**Ministry of Foreign Affairs, Regional Integration and International Trade**

**(Human Rights Division)**

**Questionnaire in relation to Human Rights Council Resolution 47/24 on human rights and climate change**

1. The State of Mauritius is amongst the most vulnerable countries to climate change and one of the most exposed to natural hazards due to its geographical location in an active tropical cyclone basin. The 2020 World Risk Report has ranked Mauritius as the 53rd country with the highest disaster risk, out of 181 countries.

**2. Impacts of the adverse effects of climate change**

The State of Mauritius continues to experience an increase in air temperature by up to 1.39 degree Celsius and concerning the sea level rise, an estimated rate of increase of 5.6mm per year. At Port Louis, during the last decade (period 2011 to 2020), analysis of sea level has increased by 8 mm per year as compared to the long-term mean rise of 4.7 mm per year (between 1987 and 2020), while the global average is 3.3 mm per year. The sea level rise impacts the beaches that are sustaining the tourism industry which is a major pillar of the Mauritian economy. In some places, erosion has reduced beach width by up to 20 metres over the past decade.

An unprecedented 408 mm rainfall in 24 hours was recorded on the 16 April 2021 in the south east region of the island, which in turn resulted in acute flash floods and associated risks to life, damage to infrastructure as well as property. Mauritius is highly vulnerable to the adverse impacts of climate change with key sectors such as agriculture, coastal zone, fisheries, marine environment and water being at risk. The frequency of storms reaching at least tropical cyclone strength has also increased.

Mauritius is also experiencing ever more frequent and devastating extreme weather events such as flash floods, which severely affect the economy, the ecosystem and livelihoods. A study conducted by the US National Academy of Sciences has underlined that the chances of a major tropical cyclone occurring in the Southern Indian Ocean basin will increase by 18 % every decade.

Projections for Mauritius are also a concern, whereby the projected reduction in rainfall and an increase in evapotranspiration may make agricultural production decline by as much as 15 to 25 % by 2050. With a decrease in rainfall of 10 to 20 % and a temperature increase of 2 degree Celsius, sugar yield is expected to decline by one half to two thirds. The Mauritius Sector Strategy Plan 2018 -2021 on Tourism estimates that over the next 50 years, half of the beaches will be lost to the point of supporting no visitors. Extreme weather events, including heavy rains, storms and flash floods, are likely to become ever more frequent and intense.

**3. The Constitution of the Republic of Mauritius**

Although the Mauritian Constitution does not specifically provide for climate change and its impact on the enjoyment of the human rights of people in vulnerable situations, it does provide for the protection of wider fundamental rights such as the right of the individual to life, liberty and security.

In some instances, the right to clean water and sanitation or to food has been encompassed under the right to live in dignity which itself is construed as an emanation of the right to life (as provided under Chapter II).

**4. Multilateral Environmental Agreements**

The State of Mauritius is a party to several multilateral environmental agreements relating to climate change, chemicals, biodiversity, marine, atmosphere and associated challenges, such as, *inter alia*:

1. the United Nations Convention to Combat Desertification;
2. the Convention on the Protection, Management and Development of the marine and coastal environment of the Eastern African Region and related protocols (Nairobi Convention);
3. the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol under the UNFCCC;
4. the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol under the Vienna Convention;
5. the Stockholm Convention on Persistent Organic Pollutants;
6. the Minamata Convention on Mercury;
7. the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
8. the Bamako Convention on the ban of the import into Africa and the control of transboundary movement and management of hazardous wastes within Africa; and
9. the Paris Agreement.

**5. Legislations**

5.1 The Climate Change Act

The Government has come up with a series of legislation to support climate change mainstreaming across key sectors and this culminated into the adoption of a Climate Change Act. This strategic legislative framework will support the mainstreaming and effective coordination of the climate change issues at the highest level and provide for an integrated and holistic management across all socio-economic sectors.

The aforementioned Act also establishes an Inter-Ministerial Council on Climate Change, the object of which shall be to set national objectives, goals and targets with a view to making Mauritius a climate change-resilient and low emission country and the Department of Climate Change. The provisions of the Climate Change Act can be accessed on <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act112020.pdf>.

5.2 The National Disaster Risk Reduction and Management Act

The above mentioned Act established the National Disaster Risk Reduction and Management Council, the National Disaster Risk Reduction and Management Centre (NDRRMC) and the National Crisis Committee in Part II, III and IV of the Act respectively. Additional information regarding their mandates can be accessed on <https://localgovernment.govmu.org/MyDocument/Legislations/NDRRMC%20Act.pdf> .

The Disaster Response Unit set up within the Special Mobile Force of the police is also mandated to assist emergency services in disaster response operations.

5.3 The Environment Protection Act

Under Section 4, the Act binds the State of Mauritius in matters relating generally to the protection of the environment, including establishing such standards, policies, environmental action plans and programmes for the protection of the air, water, land, quality/state of the environment and pollution prevention/control as may be necessary to safeguard the human health and the environment.

The Act also establishes:

1. the National Environment Commission (Section 5),
2. the Police de L’Environnement (Section 9) which is a unit of the Mauritius Police Force,
3. the National Network for Sustainable Development (Section 10)
4. enforcing agencies (Section 13) and various committees for the protection of the environment; and
5. the National Environment Fund (Section 59).

The Act also places a legal obligation on an enterprise to apply for a Preliminary Environmental Report (PER)/ an Environmental Impact Assessment (EIA) licence in respect of prescribed undertakings and a proponent for an EIA licence has to support same with an EIA report.

Section 40 of the Act provides that the Minister can prescribe standards to protect the quality of air resources so as to promote the public health and welfare, and the development and the productive capacity of human, animal or plant life.

Section 59 of the Act establishes a National Environment and Climate Change Fund. The objects of the Fund shall be, *inter alia*, to promote, support and encourage activities relating to environment protection and management and to finance projects, programmes and schemes relating to –

1. rehabilitation, protection and management of beaches, lagoons and coral reefs;
2. flood management and cleaning, rehabilitation and upgrading of drains, bridges and rivers;
3. solid waste management;
4. landslide management;
5. disaster risk reduction; and
6. cleaning and embellishment works. (Section 60)

Part Vll of the Act provides for the protection of coastal and maritime zones and for the setting up of an Integrated and Coastal Zone Management Committee which shall *inter alia* monitor coastal water quality and coastal resource, including wetlands. Under the Act, it is an offence to release or cause to release into the coastal zone any pollutant, waste or other noxious substance from or through the atmosphere or by dumping.

The Act also establishes standards for drinking water and managing effluent discharges.

5.4 The Energy Efficiency Act

Part II of the aforementioned Act sets up the Energy Efficiency Management Office the object of which is to promote the efficient use of energy and to promote national awareness for the efficient use of energy as a means to reduce carbon emissions and protect the environment. The abovementioned Office also has, as one of its functions, to encourage and assist project developers in applying for carbon credits for energy efficiency projects using the Clean Development Mechanism. Under Section 2 of the Act, the Clean Development Mechanism means the mechanism developed under the Kyoto Protocol of the UNFCCC.

5.5 The Mauritius Renewable Energy Agency Act

The Mauritius Renewable Energy Agency, set up under the Act in 2016, is entrusted to promote the adoption and use of renewable energy with a view to achieving sustainable development goals.

5.6 Board of Agriculture and Natural Resources Act

Section 3 of the aforementioned Act establishes a Board of Agriculture, Natural Resources. Under Section 4, the Board shall advise the Minister on all matters of general policy relating to agriculture, forestry and the utilizations and preservation of natural resources and the environment.

5.7 The Central Electricity Board

Under Section 10 of the aforementioned Act, the Central Electricity Board shall have as duties, *inter alia*, implementing projects relating to the production of electricity from renewable energy sources and other clean technology. It may also set up such companies under the Companies Act for the implementation of projects relating to the production of electricity from renewable energy sources.

5.8 Finance and Audit Act

The Schedule to the aforementioned Act provides for a National Environment and Climate Change Fund.

5.9 The Mauritius Meteorological Services Act

The Mauritius Meteorological Services Act 2019 was promulgated to ensure proper surveillance and monitoring of meteorological parameters. Under Section 5 of the aforementioned Act, the Mauritius Meteorological Services has as one of its functions to monitor, assess and conduct research on climate change, in particular on the science of climate change and sea level rise, and provide baseline information for the sustainable development of Mauritius and promote education, sensitisation and awareness on weather and climate.

5.10 Land Drainage Authority Act

The aforementioned Act was promulgated to provide for the setting up of a Land Drainage Authority whose objects is to foresee the development and implementation of a Land Drainage Master Plan.

5.11 Local Government (Amendment) Act

The aforementioned Act was promulgated to ensure adequate management of drains infrastructure at local level.

The above mentioned legislations can be accessed on the following link for ease of reference <https://attorneygeneral.govmu.org/Pages/Laws%20of%20Mauritius/A-Z%20Acts/ActsAZ.aspx>.

**6. Measures adopted by the State of Mauritius**

6.1 The State of Mauritius is fulfilling the obligations of every climate-related multilateral environmental agreement. Since the adoption of the Paris Agreement in 2015, considerable resources at the domestic level have been mobilised with some Rs 3 billion (the equivalent of $ 70 million) in support of its climate agenda in the past five years. The State is spending about two percent of its GDP (around $ 265 million) on environment and climate-change related policies.

6.2 A National Disasters Scheme (NDS) was also prepared in 2015, to support agencies and stakeholders in understanding and undertaking their roles, responsibilities and actions in emergencies.

6.3 Mauritius has been among the first country to ratify the Paris Agreement in 2016 and its first Nationally Determined Contribution (NDC) which was submitted ahead of the COP21 in 2015 had pledged to reduce greenhouse gas emissions by 30% by 2030 relative to the business as usual scenario. Mauritius has also revised its NDC with more ambitious targets and has now pledged to reduce its greenhouse gas emissions by 40% by 2030, relative to the business as usual scenario. The Government has taken the commitment to provide an unconditional support of 35 % share of the total financial needs of USD 6.5 billion, which will be borne from its own national budget and private sector contribution. The remaining 65 % share amounting to USD 4.2 billion will rest on support from international sources and donors agencies. The reviewed NDC for Mauritius has been approved by Cabinet on 1 October 2021 and was submitted to the secretariat of the UNFCCC on 5 October 2021.

6.4 The State has demonstrated its serious commitment and has already implemented a series of measures on climate change adaptation and mitigation actions within its national development objectives. They relate, amongst others, to the promotion of renewable energy technologies such as the solar water heaters and photovoltaic, development of a Road map on Renewable Energy, development of a Road map on Electric Integration Vehicles, implementation of an alternative mode of mass transport system, development of a strategy to promote “circular economy” in the waste sector, national tree planting campaigns, the implementation of coastal rehabilitation works, rain water harvesting schemes, land drainage management, and disaster risk reduction.

6.5 Moreover, a Refuge Centre has been constructed at Quatre Soeurs to create a community sanctuary safe from frequent flooding and to demonstrate infrastructure alternatives to minimize flooding risk in the future. The Centre is first in its kind in the Indian Ocean and has objective to increase climate resilience of communities and livelihoods in coastal areas around Quatre Soeurs through the implementation of adaptation measures to protect currently vulnerable coastal ecosystem and community features. The coastal community is sandwiched between the lagoon, the coastal road and a mountain range and vulnerable to coastal inundation and landslide. The Centre therefore assists coastal communities at Quatre Soeurs and its neighbouring areas which are located in a low-lying area and highly at risks of frequent flooding due to high tides, storm surges and other calamities and serves as an emergency escape haven for 1000 persons.

Key adaptation measures have also been implemented in the Coastal Zone are namely:

1. Climate Change Adaptation Programme in the Coastal Zone in Mauritius;
2. the development and implementation of an early warning system (EWS);
3. the construction of a rock revetment of 450m and parapet wall at Riviere des Galets and the rehabilitation of various beaches including beach works, rock groin removal and installation of an artificial reef to protect coastal communities;
4. ongoing Coastal Protection, Landscaping and Infrastructural Works at various sites; and
5. beach rehabilitation of 10 km of eroded sites at 16 critical sites is ongoing.

6.6 Since 2015, the State of Mauritius undertook the rehabilitation of more than 8.4 km of coastal line. Coastal protection works have been undertaken at 19 priority sites, while additional 16 priority sites for coastal protection works are underway for period 2021-2025.

To support its disaster risk reduction sector, an EWS has been developed for storm surges for Mauritius, Rodrigues and Agalega. The fully-automated EWS enables the coastal communities to evacuate in a timely manner and safely in case of predicted extreme water levels. A National Multi-hazard Emergency Alert System has also been developed with a Common Alerting Protocol which is standard message format designed for all media.

6.7 As part of the ecosystem-based management and to further enhance mangrove propagation and restoration with a view to rehabilitate silted areas and reforest denuded areas, 20,000 mangroves were planted under the Adaptation Fund project and around 80,000 mangroves were planted by NGOs and coastal communities.

6.8 In 2018, the Government revamped the National Environment Fund by providing around Rs 2 billion ($ 50 million) in support of measures to mitigate flooding and water accumulation, rehabilitation of degraded coastal zones, solid waste management amongst others.

6.9 Additionally, the Climate Change Act mentioned above in Part 3 also commission studies on climate change, taking into consideration, *inter alia*, human rights, cultural heritage and gender issues. At the moment, there are no tools to measure and monitor impacts of climate change on human rights nor any social indicators to assess same on specific community groups.

However, the National Disaster Risk Reduction and Management Centre has a network in place at local government level to support preparedness and response in situation of extreme weather events and they include a list of vulnerable people in respective regions. Additionally, the Ministry of Social Integration, Social Security and National Solidarity has a list of most vulnerable people who are provided with various support including refuge in emergency shelters, payment of cyclone and refugees allowances, flood allowances, fishermen allowances as well as other ad hoc allowances.

6.10 Moreover, an Inter-Ministerial Council chaired by the Prime Minister has also been provided under the Climate Change Act. The first IMCCC was held on 28th September 2021 as main purpose to approve the NDC document. Under the said Act, the National Environment Fund has been renamed as the National Environment and Climate Change Fund to ensure that funding of projects take into consideration the climate change needs as a criterion.

The Inter-Ministerial Council on Climate Change will continue to drive the climate change agenda from the highest priority perspective to set national goals and targets in adaptation and mitigation sectors and monitor progress of the NDC action plan which is under finalisation.

6.11 The forthcoming Master Plan on Environment, which will provide policy strategy for the next 10 years and a 5-year action plan, also has a dedicated component on climate change with key measures which will support Mauritius’ objective to strengthen its resilience to climate change impacts and achieve a low carbon economy model. It has set a vision to achieve carbon neutrality by 2070.

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