

### **3.2.5 Mauritius**

*(From P. de Boucherville Baissac: In SAIEA 2003)*

#### **a) Legal Framework**

##### **The Constitution**

The 1968 Constitution of Mauritius has no section that exclusively addresses environmental protection, thus there is no jurisprudence on which the Supreme Court can base its decisions and take action. However, the Environment Protection Act, No. 19 of 2002 deals with issues of environmental management.

##### **Environmental Protection Act**

The Environmental Protection Act (EPA), No.19 of 2002 provides for a licensing system that calls for either preliminary environmental approval or an EIA license for a range of activities such as minor activities as well as strategic developments. Minor activities require a preliminary environmental report and major ones require a full impact assessment and an EIA license. Other activities and projects not on the list are exempt from the EIA process.

Strategic environmental assessments (SEAs) are also included within Schedule 1 of the Act that lists activities that require an SEA such as major plans and programmes (master plans, solid-waste management plans, water management plans and the National Physical Development Plan).

#### **b) The EIA process**

The EIA procedure as per the requirements of the legislation, the EPA entails the following:

- Inception stage - The project developer has to inform the Director of the Department of Environment at least three months before submitting the application for an EIA license.
- Ministries likely to be involved in evaluating the project are given a copy of the project document.
- A joint site visit by the EIA committee, the consultants and the project developers is undertaken.
- The terms of reference for the EIA report, the fields of study to be covered, and the levels of expertise and the qualifications of the consultants to sign the report are enforced by the Director.
- Submission of the EIA to the Department of Environment where the public is invited to make comments. The EIA Committee reviews the documents and advises the Minister on whether or not give an EIA license and also outlines the conditions to impose.
- The Minister grants or refuses with the license – this decision can be appealed.

### **c) Citizen engagement**

Generally, public participation has been found to be very unsatisfactory as per the following statement: “The procedure for reviewing EIAs and granting EIA licenses lacks transparency and accountability. In particular, in deciding whether to grant an EIA license there is no requirement to take into account the views of those consulted, and no requirement to publish the final decision, or to make public the reason or factors on which it was based. There is also sometimes a lack of consistency in decisions. Although the public is invited to examine the EIA report and make objectives in writing within a certain deadline, public involvement is low.”

Factors contributing to this ineffective public participation include: the time frame for commenting on the report is short; the report may only be viewed at the Department and may not be copied or taken away; EIA reports are very technical and not in a language easily understandable by laypersons, the public may find difficulty in reviewing them; a large proportion of Mauritians do not know what an EIA is, or what purpose it serves.

Considerable efforts are being made by the Ministry of Environment to inform and sensitise the public. However, regular radio or TV programmes dedicated to environmental issues are not available, also, the press hardly gets involved in because the environmental news are not regarded as being “newsworthy.”