast Heritage Zone where no beach hotels can be built in favour of inland ecotourism based on quality guesthouses operated by local people.

2002: Tourism Development Plan [TDP]. It is the comprehensive long-term strategy to secure a sustainable future for the tourism industry. Funded by the European Union. Barely implemented as nearly all of its sustainable goals and ceilings have been ignored. For instance, a key recommendation was that no beach hotel be built on the south coast so as to preserve its natural beauty and enable instead inland ecotourism based on quality guesthouses operated by local people. There would be a South Coast Heritage Zone. This was never respected. Civil society is desperately trying to preserve the last undeveloped areas remaining on the South Coast.

1995-1997: Vision 2020. A comprehensive long-term development plan for the future of Mauritius, thanks to substantial funding from UNDP and other development partners. Very quickly abandoned when the current ruling party took power in 2000. It recommended that hotel rooms be capped at a green ceiling of 9,000 hotel rooms to preserve the golden goose. Mauritius is at present at 13,500 hotel rooms, with the Government planning a further 12 hotels and a dozen of so called Smart Cities, where scarce agricultural land will converted into luxury residential areas, shopping malls and trendy offices.

3. Review of the legal protection of ESAs in Mauritius by the GEF-funded 2009 ESA study

Here is what the Government of Mauritius had officially reported to the international community in the UNEP-funded **Mauritius Environment Outlook Report 2011** [page 53]:

3.2.8 Study of Environmentally Sensitive Areas in Mauritius

The Ministry of Environment and Sustainable Development undertook a study of Environmentally Sensitive Areas in Mauritius and Rodrigues (ESA Study) with the main objective to identify, classify and map all ESAs and to develop a comprehensive policy as well as legislative framework for the protection, conservation and sustainable development of ESAs. Boreholes, reservoirs, lakes and rivers have been identified as ESA types. The study has also developed a ranking system for three categories of ESAs, as well as a concrete policy and legal framework for the protection and management of the ESAs. The study has been approved by Government and a legislative framework will be established during the 2010-2012 period (Programmed Based Budget 2009, Ministry of Environment and Sustainable Development).

The announcement that a legislative framework would be established during the 2010-2012 remained a hollow pledge.

Around 2007-2009, the GEF had implemented via UNEP a comprehensive Study of Environmentally Sensitive Areas [ESAs] in Mauritius to the tune of hundreds of thousands, if not millions, of US dollars. The 2009 ESA study not only mapped out all the ESAs of the country, it also conducted a full review of existing land planning policies to ensure that Mauritius sets up an ESA policy that is fully integrated into the land development permitting process. It was an amazing and impressive piece of work. However, neither the inventory of the country's ESAs nor the draft ESA law saw the light of day as they ended up in a Government drawer where they have stayed ever since 2009. It is all the more sad as the following critical elements for policy development were covered:

- review of the Environment Impact Assessment [EIA] process to ensure compatibility with ESA policy
- review of all other policies impinging on effective implementation of an ESA policy, such as the land development policy and planning laws
- review of actual and potential policy instruments that form the basis for a policy framework for ESA protection and management
- compiling a catalogue containing a description and classification of each ESA type with the level of afforded protection using results generated from previous activities.

It is most surprising, and disappointing, to note that it seems that neither GEF nor UDNP are aware that the 2009 ESA study had done an in-depth review of the legal system in Mauritius regarding the protection of ESAs and that its conclusions were damning. Here is a key extract from the Project Executive Summary [pages 13-14]:

Taken as a whole, however, the laws of Mauritius are inadequate to protect ESAs. There are several reasons.

1. **Gaps in Legal Protection.** *Some ESA types receive inadequate legal protection. Wetlands provide a good example. Although filling or draining of a wetland requires an Environmental Impact Assessment (EIA) licence, no law prevents or regulates the filling or draining of a wetland or otherwise determines the type of information that a developer should provide prior to developing a wetland. In addition, because EIA law only applies to new undertakings, the EIA provisions of the Environment Protection Act 2002 do not apply to ongoing activities that may harm wetlands. Similarly, no specific laws are designed to protect caves.*

2. **Lack of Thresholds for Ministerial Decisions/Too Much Discretion.** *For a number of laws that could afford protection to a variety of ESA types, the laws establish no environmental threshold for decisionmaking. For example, the Fisheries and Marine Resources Act 2007 does not include a duty to ensure that fish quotas are set at a sustainable level or at maximum sustainable yield. The Central Water Authority Act 1971 does not prohibit water use beyond the capacity of a river or stream. The Pas Géométriques Act 1982 does not establish a limit for development within the Pas Géométriques.*

3. **Inadequate Environmental Impact Assessment.** *The provisions on EIA of the Environment Protection Act 2002 apply to a large number of undertakings that may affect ESAs. Nonetheless, they do not require any specific substantive outcome. Provided that the project proponent adequately analyzes the impacts of the project, suggests alternatives, and proposes mitigation measures, nothing prevents the Minister of Environment from approving a project that will significantly harm an ESA. Moreover, the EIA provisions do not require the implementation of measures to mitigate harm caused by an undertaking.*

4. **Inadequate Environmental Planning.** *A wide range of stakeholders believe that the consideration of ESAs and other environmental issues comes too late in the development process. The EIA process includes an early warning system that requires project proponents to provide information to the Director of Environment concerning the proposed undertaking prior to seeking an EIA licence. Nonetheless, many governmental and private sector stakeholders commented that the EIA process, the most significant mechanism for protecting ESAs and ecosystem services values, is triggered only after all the design work for a project has been completed. As a consequence, project proponents have already committed substantial financial resources to their project, only to be told near the end of the process that design changes must be made. There was fairly universal agreement among stakeholders that, despite the existing early warning system,*

project proponents must be made aware of ESAs much earlier in the development process. Moreover, it appears that some types of projects, such as Integrated Resort Schemes, may be subject to expedited approval processes that make implementation of EIA impossible.

5. ***Inadequate Enforcement.*** *Enforcement remains inadequate due, in many instances, to a lack of political will to enforce the law. Various stakeholders from the governmental, private, and nongovernmental sectors all provided examples indicating a lack of political will. In some cases, for example, the government initiated an enforcement action and, when confronted with political pressure, stopped the enforcement action. In other cases where more than one ministry has enforcement authority, neither ministry would take enforcement action because it believed that the other should. In yet other cases, it appears that authorities have turned a blind eye to obvious violations of law. Blue Bay, for example, is littered with jetties despite the prohibition against the construction of such physical structures. Moreover, despite having the authority to establish a prosecutorial unit within the Ministry of Environment, the Ministry has not done so. As a consequence, it must rely on the State Law Office for bringing its cases. The State Law Office, however, is charged with bringing a large number of cases and an environmental case becomes just one of many on its docket.*

Inadequate enforcement also results from a lack of capacity. Thus, even where the political will exists, ministries are under-staffed and under-resourced. For example, a staff of four people is charged with conducting post-monitoring of PERs and EIAs, an almost insignificant staff to review implementation of more than 1000 EIAs prepared since EIA became a requirement.

UNEP/GEF support at the time had included the preparation of the necessary policy, legal and regulatory framework to protect ESAs, to be initiated via a first 5-year ESA Management Plan over 2010-2015. The timeframe of this first ESA Management Plan was designed to enable synchronisation with the preparation of the country's regional planning schemes. All of that got shelved and civil society is now constantly fighting utterly shocking EIA licenses and Building Permits in a series of David v/s Goliath battles.

The question that springs to mind therefore is how come the GEF are allowing the Government of Mauritius to get away with environmental murder, e.g. the deliberate and organised destruction of the last ESAs of the country? How can the GEF overlook that the 2009 ESA study was discarded and still allocate more money to the Government of Mauritius? Is it official GEF policy to keep on funding Governments that act with the utmost hypocrisy towards GEF projects?

4. The EIA process in Mauritius has become a complete farce

The EIA process in Mauritius is very much biased as the EIA reports produced in the course of an EIA license application are produced by experts that are directly hired and paid by the developers themselves. EIA reports often omit to mention the existence of ESAs, even when those have been clearly identified by the 2009 ESA study.

The situation is so bad that often an EIA expert will also be hired by the developer to carry out part of the development. Such conflicts of interest are not a big issue for the Ministry of Environment.

EIA reports submitted to the Ministry of Environment are not subjected to any proper scrutiny and scientific counter-checking. Lazy, superficial checks are perfunctorily carried out as the Ministry of Environment lacks nearly all the necessary expertise to make ESA assessments and very rarely seeks to hire external specialists to counter-check EIA applications by developers. The practice is that it will ask other ministries to comment on the EIA reports and these ministries rarely themselves have the expertise required.

It is therefore up to civil society to find the scientific expertise that the Ministry should have sought itself. Activists are often forced to seek experts from abroad as the pressures locally from politicians and developers are too huge for Mauritian experts to remain both independent and in employment. Civil society is forced to fundraise from the public and friends to bring such experts over.

Objections submitted by civil society regarding the contents of EIA reports are barely looked into while Government officials hold discussions only with the developers, never with civil society activists. The Government's investigation of an EIA application is an opaque and biased process. Civil society is never informed as to the contents of exchanges held between Government bodies and EIA license applicants.

The outcome is each time a certainty: the Minister of Environment will approve the developers' request for EIA licences, whatever the public outcry and despite the opposition of civil society.

Last but not least, the State Law Office of the Republic of Mauritius is arguing more and more in the courts that it is the Minister of Environment in person, not the Ministry, who is the legal entity who decides in his or her personal opinion whether to grant or to cancel an EIA license. Everything hinges therefore on an arbitrary system. Indeed, the law, the Environment Protection Act, entitles the Minister to make EIA decisions based on his or her own personal opinion. This had been strongly denounced in the 2007-2009 GEF-UNEP programme for the protection of ESAs. The draft ESA Act was going to put an end to that arbitrary system. UNDP and GEF are therefore not helping by maintaining support to successive Governments that are deliberately failing to set up a proper system for the protection of ESAs.

It is therefore vital for development partners such as the UNDP and GEF to impress on the Minister of Environment that it is his duty to form his or her opinion and to make his or her EIA decisions based solely on scientific evidence, including evidence submitted by civil society.

In this regard, you will find in the enclosed pendrive a series of scientific reports produced by international experts at the request of civil society and which show how a series of development projects approved by the Government are about to wreak havoc in the last few remaining coastal wetlands and sand dunes.

5. Government has put the Environment Tribunal out of reach of ordinary citizens

Civil society is fighting the Government in a number of landmark cases at the Environment and Land Use Appeal Tribunal and at the Supreme Court. It is to the extent of civil society being forced to bring scientific experts from abroad in order to produce proper ESA assessments. This is not normal and is simply outrageous. Civil society activists are having to do the job of the Ministry of Environment and other public bodies, in their spare time and with very limited means. It is thus truly shameful to see the millions of US dollars that the same Ministry and other public bodies are pocketing from UNDP and GEF for pretending to do their jobs.

The law that defines the operation of the Environment and Land Use Appeal Tribunal [ELAT] was modified by the Government in September 2016. This happened a few months after the ecological activists had obtained a stop order from the ELAT against the Le Chaland Hotel Ltd project by the Currimjee Group on the shores of the Blue Bay Marine Park, an international Ramsar site. The Minister of Housing and Lands at the time claimed that the activists were committing “abuses of the law”. The father of the current Prime Minister, today still in Government as “*Minister Mentor, Minister of Defence and Minister for Rodrigues*”, also stated then that he would prefer at times that the country was in dictatorship rather than to have to put up with such civil society objections blocking hotel projects. This hotel project was, and still is, heavily backed by very senior ministers.

The Finance Act 2016 modified the ELAT Act. Each year, Parliament votes a Finance Act which codifies the Government budget for the coming financial year. Each Finance Act brings amendments to a vast array of existing laws each year. The ELAT Act in its initial version was designed to make the proceedings of the Tribunal accessible to any citizen and as user-friendly as possible. Hence, over the course of about a year, a citizen objecting to the award of an EIA license or of a Building Permit can gradually build the evidence necessary for his or her appeal case, starting from an initial set of appeal grounds, moving to a full statement of case and then to submitting expert reports. As for the developer having obtained the EIA license or Building Permit, it is free to proceed with its project while the appeal is running. An appeal at the ELAT does not automatically put on hold a development project. In the case of Le Chaland Hotel Ltd, as the hotel project was threatening a sand dune system, the civil society objectors prayed, and successfully so, for an urgent stop order from the ELAT. It was the first time that ELAT issued such an order. This came as a total shock for the local political and economic elites.

Since the Finance Act 2016, citizens have only 21 days to lodge an appeal at the ELAT, compared to 42 days previously. But what is absolutely shocking is that all legal and scientific arguments, evidence and statements must be submitted in one go, within these 21 days, whereas before they could be submitted sequentially over the course of a few months. The previous system was not abusive or arbitrary as the magistrates at the ELAT enforced tight timeframes for each stage in the process. One has to bear in mind that developers often take more than a year to prepare an application for EIA application or a Building Permit. They also hire professionals who are paid big money and who work full time. Civil society is operating with very limited financial means and during the spare time available to citizens. It is absolutely unfair, wrong and abusive that Government is asking civil society to do in 21 days not only the kind of technical work that professionals working full time have taken many months to do for developers, but to also on top couch all this technical work into a thorough legal dossier.

If that was not already impossible enough, appeals against EIA permits are made even more complicated by the fact the Ministry of Environment does not write to the citizens having initially objected to an EIA license application to inform them that the EIA license has been granted despite their objections and that they have 21 days as from the posting of the notification letter to lodge an appeal at the ELAT. Civil society activists have to keep a constant watch on notices published in the press by the Ministry of Environment suddenly informing the public that an EIA license has been awarded to XYZ developer. In general, these press notices are published many months after the deadline has passed for the public to submit to the Ministry comments regarding an EIA license application by a developer. There is not defined time limit for the Ministry to issue an EIA license after the deadline for public comments. In practice, the Ministry engages in a series of discussions with the developer to clarify points raised by the public, the Ministry or other Government bodies. The contents of these discussions are not communicated to the objectors. One day, a notice appears in a newspaper that the EIA license for so and so project has been granted. The clock starts ticking as from the date of that publication.

Once at the Environment Tribunal, the legal objections by the Ministry and the State Law Office to quash efforts by civil society to save the country's environment are simply atrocious:

- "citizens do not have the right to appeal against EIA decisions that have been taken by the Government!"
- "this appeal against the award of an EIA license was lodged against the Ministry, whereas it should have been against the Minister in person. Therefore, the entire case is without merit and has to be thrown out."

While they are lazy in setting up an ESA protection system and properly investigating EIA license applications, Government bodies however become hyper active and creative in fighting citizens trying to save the country's natural heritage. The GEF and the UN system should urgently take note of the despicable challenges and obstacles that the Government bodies they are funding are raising in the courts when environmental activists try to appeal against the scandalous approval of EIA licenses.

If we are today fighting a series of David vs Goliath battles, it is precisely because the 2009 ESA study by GEF/UNEP was shelved. You will find at sections 4 and 5 below a short summary of some of these cases, with supporting documents, including scientific reports on the enclosed pendrive for your review.

6. The shocking situation of the Mauritius National Ramsar Committee

From afar, it looks like Mauritius has set up a decent system of checks and prior clearances to prevent development from harming wetlands. Developers are routinely requested to obtain a clearance from the National Ramsar Committee at the Ministry of Agro-Industry & Food Security, and to “scrupulously observe” all its conditions, as demonstrated at condition 1 of the enclosed EIA license issued to the hotel developer. But in practice, the reality is vastly different:

- a) the Mauritius National Ramsar Committee has **no legal standing at all** as its formal existence derives from the text of a draft Wetlands Bill that has been put in a drawer since at least 2009 instead of being put to the vote of the National Assembly.
- b) the Mauritius National Ramsar Committee has no technical expertise to assess the existence of wetlands and the possible impact of development projects, neither does it seem to have any real desire to carry any in-depth scientific investigations prior to issuing its so called “clearances”.
- c) the Mauritius National Ramsar Committee operates in total opacity and consistently ignores attempts by civil society to block development projects affecting wetlands:
 - the public is never invited to submit comments regarding applications received by the committee for so called “Ramsar clearances” for development projects possibly affecting wetlands,
 - the public is never informed when a so called “Ramsar clearance” is granted.
 - there is no appeals process for the public to challenge the decision of the National Ramsar Committee to issue a so called “Ramsar clearance” to a development project
 - When the public and civil society happen to know that a project will require a clearance from the Mauritius National Ramsar Committee, comments and objections from the public and civil society are always brushed ignored and aside.
- d) Last but not least, the established practice is that the Mauritius National Ramsar Committee systematically issues “Ramsar clearances” to all development projects that have the backing of the Government, without counter-checking.

In short, Mauritius National Ramsar Committee is an instance which uses **the Ramsar label to validate the destruction of wetlands by development projects that have the backing of the Government**. It operates while the Government in parallel has blocked since 2009 a proper legal framework from being set up for the protection of ESAs. Some might be tempted to describe the Mauritius National Ramsar Committee as nothing less than a total fraud.

A good example of this shameful system is the way that hotel and luxury real estate projects are currently being approved by the Government on the coastline. Two cases in particular are perfect demonstrations and are rapidly presented at sections 5 and 6 of this document:

1. Hotel project by West Coast Leisure Ltd in Bel Ombre in the South Coast Heritage Zone
2. Hotel projects in Les Salines Black River on the West Coast

The start of this fraudulent system can be traced back to the early 2010s when the Government decided to shelve a study carried out in 2009 and supported by UNEP/GEF for the benefit of the Ministry of Environment which had done the full inventory of all the country’s ESAs.

We humbly ask the International Ramsar Secretariat to no longer allow the Government of Mauritius to use the term “Ramsar” when issuing “clearances” to development projects that can have impacts on wetlands.

We also ask the International Ramsar Secretariat to please:

1. insist that any National Ramsar Committee:
 - a. operates according to international standards for effective participation of the public and of civil society in development decisions and in the management of wetlands, and that it allows the public and civil society to challenge applications for "Ramsar clearances"
 - b. carries out an audit of all the "Ramsar clearances" issued by the Ministry of Agro-Industry & Food Security
2. insist with the Government that it:
 - a. allows a Ramsar Advisory Mission to Mauritius so as to urgently assist the Government on how to get back in line with the country's international commitments
 - b. ensures that it is fully in compliance with the country's commitments under the Ramsar Convention.

7. Unsustainable development is entrenched in Mauritius

Regarding sustainable development in the Republic of Mauritius, the only real ray of hope comes from the regional government of the autonomous island of Rodrigues, 1.5 hours flight away from the main island of Mauritius. Environment protection and sustainable development are not empty slogans in Rodrigues Island. Real efforts are being implemented by the Rodrigues Regional Assembly to make real their vision of living in a “sustainable island”. The main island of Mauritius is a complete contrast. Sustainable development is simply not a priority for our Central Governments since the early 2000s. The focus is on short term profits for local conglomerates and foreign multinationals, increasingly in the shape of luxury real estate and big coastal hotels. Low taxes, if not total tax exemptions, as well as secretive offshore accounts are the bait to attract big investors and millionaire expatriates, sometimes with dubious backgrounds. Added features to make Mauritius score high on the World Bank’s Ease of Doing Business country rankings are the facts that offshore companies are allowed to buy real estate to prove that they have tangible local activities, while civil servants must expedite permit and licenses applications in impossibly short timeframes, with insufficient staff to look into developer projects properly.

Increasingly, the population is facing the consequences of decades of poor, if not inexistent development planning, made worse by the impacts of climate change. Over the past decade, a new trend has emerged of heavy flash rains that come in frequent succession during the summer months of December, January and February. The ground is saturated fast and cannot absorb more water. Flash rains then become flash floods due to the lack of drains and overall lack of proper development planning. Flash flooding is now becoming a regular summer feature all over the island of Mauritius. Houses, roads, schools, hospitals, fields are flooded in a matter of a couple of hours. The population is forced to cope and make do. 75% of all current vegetable production was for instance lost at the end of January 2019 due to flooding. But planning for climate change and maintaining land for food security are not top priorities of our Governments. So called “Smart Cities” are mushrooming on previously agricultural land owned by the ex-sugar conglomerates. On these greenfield areas, all the buildings will be “green”. These are being marketed to the global super rich with prices advertised not in Mauritian rupees but in US dollars and in Euros. Outside of the wealthy enclaves being built, local towns and villages are not deemed worthy to become “Smart”, despite the people continuing to pay taxes and to elect officials in the [false] hope that they will take care of our long term future in a sustainable way.

As for ICZM, instead of supporting coastal communities to develop their own tourism and fishing businesses, the Government’s focus is on multinational hotel groups, offshore-financed luxury villas and massive in-lagoon aquaculture farming of exotic species. Indeed, EIA licences, Ramsar clearances and building permits are being issued like hot cakes in the name of “development” and job creation without any regard for ESAs, without any in-depth scientific investigations and counter-checking of EIA reports submitted by developers and at times in blatant violation of planning laws. Objections from civil society are treated with utter contempt. Since the Finance Act 2016-2017, the conditions to lodge legal appeals against the award of EIA licenses and building permits have put such appeals out of reach for ordinary citizens and local communities. We do not have access to the level of technical and legal resources required to be able to lodge in time a solid appeal at the Environment and Land Use Appeal Tribunal [ELAT]. The whole system has become purely cosmetic. Even when civil society activists are able against all odds to lodge all the evidence in time, they then face colossal procedural objections from the State and the developers.

a. Dismantling of the national Sustainable Mauritius policy

Despite all its international commitments and regular participation in United Nations summits on sustainability, Mauritius is devoid of any overall strategy for sustainable development.

Upon taking power in December 2014, the current Government immediately scrapped the overall policy, strategy and action plan for “*Maurice Ile Durable*” [MID, “Sustainable Mauritius” in French] that had been officially adopted in July 2013 after considerable support from the United Nations Development Programme (UNDP) and the French Development Agency (AFD). The MID Commission was disbanded, with its deputy-CEO now at Greenpeace. The MID policy had been developed through structured extensive consultations with the population, civil society, the business community, NGOs, the youth, etc that lasted over four years, from 2009 to 2013. For information on the admirable work carried out during the MID policy formulation process, please consult the official website for “*Maurice Ile Durable*”: <http://mid.govmu.org/>

Today, in place of the MID policy, Mauritius simply has a vague Vision 2030 from the current Government, with some superficial public consultations. No draft documents are publicly available.

Before MID, there had been a Vision 2020 policy, developed with UNDP’s support. This too has been completely forgotten. For instance, Vision 2020 had stated a “green ceiling” of not more than 9,000 hotels rooms for achieving quality tourism. We are today at 13,617 hotel rooms and the Government has announced its wish that 4-5 more hotels be built each year...

b. Elite coastal enclaves preferred to sustainable management of the coast

In spite of Mauritius having committed to the principles of Integrated Coastal Zone Management (ICZM) at the 1992 Rio Earth Summit, adherence is cosmetic to a large extent. The Environment Protection Act of Mauritius, passed in 2002, has an entire section dedicated to ICZM which states “*The Minister [for Environment] shall cause to be prepared an integrated coastal zone management plan which shall be used for coastal zone planning, management and development.*” Sadly, 17 years after the EPA came into effect, 20 new hotels and more than 3,000 hotel rooms have since been added on the coast, with the country still waiting for a proper national ICZM plan. The delay is getting more and more harmful as the Government is now pushing for not only 4 to 5 new hotels be built each year, but also for “Smart Cities” and exclusive resorts to be “developed” on the coast. The Northern, Western and Eastern coastal parts are already heavily built up. Only the Southern coast of our small country has remained relatively pristine. It seems that the day when a national ICZM plan finally arrives, the entire coastline of Mauritius will have been encircled by a wall of concrete.

Coastal development on the coast is far from integrated. It is purely top down and for the elite few, tourists and/or wealthy expats. Government routinely leases to developers beaches that are used by the public but which have not been officially proclaimed by the State as being public. This is done without any prior public consultation and without any opportunity for the public to object. It is not as if the public enjoys an abundance of beaches. On the contrary, hotels and luxury villas occupy already about 90 kms of the coastline compared to 45 kms by public beaches. To add insult to injury, are also included on the list of public beaches areas that are in fact cliffs, rocky terrain or marshland. In contrast, coastal hotels are always granted beaches of pure white sand.

A gentrification process is taking place in coastal areas. The public and local communities are pushed out and marginalised. Poor coastal villages are being stripped of their main development asset, that

is their beaches. Keeping the beaches open to all would have allowed these local communities to set up their own businesses and to pocket directly for themselves the revenues from tourism. Instead they are being forced to content themselves of scraps left over by hotels, even more so when these are run by multinational companies. Government is not interested in assessing how much local communities benefit or not actually from coastal hotels. As for the people working in hotels, what is certain is that hotel employees endure low salaries and poor employment conditions. A recent strike at a local Sofitel beach hotel had employees revealing that after 25 years of service they were only earning USD 285 per month.

c. No economic rationale for adding more hotels

Our Governments will tell the international community that the destruction of ESAs by hotel and real estate projects in the coastal zone is a necessary sacrifice so as to create jobs. There is no economic rationale to it. The latest official statistics show that 21% of total room capacity in existing hotels remained unused in 2017. The figure rises to 30% for unutilised bed capacity. Not only beach hotels are not operating at full capacity, but the Central Bank of Mauritius' December 2018 statistical bulletin reveal that existing resort hotels are the economic segment in Mauritius that is most in debt in terms of bank loans [USD 1.5 billion]. By adding more hotels, the Government is exposing existing hotels to the real risk of going bankrupt. Local media are regularly reporting how major local companies, that used to be success stories, are either closing down, relocating or facing immense financial distress. New hotels will not create jobs, they will destroy existing ones. Furthermore, the question needs to be asked if the country has the capacity to add more hotels. Already, the total number of tourists coming to the country is greater than the population: 1.395 million tourists came in 2018 compared to a total population of 1.265 million. Nearly all tourists go to beach hotels, confined in thin strips along our small coastal zone. The pressure on the ESAs is at tipping point.

d. A luxury real estate boom on abandoned sugarcane fields soon to be fuelled by offshore funds

All over Mauritius, especially in the coastal zone, luxury real estate projects are mushrooming. It is due in great part to the fall in sugar export prices following the demise of preferential tariffs with the European Union (EU). Sugarcane fields are giving way to exclusive villa estates for wealthy expatriates who can purchase property via offshore accounts and obtain the Mauritian nationality in the process. The impact of opening local real estate project to offshore buyers is frightening and will be felt in the coming years, if not months. For the time being, huge portions of the countryside and the coast are being built up, with Government encouraging local sugar conglomerates to build vast "Smart" Cities.

In the name of increasing Foreign Direct Investment [FDI], all the necessary construction permits and environmental licenses for these "Smart" Cities are being approved at great speed through special mechanisms that are exempted from any public consultation and scrutiny. These projects go through a body called the Economic Development Board [EDB] and through a special inter-ministerial committee set up *"to fast track morcellement permits and Building and Land Use permits in addition to the EIA Licence and authorisation for Land Conversion."* The Government has even officially announced that *"provision will be made for public bodies to consult the Board of Investment [now the EDB] on the review of systems, procedures and guidelines in the context of ease of doing business."* Such major estate schemes and associated business "facilitation" are open only to the very big landowners. Small planters have been told to keep producing sugar.

In parallel, the offshore financial sector in recent years has experienced massive growth. There is a real risk that dirty money is being channelled through offshore accounts to be invested into the local luxury real estate boom. Will this open the flood gates to money laundering and criminals finding in Mauritius a “safe haven” as they can acquire a Mauritian passport in the process? The recent Paradise Papers have highlighted how Mauritius’ offshore financial business can be utilised in ways that are not beneficial to countries on the African mainland. The EU recently put Mauritius on its “grey” list of countries considered out of compliance with EU tax standards but having announced that they will do so shortly.

In any case, it is clear that this “boom” is not sustainable. In a news article published in local daily *Le Mauricien* on 5 Avril 2018, the Head of Department for Smart City & Real Estate at the Economic Development Board (EDB) is quoted as saying that efforts are needed to boost demand for real estate in Mauritius. He added:

- the available stock of real estate properties is currently at about 4,000 units. However annual selling capacity of real estate property is in the range of 400-450 units. *“At this rate, we will need 10 years to sell the totality of properties. Therefore, it is imperative to initiate all actions to boost demand.”*
- A dozen of new projects under the Smart City Scheme have obtained the green light of the authorities. For some projects, developers have already obtained their development permits whereas others have received “Letters of Intent”.
- With regards to Foreign Direct Investment in Mauritius, from 2012 to 2017, real estate has attracted 51% of the total amount, coming in front of financial services (16%) and tourism (13%). The biggest investors in real estate are the French (44%), followed by South Africans (30%) and British (10%). Retired persons are the main buyers (60%) of luxury properties.
- Companies holding a “Global Business Certificate” are looking increasingly to acquire real estate property so as to show that their activities in Mauritius are viable.

e. Disregard for planning laws and public interest: Government-backed corporate beach grabbing

In the mad rush to “attract investment”, the Government is now blatantly ignoring the country’s planning legislation. The entire Southern coast of Mauritius [50kms] which by law should be maintained in its natural state as the “South Coast Heritage Zone” will see no less than 4 Smart Cities and 6 beach hotels. That coastal section is just 50 kilometres long and there are already 5 hotels in operation. Mauritius being a very small island, the Government is in fact running out of beaches to grant to hotel and Smart City projects.

Recently, within the South Coast Heritage Zone, an entire public beach was privatised for a hotel project without any consultation with the public. It is a direct violation of the planning laws as these stipulate that tourism development should be inland, focusing on small quality guest houses: *“there will be a general presumption in favour of small scale developments where these can be shown to sustain local economies, especially where changes due to agricultural restructuring and diversification are envisaged in the sugar sector.”* Foreign investors could have been brought to partner up with the small planters of the South for the setting up of agro-tourism and eco-friendly lodges. Instead, the Government prefers to drive away the public and give our beaches to huge hotels run by multinational companies.

The recently privatised beach in the South, called Pomponette, is a textbook case of such beach grabbing. It has been granted to a company with South African interests, named Clear Ocean Hotel

and Resort Ltd, which will partner up with Marriott International through the Sheraton brand of hotels. Government says the project will attract FDI of USD 360 million. Yet the very surprising thing is that Clear Ocean Hotel and Resort Ltd was dragged in court because it could not even pay the rent for its offices. One wonders as to where the USD 360 million will be coming from exactly... and whether there would be some offshore banking arrangements behind. In the meantime the Mauritian police and army are guarding the construction site and ensuring that the hotel developer fences off the beach in its entirety to block the public out.

The AKNL civil society coalition is actively campaigning for the Government to comply with the planning laws and to respect the right of the Mauritian population to enjoy the country's beaches. The management of our coastal zone is a clear example of how the current economic path of Mauritius is going beyond the limits of sustainability. On top of violating the laws and the total lack of respect for the public, the Government is also quietly suppressing existing legal avenues that allow civil society to block the approval of unsustainable development projects. In recent years, the EIA legislation was modified so as to make it nearly impossible for civil society to appeal against the granting of an EIA license or a construction permit [Building and Land Use Permit – BLUP].

8. Hotel by West Coast Leisure Ltd in Bel Ombre in the South Coast Heritage Zone

The South Coast Heritage Zone [SCHZ] is a portion of the South Coast where no beach hotels can be built as it a place of great natural beauty. In contrast, nearly all of the North and West coast, and much of the East coast have been developed already.

The SCHZ was defined by the 2002 EU-funded Tourism Development Plan [TDP] for Mauritius. It was enshrined in the national planning policy by the 2004 National Development Strategy [NDS] which is the overarching planning policy document under the Planning and Development Act 2004.

Successive Governments since 2003 have turned a blind eye to the NDS and to the TDP, allowing 7 hotels to be built in the SCHZ, 5 of them being in a region called Bel Ombre.

A developer, West Coast Leisure Ltd, is proposing to build yet another hotel in Bel Ombre. This hotel will be built right in the middle of 5 Environmentally Sensitive Areas [ESAs] that have been identified in the 2009 ESA Study:

- 2 coastal wetlands [ESAs 84 and 85],
- 1 sandy beach & dune system [ESA SB 63] which includes 2 additional wetlands
- 2 lagoon coral communities [ESAs B02 and B08] in an exceptional near-pristine condition

An entire coastal system will thus be dismantled. The hotel will be built right within the sand dune system, becoming a massive barrier between the wetlands and the lagoon, breaking up their natural ecosystem links. The EIA report does not discuss any possible impact on the lagoon's ecosystems despite the proposed development being a beach hotel. It does not discuss any impact on the neighbouring wetlands. The existence of a sand dune system is completely omitted. In fact, the words "ESAs", "environmentally sensitive areas", "wetlands", "dune", "lagoon", "corals" do not feature once in the EIA report of the developer. The EIA License approved by the Minister of Environment simply mentions the word "wetlands" once.

Activists of the *Aret Kokin Nu Laplaz* [AKNL – Stop Stealing Our Beaches] civil society coalition objected to the application for an EIA licence made by the developer in January 2018 and sent their objections to the Ministry of Environment within the 4 weeks deadline. They received no communication from the Ministry.

On 24 August 2018, out of the blue, the Ministry of Environment published a notice in the press informing the public that it had granted an EIA license to the developer, and that those wishing to lodge an appeal against that had 21 days to do so at the Environment and Land Use Appeal Tribunal [ELAT]. AKNL activists were able to lodge an appeal, commissioning a coastal environmental study that established that the coral ecosystems in the lagoon were in an exceptionally pristine condition, with the sea water quality also exceptionally good. The coastal environmental study argued that the existence of functioning wetlands was enabling such an exceptional marine environment. The study stated further that as the hotel would be sandwiched on a narrow stretch of beach between the wetlands and the lagoon, it would disrupt this delicate ecosystem. This study was submitted to the ELAT as part of the evidence lodged. Activists also lodged a quantity surveyor's report establishing the considerable volume of sand that would be dug up and filled with concrete for the hotel buildings, effectively building a barrier between the wetlands and the sea. The quantity surveyors also estimated the total surface area that would be excavated and/or landscaped of all native vegetation.

As for the pollutant types and concentration levels that will seep into the lagoon from hotel's wastewater effluents, the EIA license simply asks the developer to abide by water quality standards applicable to agricultural irrigation. These impose very lenient thresholds, if at all, on pollutants. There are no threshold for instance for phosphates, a key driver of algae blooms that in other parts have decimated coral communities. The lagoon will be at severe risk of eutrophication from the hotel's wastewater treatment plant. The ministry has in effect signed the death warrant for a pristine lagoon.

Furthermore, the EIA license for hotel project also authorises the setting up of a desalination plant despite the law saying that desalination plants require a separate EIA license application.

The EIA license at condition 1 indicated that the developer has to provide the Ministry of Environment a copy of its "National Ramsar Clearance from the Ministry of Agro-Industry and Food Security". AKNL activists on 12 September 2018 officially wrote to the Mauritius National Ramsar Committee to ask that they do not provide such clearance. Among other arguments, they stated that the hotel would block the water ecosystem links between the wetlands and the lagoon. Indeed the hotel is going to be built on a narrow stretch of beach sandwiched between wetland ESAs 84 & 85 and the lagoon. This lagoon is one of the last remaining ones with very healthy coral communities, presumably because of the wetlands at the back. Also, treated wastewater from the hotel would seep into not only the lagoon but into wetlands 84 & 85 as well. They never received even an acknowledgement from the Mauritius National Ramsar Committee.

As soon as the appeal case at the ELAT got underway, the developer filed the clearance it had obtained from the National Ramsar Committee dated 7 August 2018. The clearance simply orders the developer to maintain a setback of 30 metres from "the wetland".

The AKNL activists were able to get a team of geologists from the Centre for Wetland Research and Training [WETREST] in South Africa to come do a study of the hotel construction site in early December. On top of the 2 wetland ESAs inland of the hotel site, they found 2 others wetlands covering nearly all the sandy area right where the hotel will be built. These sandy wetlands had not been mapped out in the 2009 ESA study as such, but as a sandy beach and dune ESA numbered SB 63. Their conclusions were that:

The pristine state of the lagoon in front of the study site (CLAMS, 2018) can be attributed to the wetlands identified in this study. The wetlands are absorbing the excess nutrient from the catchment (predominantly from sugar cane) thereby preventing these nutrient from entering the lagoon. The wetlands also trap sediments, as well as storm water run-off, that otherwise would enter the lagoon and have a negative effect. Given the extent of coastal development along the Mauritius coastline, coastal wetlands that filter excess nutrients entering the ocean should be preserved.

The author of this wetlands report, geologist Jason Le Roux, is affiliated with the International Mire Conservation Group, the South African Wetland Society and the Southern African Association of Geomorphologists. This report proved beyond any doubt that neither the Ministry of Environment, nor the National Ramsar Committee had carried out any serious investigation on site and were therefore betraying their mission to protect the country's natural heritage.

Sadly, on the eve of World Water Day, the Environment and Land Use Appeal Tribunal [ELAT] ruled that it might not have the jurisdiction to hear the appeal against the EIA license granted to the hotel project [West Coast Leisure Ltd on Bel Ombre beach]. On top of that, the State Law Office [SLO],

acting on behalf of both the Minister and the Ministry, has formally objected to citizens being allowed to challenge EIA decisions, despite being funded by taxpayers and despite the country's natural heritage being at risk of destruction. The SLO considers that the public does not have the right to challenge permits granted by the State to developers.

Proof after proof are piling up to show that our entire environment protection system has broken down.

We have written to the Minister to ask him to revoke the EIA license concerned as he has the power to do so at any time after its approval under the Environment Protection Act when "*circumstances reasonably justifying such revocation [...] have arisen since the granting of the EIA*" or when "*the proponent had failed to disclose any material information*" even if unintentional. On top of resubmitting to him the coastal environmental survey report, we have also sent him the wetlands report done by the WETREST geologists from South Africa which confirm the ecological massacre that will be caused. These documents, along with the EIA license and EIA report, are copied on the enclosed pendrive.

None of all this would have ever happened if the GEF-funded 2009 ESA Inventory and Act had been adopted by the Government. It has truly become revolting to see UNDP, UNEP and the GEF continually providing millions of US Dollars to institutions that are in truth blocking all serious efforts for effective sustainable development.

We therefore ask UNDP and GEF to please impress on the Minister of Environment that:

- He has to cancel the EIA license issued to developer West Coast Leisure Ltd for its hotel project in Bel Ombre on the South Coast of Mauritius
- Moving forward, it is his duty to form his opinion and to make his EIA decisions solely based on scientific evidence, including evidence submitted by civil society.

9. Hotels in Les Salines Peninsula in the Black River district on the West Coast of Mauritius

Les Salines Peninsula in the Black River district is a unique natural heritage site in Mauritius. Some of its important ecological and historical features include:

- (a) A category 1 wetland (ESA wetland No.76), part of the list of top 12 wetlands with a significant higher conservation value and home to migratory birds earmarked in the African Eurasian Waterbirds Agreement
- (b) Salts pans which date back the 19th century
- (c) One of the three remaining "Martello Towers" of Mauritius and "La Batterie de L'Harmonie", declared as national heritage in 1985.
- (d) In the vicinity of the Peninsula, facing the Black River pass, lies a marine protected area with sea grass beds.
- (e) Inland to Les Salines, are important conservation and catchment areas like the Black River and the Black River Gorges National Park.

While Les Salines Peninsula in Black River offers the opportunity for a unique Ridge to Reef Project in the Indian Ocean, the Peninsula State Lands have been parceled to host 8 large hotel complexes. In this region already saturated by luxury hotels and real estate projects from Le Morne to Flic en Flac, whereby the local communities are threatened by gentrification processes, Les Salines Peninsula, is one of the last wild site remaining and protecting the lagoon and its biodiversity.

There are existing laws in Mauritius, prohibiting developments in category 1 ESAs. A hotel developer however, wishing to implement its project nowhere else, but in the ESA wetland, should according to the laws commit itself to fully mitigate the disruption of the said ESA. In the case of Les Salines, as mitigation measure, the promoter intends to replace the faunally and florally diverse category 1 wetland with an artificial one. Such replacement is not a "Like for Like" mitigation measure. In this sense, an appeal has been lodged at the Environment and Land Use Appeal Tribunal against the decision of the Minister of the Environment to grant an EIA licence for the proposed project at Les Salines.

1. Hotel project named "Les Salines Beachcomber Resort & Spa"

Concerning " Proposed resort hotel at Les Salines, Rivière Noire by New Mauritius Hotels Limited, the ESA Category 1 Wetland #76 is;

- in the top 15 wetlands having the highest flora diversity
- in the top 13 of wetlands having the highest fauna diversity, and
- in the top 12 wetlands having significant higher conservation value on more that 200 wetlands, but still under threat of disruption while the replacement wetland is not a like-for-like offset measure, as assessed by an internationally renowned wetland expert.

Dr Piet-Louis Grundling, Research Associate at the Centre of Environmental Studies at the University of the Free State in South Africa stated the following in a December 2018 report, entitled "*Establishing if the proposed constructed wetland at Les Salines Resort and Spa NMH will function as a tidal salt marsh*":

"The site (Figure 1) was visited on 2 December 2018 and the following features were noted: 1. Extensive salt marshes occur on site (Figure 1) 2. Various salt works occurred in the salt marsh. 3. The salt marsh are connected with a natural channel to the sea and tidal fluctuations were evident allowing for extensive and shallow tidal inundation of the salt marsh.

Therefore, having considered the abovementioned EIA report and the natural factors of the salt marsh it is clear that the proposed constructed wetland will be isolated from the sea without any tidal in and out flow surface connection to the sea. Consequently it will not be able to function as a tidal salt marsh and therefore cannot be considered as a 'like-for-like' offset measure to compensate for the loss of the natural salt marsh that will be destroyed by the proposed development."

The full is available on the enclosed pendrive,

2. Hotel project named "Stella di Mare"

This is a second hotel project in Les Salines peninsula which is about to obtain its EIA license.

Dr Piet-Louis Grundling, Research Associate at the Centre of Environmental Studies at the University of the Free State in South Africa stated the following in a December 2018 report, entitled "Establishing the occurrence of tidal mudflat wetland at Stella De Mare":

"Findings

The site (Figure 1) was visited on 2 December 2018 at 15H06 at low tide and the following features were noted:

- 1. Extensive mud flats with a high tide mark (indicated by debris on the shoreline (Figure 0)*
- 2. Mangrove trees (Rhizophora mucronata) occurring on the mud flats (Figure 2).*
- 3. Crabs of the order and family Uca Ocypodidae (Figure 3) were abundant on site.*

Therefore, having considered the abovementioned factors it is concluded that intertidal mudflat wetland occurs on the site.."

The full is available on the enclosed pendrive,

10. Destruction of coastal wetlands connected to the Ramsar site of Pointe d'Esny

A developer, Pointe D'Esny Laskeside Co Ltd intends to build an Inland Integrated Residential Development under the Property Development Scheme comprising a residential mix of 172 villas, 278 apartments and penthouses, 100 duplexes, 105 serviced lots with associated facilities

This project will be sited in the proximity of the RAMSAR Site of Pte d'Esny and in the near proximity of Wetlands. Based on the ESA report made in 2009 (online link via <http://www.esabillnow.org/#client-section>), Pointe D'Esny is privileged to have:

- 3 Marshlands of High Conservation Value /Numeric ID: 117 - 120 – 114
- 4 Marshlands of Moderate Conservation Value / Numeric ID: 115 - 116 - 118 – 119
- 2 Marshlands of Low Conservation Value / Numeric ID: 83 - 177

You will find copied on the enclosed pendrive a wetlands survey by the Centre for Wetland Research and Training in South Africa done by geologist Jason le Roux in December 2018 who is affiliated with The International Mire Conservation Group, South African Wetland Society and the Southern African Association of Geomorphologists.

The presence of peatlands in the proximity of the development was observed. The IUCN highlights peatlands as being a very important and rare natural feature:

- Peatlands are a type of wetlands, which are among the most valuable ecosystems on Earth
- Peatlands are the largest natural terrestrial carbon store
- Damaged peatlands are a major source of greenhouse gas emissions
- Countries are encouraged to include peatland restoration in their commitments to global international agreements

Source: https://www.iucn.org/sites/dev/files/peatlands_and_climate_change_issues_brief_final.pdf

At the time of sending this document, we still do not know the official stand of the National Ramsar Committee in Mauritius regarding this development. It appears increasingly that our governments are using the Ramsar « label » to authorise the destruction of ESAs, e.g. a licence to kill biodiversity.

We have make several requests to the different ministries concerned so that the international secretariat of the Ramsar Convention is invited to provide its assistance in carrying out an impartial assessment of the possible threats and risks that this development could cause to these ecosystems. However, as at date, not even an acknowledgement reply has been received.

The destruction of wetlands and peatlands will have consequences on CO2 emissions. Coral reefs will be affected. All these issues will have an impact on the climate change.

Our Government is not at all playing its role; in fact they are contributing to climate change by not preserving these ESAs. And they are putting our lives at risk.



“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

Aret Kokin Nu Laplaz
c/o Mother Courage Centre, CARES
Bois Cheri Road, Moka
Mauritius

The Honourable Marie Joseph Noël Etienne Ghislain SINATAMBOU
Minister of Environment and Sustainable Development
Ministry of Social Security, National Solidarity, and Environment and Sustainable Development
Ken Lee Tower, Corner of Barracks & St Georges Streets,
Port-Louis
Republic of Mauritius

Friday 22 February 2019

With copy to:

- The President and members of the Bureau of the United Nations Environment Assembly, of the Council of the Global Environment Facility, of the Board of the Green Climate fund as well as of the Board and Senior Management of the United Nations Development Programme and UN Environment
- The secretariats of the Convention for Biological Diversity, of the UN Framework Convention on Climate Change, of the Ramsar Convention

Honourable Minister,

RE: Destruction of an entire coastal ecosystem comprising of five ESAs - revocation of EIA license granted to West Coast Leisure Ltd hotel project in Bel Ombre, Mauritius

You have approved over the course of the past months a series of Environmental Impact Assessment [EIA] licenses for hotels and luxury real estate projects in the coastal zone which will destroy a number of rare Environmentally-Sensitive Areas [ESAs]. These EIA licenses are the death warrant of the very last wetlands, sand dunes and coral communities still remaining on our coastal zone after three decades of intensive hotel and real estate development. It would appear that all the information required for a fully informed decision is apparently not being passed on to you and that you are therefore being most ill advised by the bodies that process EIA license applications, notably the EIA committee within the Ministry of Environment and the National Ramsar Committee at the Ministry of Agro-Industry. Regarding wetlands, “Ramsar Clearances” are being issued to developers outside of any legal framework, without any possibility for the public to have its say and without any genuine concern for the preservation of ESAs. For instance, the 2009 national inventory of ESAs funded by the Global Environment Facility [GEF] and the United Nations Environment Programme [UNEP] for the benefit of your ministry had clearly listed all the ESAs that will now be destroyed. Some are even classified as high priority for preservation. Both the EIA committee and the National Ramsar Committee are in possession of this national ESA inventory, as confirmed in various official reports sent to the United Nations [National Reports to the Ramsar Convention, 2011 Mauritius

Environment Outlook Report]. It is more than disappointing that such basic information is being overlooked.

One EIA license stands out in particular as a horrible proof of the complete breakdown of our country's EIA processing system: the EIA license granted to the West Coast Leisure Ltd hotel project in Bel Ombre. This hotel project will affect no less than 5 ESAs that are listed in the 2009 ESA inventory:

- 2 coastal wetlands [ESAs 84 and 85],
- 1 sandy beach & dune system [ESA SB 63] which includes 2 additional wetlands
- 2 lagoon coral communities [ESAs B02 and B08] in an exceptional near-pristine condition

An entire coastal ecosystem therefore, still functioning, will be dismantled. Yet, the developer's EIA report does not mention ONCE the words "wetlands", "dune", "lagoon", "corals" "ESAs" and "environmentally sensitive areas". It fails to indicate that the hotel will be built right within sand dune system ESA SB 63 and it does not discuss at all the impacts on either the lagoon or the wetlands. Nevertheless, on 14 August 2018, you approved its EIA license. We urge you to read please the enclosed coastal environmental survey report by CLAMS Ltd that is already in your possession since 13 September 2018. It is damning:

5.1. Conclusion

The survey undertaken for the purpose of presenting this present report has highlighted the presence of the various Environmentally Sensitive Areas on or in the vicinity of the proposed hotel site. These are the

- 1) near pristine coral reef within the lagoon starting at around 20 m from the shoreline,*
- 2) the vegetated wetlands naturally accomplishing its ecosystem functionality*
- 3) The sand dunes vegetated with native plants controlling the stability of the beach at the site*

All of the above should have been preserved in their actual shape and having a hotel development as that proposed will degrade each one of them. This has been the case for several other regions of Mauritius whereby the coastal and marine environment has degraded due to development, including hotel development, on sand dune systems as well as between the sea and the wetlands like at Trou Aux Biches and Flic en Flac.

The EIA license recognises that the hotel will have an impact on the lagoon. But it does not evaluate the impact nor does it establish protective thresholds to be respected, based on the present health of the lagoon and how much impacts the lagoon's biodiversity can take.

It is our opinion that the fate of this near pristine coastal and marine environment is doomed to be degraded by the proposed hotel development.

4.1.8. Blocking the water ecosystem Links between the wetlands and the Lagoon

The Ministry of Environment has failed to consider the possible environmental impacts of having 33 individual villas, 1 Main Building, 1 Spa & Wellness Centre, built on a narrow strip of land less than 100 metres wide between the wetlands and the High Water Mark [HWM]. The EIA report totally fails to address the hotel's impact on the links between the lagoon and the wetlands.

As per the attached Quantity Surveyor report in Annex E, a volume of at least 12,500 m³ of sand will be removed to make way for hard structures of concrete and steel over a total area of about 10,694.66 m². It is even probable that the whole site be cleared of the existing vegetation to accommodate for new landscaping works, representing an area of 48,397.34 m². The proposed hotel will thus be a massive barrier between the wetlands and the lagoon, breaking up their natural ecosystem links.

In addition to this report, we would be most grateful if you could read the enclosed wetlands survey report that was produced in December 2018 by the Centre for Wetland Research and Training in South Africa. Figure 6 reproduced hereafter indicates the proposed hotel site by a rectangle in yellow. As you can see, the hotel site is located right across 2 wetlands [identified as wetlands 1 and 4]. On site, these wetlands are laid under a sand dune system:

The following wetlands were identified on the site that West Coast Leisure Ltd has proposed to establish a hotel project in Bel Ombre.



“Wetlands 1 and 4 are mostly underlain by coastal dune soils. These wetlands were delineated based on a change in soil texture (increased clay content) and soil colour. Sections of these wetlands were underlain by gleyed soils (Figure 16) and contained vegetation indicative of saturated conditions (Figure 13 and 14).”

“The pristine state of the lagoon in front of the study site (CLAMS, 2018) can be attributed to the wetlands identified in this study. The wetlands are absorbing the excess nutrient from the catchment (predominantly from sugar cane) thereby preventing these nutrient from entering the lagoon. The wetlands also trap sediments, as well as storm water run-off, that otherwise would enter the lagoon and have a negative effect. Given the extent of coastal development along the Mauritius coastline, coastal wetlands that filter excess nutrients entering the ocean should be preserved.”

The author of this wetlands report, geologist Jason Le Roux, is affiliated with the International Mire Conservation Group, the South African Wetland Society and the Southern African Association of Geomorphologists.

The two enclosed reports were produced in the course of a legal appeal lodged by environmental activists against the EIA license you have approved. Though the Environmental and Land Use Appeal Tribunal has recently stated – on the eve of World Wetlands Day – that it might not have jurisdiction to hear the case, this does not imply that our arguments are invalid. Far from it. Even if the ELAT had agreed that it had jurisdiction, kindly note that your Ministry has formally objected to citizens being allowed to challenge your EIA decisions. According to the State Law Office, the public does not have

the right to challenge permits granted by the State to developers. Proof after proof are piling up to show that our entire environment protection system has broken down.

For instance, on top of allowing the developer to ignore the presence of ESAs, your ministry has chosen to not use its own coastal water quality guidelines that could protect the lagoon ecosystems from the hotel's wastewater effluents. No assessment is made of the pollutant types and concentration levels that will seep into the lagoon. The EIA license simply asks the developer to abide by water quality standards applicable to agricultural irrigation which impose very lenient thresholds, if at all, on pollutants. There are no threshold for instance for phosphates, a key driver of algae blooms that in other parts have decimated coral communities. The ministry has in effect signed the death warrant for a pristine lagoon. The National Ramsar Committee has done the same for the wetlands. To add insult to injury, in total violation of the Environment Protection Act that states clearly that desalination plants require a separate EIA report and application, a desalination plant for which scant details was given in the EIA report for the hotel was approved as part of the hotel's EIA license. You have issued a two in one EIA license.

The failings are thus astonishing.

Honourable Minister, you have the power to make things right. Section 24 [3] of the Environment Protection Act allows you to revoke an EIA license at any time after its approval when "*circumstances reasonably justifying such revocation [...] have arisen since the granting of the EIA*" or when "*the proponent had failed to disclose any material information*" even if unintentional. Based on the information we are providing you and counting on your sense of doing what is right for the environment, we call on you to please revoke the EIA license to West Coast Leisure Ltd.

The situation is so severe that we are obliged to inform the United Nations Environment Assembly, the Global Environment Facility, the Green Climate Fund, the United Nations Development Programme and the Secretariats for the Convention for Biological Diversity [CBD] and for the Ramsar Convention for Wetlands. The destruction of ESAs taking place in Mauritius is a clear violation of the CBD's precautionary and preventive principles.

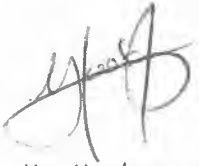
As for the argument that the destruction of ESAs is a necessary sacrifice so as to create jobs, there is no economic rationale to it. The latest official statistics show that 21% of total room capacity in existing hotels remained unused in 2017. The figure rises to 30% for unutilised bed capacity. Not only beach hotels are not operating at full capacity, but the Central Bank of Mauritius' December 2018 statistical bulletin reveal that existing resort hotels are the economic segment in Mauritius that is most in debt in terms of bank loans [USD 1.5 billion]. By adding more hotels, the Government is exposing existing hotels to the real risk of going bankrupt. Local media are regularly reporting how major local companies, that used to be success stories, are either closing down, relocating or facing immense financial distress. New hotels will not create jobs, they will destroy existing ones. Furthermore, the question needs to be asked if the country has the capacity to add more hotels. Already, the total number of tourists coming to the country is greater than the population: 1.395 million tourists came in 2018 compared to a total population of 1.265 million. Nearly all tourists go to beach hotels, confined in thin strips along our small coastal zone. The pressure on the ESAs is at tipping point.

Hence, we therefore urge you to please:

1. revoke the EIA license granted to West Coast Leisure Ltd hotel.
2. reconsider all the EIA licenses recently granted or pending approval for hotels and luxury villas in the coastal zone

Honourable Minister, you were among those who saved the endemic Valley of Ferney from a needless highway project back in 2005. We hope you will do the right thing, again, today, for Bel Ombre's unique coastal ecosystem.

Yours sincerely



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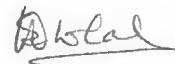
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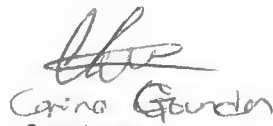
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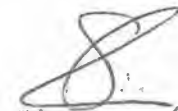
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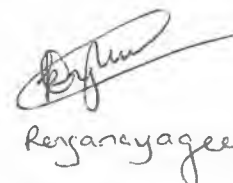
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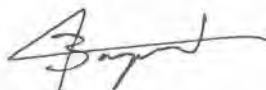
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