

Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (SR on toxics and human rights)

“Right to benefit from scientific progress and its applications in the context of toxic substances”

1. There is no right to science which is protected under our Constitution. Moreover, there have been no attacks, harassment, intimidations or threats against scientists in the country.

2. Mauritius being a party to the Basel and Bamako Conventions since 1992 has to ensure that all practicable steps are taken as far as possible to manage hazardous wastes in a manner which do not pose unacceptable risks to human health and the environment and prevent adverse effects.

3. Under the Environment Protection Act (EPA) 2002, the Minister of Environment is empowered to prescribe standards for hazardous waste. The Environment Protection (Standards for hazardous waste) Regulations 2001 was promulgated under the EPA 2002. The waste declared to be hazardous under the regulations include laboratory and industrial chemical wastes (acids, alkalis, heavy metals, spent organic solvent, organic sludge), paint wastes, used batteries, asbestos wastes, waste oils, obsolete pesticides, pharmaceutical wastes, gas cylinders and waste aerosols, electrical and electronic wastes (e-wastes) amongst others. The regulations require generators of hazardous waste to ensure that wastes are properly stored, treated on site or disposed of as approved by the enforcing agency.

The above mentioned regulations have been formulated in line with international standards.

4. The EPA 2002 empowers the Minister of Environment to prescribe national environmental standards for the protection and management of the environment on air, water and effluent limitations among others.

5. Several regulations have been promulgated under the EPA 2002 which aim at protecting the public against toxic exposure of pollutants namely the:

- (I) Environment Protection (Standards for air) Regulations 1996; and
- (II) Environment Protection (Drinking water standards) Regulations 1995;

These regulations are based on WHO guidelines and prescribe permissible limits for a variety of toxic pollutants. Both are currently being reviewed for enhanced protection and to be in line with new scientific evidence on toxicity of substances to human health and the environment.

6. In addition, several similar regulations were promulgated under Sections 39 and 96 of the EPA 2002 which regulate the discharge of effluents into water bodies, onto land and watercourses. These regulations are as follows:

- (I) the Environment Protection (Standards for effluent discharge) Regulations 2003;
- (II) the Environment Protection (Effluent Discharge Permit) Regulations 2003;

7. The Environment Protection (Standards for effluent discharge) Regulations 2003 prescribe permissible limits for more than 40 parameters which are stringent. Highly polluting industrial activities such as the textile industry, canning and food processing, laundry processes have to apply for an Effluent Discharge Permit to the appropriate enforcing agency prior to discharging any effluent into a watercourse, water body or onto any land under the Environment Protection (Effluent Discharge Permit) Regulations 2003. The discharge of any effluent into any watercourse or water body from which water is, or is likely to be abstracted for domestic purposes is strictly prohibited under these regulations.

8. The EPA 2002 also makes provision for pollution control by means of an Industrial waste audit. The Environment Protection (Industrial Waste Audit) Regulations came into force on 1st April 2009. It is a tool to encourage industries to adopt a culture of self-compliance and adopt clean technologies. Under these regulations, listed industries are required to conduct an Industrial Waste Audit of the solid, liquid, gaseous or radioactive waste generated from the industrial activity.

9. Under the Occupational Safety and Health Act 2005, the safe (precautionary measures in practice) handling, storage and use of 'substances hazardous to health' are ensured by every employer and compliance to the relevant provisions of the law are verified through inspections of places of work by the Occupational Safety and Health Division of the Ministry of Labour, Human Resource Development and Training.

10. Regarding hazardous substances, close collaborations and consultations in terms of visits of Specialists, programs, projects and training with organizations like International Labour Organization (ILO). Several staff of the Occupational Safety and Health Division of the Ministry of Labour, Human Resource Development and Training has participated in workshops, programs of the Organization for the Prohibition of Chemicals Weapons (OPCW) on Chemical Safety. Moreover several ILO Conventions related to Occupational Safety and Health have been ratified by the Republic of Mauritius (C187 -Promotional Framework for Occupational Safety and (2006), C155-Occupational Safety and Health Convention (1981) and several of their provisions have been included in our legislations. Regarding hazardous wastes, to consult the Ministry of Environment, Solid Waste Management and Climate Change.

11. Mauritius does indeed provide for such opportunities to citizens across sectors and socio - economic strata, more specifically through the different Research and Innovation Grant Schemes which the Mauritius Research and Innovation Council (MRIC) operates under the aegis of the Ministry of Information Technology, Communication and Innovation. The MRIC is the apex body which advises the Government on matters concerning applied research, innovation and research and development issues. Figuring prominently among its core objectives includes that of fostering a strong research culture as well as the promotion and coordination of applied research, innovation and research and development according to the needs of the country and to improve the quality of life of its citizens.

12. The research projects funded by the Council cut across a wide range of scientific disciplines including the natural, social and behavioral sciences.

13. It is also common practice for all research projects funded by the Council to be publicly disseminated through public workshops and seminars where study findings are presented and discussed in audiences which are not restricted to stakeholders and sector experts but also to citizens with an interest in the subjects. These public dissemination exercises provide a regular forum for citizens to access information on scientific findings and to take active part in public debates about scientific evidence.

14. In addition, the Council runs an online Repository where all the technical reports and research data which have benefitted from MRIC funding are accessible to the general public.

15. There is also an Open Data Portal whereby all citizens can accede to government non confidential data for any research purpose or eventual innovative solutions.

16. A Research Fund has been set up since 2017 under the aegis of the Higher Education Commission (HEC). There are several schemes under the Fund where academics submit applications and carry out research projects if selected by the HEC. It has been noted that there is a good response with regards to the call of applications.

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