**The Right to a Safe, Clean, Healthy and Sustainable Environment:**

**Toxic-free places to live, work, study and play**

1. One recent example is that of the MV Wakashio oil spill that occurred offshore of Pointe d'Esny, south of [Mauritius](https://en.wikipedia.org/wiki/Mauritius), after the [Japanese](https://en.wikipedia.org/wiki/Japan) bulk carrier MV Wakashio ran aground on a [coral reef](https://en.wikipedia.org/wiki/Coral_reef) on 25 July 2020.The ship began to leak fuel oil in the following weeks as from the 06 August 2020, and broke apart in mid-August. An estimated 1,000 tonnes of oil spilled into the [ocean](https://en.wikipedia.org/wiki/Indian_Ocean) thus contaminating both the sea and the shore and the incident was declared as a national emergency by the Mauritian Government. This situation has adversely affected the livehoods of the people in that area, whose main source of income is from fishing activities and the tourism sector. The closure of public beaches affected several dependent businesses and many people relied on alternative livelihoods through the cleaning exercise, government financial support and support from non-governmental organizations, community organizations, neighbours and friends.

1.1 In the same vein, people living along the coasts experienced respiratory problems and fishermen were deprived of their right to fish because of polluted marine environment and to sudden fish death. Schools had to be temporary closed in the regions.

1.2In the context of Agro Industry, misuse and overuse of pesticides in crop production contribute to pollute the environment and underground water. Excessive use of pesticides also leaves pesticide residues in the agricultural produce which adversely affect the health of the consumers. Those who are most affected are the users of pesticides, workers in the field and consumers of vegetables and fruits.

1.3 Some areas characterized by unhealthy levels of pollution and high risks of exposure to toxic substances are at ***Annex I.***

2. The heavily polluted areas contaminated with Heavy Fuel Oil (HFO) were along the shoreline in the south east region of Mauritius as from Pte D'esny, to Bambous Virieux encompassing Mahebourg Waterfront, Riviere des Creoles, Vieux Grand Port and Bois des Amourettes public beaches.

2.1 According to the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping swimming is prohibited as from 700m North of the public beach of La Pointe at Pointe aux Sables up to 100m northwards of Nassau Bay, Baie du Tombeau due to the presence of high levels of Total coliforms and Faecal coliforms. This might be due to seepage from faulty septic tanks, absorption pits, surface waters and from stagnant water pond, more specifically from La Mare Samson after heavy rainfall.

2.2 The heavily polluted places in Mauritius include pig breeding site at St Martin where there is lack of proper onsite wastewater disposal systems, improper animal husbandry or breeding practices, improper management of solid waste, causing persistent odour and flies nuisances in the surrounding places. It also includes industries located in industrial zones, having improper wastewater disposal systems and discharging same into surface run off drainage network which leads same to nearby rivers.

2.3 The “Sacrifice Zones” include Mare Chicose where there is the sanitary landfill site. People living in the vicinity had to be relocated due to permanent prevailing odour and fly nuisances. Surrounding environment is regularly cleared.

2.4 The most heavily polluted places tend to be the zones where most industries are located. In the State of Mauritius, La Tour Koenig and Pointe aux Sables are the regions where ambient air quality issues are reported. There is close proximity between the residential and industrial zones in these regions. This is due to limited availability of land and hence absence of buffer zones. There have been several important industrial developments in the past years in these regions. The State of Mauritius has a prevailing wind regime from the south east and La Tour Koenig and Pointe aux Sables are located in the North West of the island, hence almost all over the year being downwind of potential sources.

3. Government has to set up the necessary legal, institutional framework, standards and ensure enforcement of laws and regulations. The businesses have to comply with the laws and regulations. However, there is a lack of trained personnel to enforce the legal provisions and to sensitize the population.

3.1 The Specific obligations of the State and responsibilities of businesses in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals are listed at ***Annex II.***

4. The Constitution of Mauritius does not specifically provide for toxic free environment. The Environment Protection Act (EPA) is the bedrock of environment law in Mauritius. It binds all citizens of Mauritius to use their best endeavours to preserve and enhance the quality of life by caring responsibly for the natural environment in Mauritius (section 2).

Examples of Constitutional provisions, legislations and others are at ***Annex III.***

5. The State of Mauritius, being member of the United Nations, has always recognised the right to a safe, clean, healthy and sustainable environment and works towards preventing, mitigating or rehabilitating toxic environments. In order to achieve the target of preventing, mitigating or rehabilitating toxic environments a list of promulgation made is listed at **Annex IV.**

5.1 As a Small Island Developing States (SIDS), Mauritius has a fragile ecosystem and is increasingly faced with global crisis namely climate change, loss of biodiversity, poor management of toxic chemicals and hazardous waste, marine pollution.  In view of the magnitude of the global challenges and with limited technical and financial resources, Mauritius has joined the world community to address global environmental problems in a concerted manner. Some 36 multilateral environmental agreements (MEAs)related to chemicals, biodiversity, marine and atmosphere have been signed by Mauritius.

6. Following the MV Wakashio oil spill, the State of Mauritius mitigated the effects of the shoreline and sea contamination by (i) making necessary arrangements for the prompt removal and transportation of the Heavy Fuel Oil (HFO) contaminated wastes and (ii) setting requirements for the proper management and disposal of the HFO contaminated wastes by the contractors appointed by the insurance company.

6.1 The Albion Fisheries Research Centre under the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping monitors coastal projects and ensures that there is no pollution caused by coastal developments, such as the construction of hotels and desalination plants.

6.2 Long-term monitoring of coastal water quality is conducted for physico-chemical parameters and levels of coliform bacteria at established coastal sites around the island and the results of analyses are compared to the guidelines for Coastal Water Quality (GN No. 620 of 1999).

6.3 Long-term monitoring of the density of harmful marine microalgae, the causative agents of ciguatera, at established coastal sites around the island. Ongoing screening of toxic fish deemed to cause ciguatera is also carried out. New promoters in the aquaculture sector are provided with guidelines in good aquaculture practices.

6.4 Monitoring of water quality of the different marine aquaculture sites are carried out by the Laboratory Division of the Ministry. In the event of fish mortalities in freshwater farms, samplings are done by the Aquaculture Division and sent for analysis to the National Environmental Laboratory.

6.5 Since the enactment of the Use of Pesticides Act, fruits and vegetables are collected on a regular basis to monitor the level of pesticide residues. Growers are moving towards organic production, adopting good agricultural practices and are following integrated pest management for the control of pests and diseases.

6.6 Over the years, there are many toxic and hazardous pesticides which have been banned especially the persistent organic pollutants. Growers are using safer products and less-toxic bio-pesticides for pest control.

6.7 The Agricultural Chemistry Laboratory under the Ministry of Agro and Food Security is mandated to monitor pesticide residues in Fruits and vegetables through its testing activities. The laboratory also provides testing facilities for other food contaminants like mycotoxins and heavy metals. Moreover, soil testing facilities are available to the farming community.

6.8 Some examples of monitoring concentrations of toxic substances in air, water, soil and food are listed at ***Annex V***.

7. All employees working with toxic products or in environments prone to exposure to toxic products are provided with Personal Protective Equipment (PPE) and are regularly monitored medically.

7.1 Environmental Studies already exist as a subject in primary schools, but should be continued throughout the educational process and there is also an obligation to have a greener environment in all residential and industrial places should be incorporated in our laws.

7.2 Actions taken by the State of Mauritius to prevent various sections of the population from being exposed to toxic environments are listed at ***Annex VI.***

8. With time, the actions of high-income States, which led to increased risks of exposure to toxic substances in low- and middle-income States, include the following:

1. The chemical manufacturing industry is highly globalized, the manufacture and use of chemicals are shifting increasingly to Low Income Countries (LICs) and Low to Middle Income Countries (LMICs) where labour cost are low and environmental protections are few as compared to High Income Countries (HICs).
2. Toxic chemicals and other environmental hazards that were previously found in developed countries are now pouring in LICs and LMICs with ever increasing rapidity. Production and use of synthetic chemicals which were initially concentrated in HICs are now being rapidly spread to in LICs and LMICs.
3. Relevant research conducted and data collected in HICs, LICs and LMICs indicate that, the once very separate patterns of disease LMICs and HICs are COVERING. With globalization of chemical manufacturing industry, the new reality in global health is that NCDs are becoming a major problem in most countries around the world.
4. Forms tend to respond to incentives in terms of pollution decisions. They will choose their location and pollution levels based on demographic characteristics that might affect their production costs. Generally, firms established in low-income areas are more likely to release toxic pollutants and spend less on wastes management processes than firms established in richer areas and because the risk of litigation following the release of pollutants are lower than richer areas.

8.1 Highly industrialised states generate a lot more greenhouse gases in the atmosphere which are adversely affecting the climate globally. Extremes climatic conditions are being observed all around the world. Unfortunately, the effects of theses calamities are felt much more in low- and middle-income states.

8.2 Moreover, being a small island State, Mauritius will definitely be affected by the sea level rise. This will impact greatly on our economy as we bank on our beaches mostly to attract tourists. High income countries should pay carbon tax which can be used to finance rehabilitation in the low-income states.

8.3 To confront the global problem of disease caused by pollution, improved programmes of public health and environmental protections are needed in countries of every level of economic development.

8.4 The pollution control strategies and technologies that have been developed and successfully deployed in HICs need to be transferred to low- and middle-income countries and their implementation needs to be adequately funded. These strategies have succeeded by controlling exposures at source, e.g., removal of lead from gasoline, banning or restricting use of asbestos, replacement of highly toxic pesticides etc.

8.5 Moreover, in cases where high-income states dump their hazardous wastes to low or middle-income states, the high-income States can assist by providing (i) technical know-how to help develop capacity building; (ii) the required funding in preventing and rehabilitating the toxic environment.

9. According to the Environment Protection (Standards for Hazardous Wastes) Regulations 2001, the generators have the obligations to ensure that their hazardous wastes are properly stored, treated and disposed of.

9.1 The Republic of Mauritius complies with the Foundational Principles, Operational Principles, the State Business Nexus, supporting Business Respects for human rights in conflict affected areas, Ensuring Policy Coherence and Access to remedy of the Guiding Principles in Business and Human Rights.

9.2 Concurrently, local business/firms do in general comply with the Corporate Responsibility to Respect Human Rights, Operational Principles, Human Rights Due Diligence, Remediation and Issues of Context of the Guiding Principles on Business and Human Rights.

9.3 The policies or practices that are in place to ensure that activities, products, and services prevent risks of toxic exposures and meet human health rights standards are the enforcement of the Occupational Safety and Health Act (OSHA) 2015, the Dangerous Chemical Control Act. Environmental Impact Assessment are being carried out before launching the business.

9.4 In addition,policies, practices and laws that prevail to prevent risks of toxic exposure and meet human rights standards in the State of Mauritius are listed at ***Annex VII.***

***03 November 2021***