

Don't kill the bee!

Legal insights to combat the biodiversity crisis

VIII Tarragona International Environmental Law Colloquium (TIEC)

1-2 June 2023

www.tiecolloquium.com



PANEL 3. Towards a species and ecologically just society

Exploring the Need for an Environmentally Sensitive Areas (ESAs) Act in the Republic of Mauritius

**K A Appadoo and Jaggeshar, B
(University of Mauritius)**

Mauritius is a Small Island Developing State (SIDS) which is located in the Indian Ocean. Extremely vulnerable to the impacts of climate change and currently facing environmental degradation due to economic development imperatives, the island lacks a coherent policy and legal framework to adequately protect Environmentally Sensitive Areas (ESAs). Since 2009, the ESAs Study recommended the immediate protection of ESAs by the Ministry of Environment using s.96 of the Environment Protection Act (EPA), as well as the adoption of an ESAs Act by the Parliament (ESAs Report, 2009). For these purposes, an ESAs Bill Draft had already been proposed. However, 14 years down the line, an ESAs Act has still not seen the light. Environmental sustainability – for the benefit of future and current generations – underpins the need for a strong and effective ESAs framework. Subsidiary principles such as public participation, transparency and accountability are also in line with the successful adoption of policies and laws for the enhanced safeguard of ESAs in Mauritius. This article aims at reviewing the current policies, principles, instruments and processes which are relevant to ESAs in Mauritius. The authors also study how the Convention on Biological Diversity (CBD) 1992 can be implemented in Mauritius. There will be an examination of challenges for the effective enforcement of a future ESAs Act in Mauritius, and recommendations will be proposed on how to counter such roadblocks. The methodology adopted will be that a comparative analysis, as well as a qualitative analysis based on interviews of policy makers, practitioners, legal experts, as well as academics and scientists working in the field of biodiversity in Mauritius and internationally.