



*“Aret Kokin Nu Laplaz” [AKNL] / “Stop Stealing Our Beaches” – Civil society coalition in Mauritius campaigning against the privatisation of the last wild beaches remaining and the destruction of their unique ecosystems.*

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Mr Achim Steiner  
The Administrator  
United Nations Development Programme (UNDP)  
One United Nations Plaza  
New York NY10017  
United States of America

Monday 8 March 2021

**Re: Decision on SECU Case. No. SECU 0012**

Your Excellency,

With regards to the complaint lodged two years ago by the *Aret Kokin Nu Laplaz* (AKNL) civil society coalition in Mauritius, AKNL members have taken cognizance of UNDP's Administrator Decision document, dated 03 March 2021 and entitled *Decision on SECU Case. No. SECU 0012*. AKNL would like to make the following comments and clarifications, in the hope that these will be included in the announced Monitoring Phase, particularly the implementation of actions points a) to d) listed at the end of the Administrator Decision document.

After careful perusal of the decision document we are today very much troubled by the number of discrepancies regarding how this document presents the findings and recommendations of SECU's investigation report.

For instance, the decision document states that the SECU report *“confirms that UNDP understood and complied with our SES, ensuring effective stakeholder participation through extended and wide-ranging consultations during project design and implementation.”*

Your Excellency, it is not factually correct to say the project is in compliance with UNDP's Social and Environmental Standards (SES), nor to affirm that there has been effective stakeholder participation during project implementation. Regarding full compliance with the SES, the UNDP Country Office (CO) made this comment to SECU when it was finalising its investigation report. Please allow us to copy here an extract of SECU's reply to the CO (from the Comments Matrix of the final SECU Report): *“The Executive Summary makes clear that the project is in compliance with some of the standards, and only in partial compliance with others. Thus, it would be inappropriate to describe the situation as full compliance.”*

A clear non-compliance example is that project implementation has been proceeding without much stakeholder participation. Civil society, particularly local coastal communities, businesses and elected village councillors in the coastal zone are not being consulted and involved, whereas these are crucial under UNDP's SES, which state:

*UNDP ensures meaningful, effective and informed participation of stakeholders in the formulation and implementation of UNDP programmes and projects. [...] Stakeholder analysis and engagement is conducted in a gender-responsive, culturally sensitive, non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate*

Please find in annex a table comparing the actual findings & recommendations of the final SECU investigation report with what it summarised in the Administrator Decision document.

Beforehand, we would like you to take note please of two key elements:

1. A fundamental demand AKNL formulated throughout the two years of the complaint process was that the Government of Mauritius puts on hold hotel and luxury villa/apartments projects in the coastal zone until the GEF-UNDP project has been completed. The project is meant to produce a map of all environmentally sensitive areas (ESAs) in the coastal zone, as well as the laws and regulations needed to protect these ESAs. This work is planned over a short 3 to 4-year timeframe. It defeats the whole purpose if during this time hotels and luxury real estate projects are allowed to be built. Hence, AKNL had asked for a moratorium on EIA licenses and Building Permits in the coastal zone until the project had been completed. It is something we have repeated many times to UNDP and the Government. But it would seem that it has been lost from sight. Your Excellency, we would like here to make a final request to you to appeal to the Government that such a moratorium is vital for the project's successful implementation. Otherwise, what was the point of Government asking for UNDP and GEF assistance to mainstream biodiversity into the management of the coastal zone? In support of this request, allow us here to cite another extract from SECU's final report where SECU remarked to the Ministry of Environment *"the spirit of the partnership in this project between UNDP and the Government, in which regular dialogues should allow the project to reflect both the policy framework of the Government as well as the Social and Environmental Standards of UNDP"*.
2. The adoption of proposed legislation to protect Environmentally Sensitive Areas, as highlighted among the follow-up actions UNDP has identified, is of the greatest urgency. There soon will not remain much to protect at the rate at which Government is approving development permits in the coastal zone. We would like to convey our deep appreciation to the UNDP Administrator for highlighting the importance of protecting the integrity of coastal zones in Mauritius. At this very moment, life and property of local people is at severe risk in one of the project's ICZM demonstration zones (the Black River District). It is an absolute confirmation of both the lack of stakeholder participation and how much the project is at risk of failing. A luxury real estate project is being built on too steep mountain slopes in the iconic village of Tamarin, in violation of the country's [Planning Policy Guidance](#) (PPG) on Development on Sloping Sites and Landslide Hazard Areas. The developer [officially admits](#) to building on slopes between 33-40%, whereas the PPG states *"development is not allowed on slopes greater than 20%"*. The PPG adds *"development should not be higher than 45 metres above the mountain base, or in the case of slopes facing the sea, 45 metres above Mean Sea Level."* The development is way higher than 45 metres. The risk of major landslides are considerable, threatening homes and businesses at the foot of the mountain. The PPG also officially considers mountain slopes as ESAs. But the authorities have nevertheless granted the developer all the environmental and building permits. Scientists, local councillors, inhabitants are [actively protesting](#). It is the latest in a series of ecological disasters under way in the Black River District since the project started in 2017 which we have consistently flagged to SECU. Black River District's local communities, village elected councillors, civil society groups and business operators are not involved in project implementation, if ever they even were in project design. It makes a mockery of the project's aim of developing an Integrated Coastal Zone Management Plan for the Black River District.



*Photo 1 – Luxury real estate development project under construction on Tourelle de Tamarin mountain in the project ICZM demonstration zone of the Black River District, Republic of Mauritius*



*Photo 2 – The mountain side is being terraced at slopes between 33-40% grades that far exceed the 20% grade permissible construction limit under the country's [Planning Policy Guidance](#) (PPG) on Development on Sloping Sites and Landslide Hazard Areas.*

Regarding the actions that UNDP is now proposing to take, we have the following comments:

Proposed UNDP Actions	AKNL comments
a) Will provide technical assistance for the adoption of legislation to protect Environmentally Sensitive Areas, given the importance of protecting the integrity of coastal zones in Mauritius.	<b>The ESA Bill, drafted in 2009, needs to be updated and passed most urgently. Furthermore, one of the project's main tasks was to update the map of coastal ESAs. This work must have been completed by now. In view of the considerable threats coastal ESAs are under, it is crucial that the updated map of coastal ESAs be made public at once.</b> Lastly, we would appreciate having the chance of participating in discussions to finalise the ESA Bill and other relevant legislations. We are keen also to help in identifying all civil society actors who should be involved.
b) Will revisit the risk framework to ensure the project remains in compliance with the SES and to identify pre-emptive measures to mitigate and reduce the potential for project failure.	<ol style="list-style-type: none"> <li>1. UNDP has enhanced its SES with a new set of standards that came into effect on 1 January 2021. <b>Enhancing the SES/risks framework will require the application of these new standards</b> and we believe that it is highly likely that the project will be reviewed to be a "High" risk project.</li> <li>2. <b>One cannot review/enhance the SES/risk framework without enhancing stakeholder engagement.</b> This entails (re)designing the project's Stakeholder Engagement Plan (SEP) (and probably the Gender Analysis and Gender Action Plan) that are mandatory annexes to any UNDP-GEF project.</li> </ol>
c) Will further strengthen stakeholder engagement, communications and outreach by the project.	<p>Will the local communities, elected village councillors, civil society groups and business operators of the Black River District be included in the project?</p> <p>Meaningful stakeholder engagement and participation should be carried out at project design, during the entire implementation phase, and during the (independent) monitoring and evaluation of the project.</p>
d) Will ensure ongoing effective implementation and oversight of the project towards completion.	Meaningful stakeholder engagement and participation should be carried out at project design, during the entire implementation phase, and during the (independent) monitoring and evaluation of the project.

To conclude, Your Excellency, we do recognise that since the project is under the National Implementation modality (NIM), the final responsibility for project success or failure rests with the Government of Mauritius. At the same time, we do rely on your support to ensure that the environmental future of the Republic of Mauritius is duly protected.

Yours faithfully



Carina Gounden



Yan Hookoomsing



Oormila Sahodree

For the Aret Kokin Nu Laplaz (AKNL) civil society coalition in Mauritius

**Copy to:**

- The Chairperson and Members of the Council of the Global Environment Facility (GEF)
- UNDP's Social and Environmental Compliance Unit (SECU)

**Annex – table comparing the actual findings & recommendations of the final SECU investigation report  
with what it summarised in the Administrator Decision document**

UNDP Administrator's Decision for SECU Case		AKNL comments	SECU Investigation Final Report
1	<i>The report highlights a number of positive elements in the project, including its contribution to mainstreaming the conservation and sustainable use of biodiversity and ecosystem services into coastal zone management through integrated management of the land and seascape.</i>	We never disputed the need for the project. We disputed its glaring shortcomings to deliver on its objectives.	
2	<i>The report also confirms that UNDP understood and complied with our SES, ensuring effective stakeholder participation through extended and wide-ranging consultations during project design and implementation.</i>	SECU said SES compliance was PARTIAL only.	Paragraph 5: "For standard 1 on biodiversity Conservation and Sustainable Natural Resource Management, the review found partial compliance on the part of the Country Office (CO)."
		SECU said the UNDP understood SES requirements, but did not take, in a number of areas, appropriate decisions.	Paragraph 7: "For the Policy Delivery categories on risk assessment and stakeholder engagement, the review found that the CO understood the requirements in the SES. At the same time, some of the judgments on individual elements of the risk assessment neither reflected past experience in Mauritius with environmental initiatives nor heeded the warnings on risk from the stakeholder consultations."

		<p>SECU did not say that stakeholder participation was effective during project IMPLEMENTATION, only during project design. SECU in fact throughout its report calls for more stakeholder participation. Not only SECU reminds that under official UNDP policy all "mainstreaming" projects need to set a priority, from beginning to end, of an inclusive approach to stakeholders, SECU also explains that this is critical to ensure project success.</p> <p>This is precisely one of the project's main shortcomings which we have denounced and which we are disappointed to see being brushed under the carpet: civil society, particularly local coastal communities, businesses and elected councillors are not participating in project implementation.</p>	<p>Paragraph 9:  <i>"Compliance with stakeholder participation in the SES has been strong in some aspects – especially the extended and wide range of consultations during project design"</i></p> <p>Paragraph 34:  <i>"Projects that include mainstreaming needs to set a priority, from beginning to end, of an inclusive approach to stakeholders. In this case, outreach to stakeholders is not a precautionary issue of avoiding damage; a wide range of leading players from multiple sectors will be essential to success of the project. Outreach is not solely the responsibility of the CO, especially in a NIM project, but the CO can play a useful role in working with implementation partners to keep attention focused on this need – not just because of UNDP Standards, but also because a positive outcome will necessarily be a team effort among government, the private sector and the communities across the island."</i></p>
3	<p><i>Nevertheless, the report finds that there are opportunities to do more to support the vision for conservation and effective management of fragile coastal zones in the Republic of Mauritius, and to ensure that the project remains relevant and in compliance with our SES.</i></p>	<p>The SECU investigation was not about supporting a vision, but addressing a dire and urgent reality. SECU clearly highlighted that destruction of coastal environmentally sensitive areas is taking place, crucial laws are not being passed and that all this is putting the project at risk of failure</p>	<p>Paragraph 5:  <i>"It is clear both from standard 1 and from the ProDoc that the greatest challenge for achieving the enumerated outcomes and outputs will be passage of long-needed legislation and administrative reforms."</i></p> <p>Paragraph 6:  <i>"The urgency of these steps needs to be emphasized, in case proposals of development projects continue with substantial and permanent impacts on biodiversity and environmental assets. UNDP should work with the Government of Mauritius and stakeholders, in order to contribute to the Government's finalization of important legislation for the protection of biodiversity in Mauritius."</i></p>

4	<p><i>Specifically, the Report recommends that before its completion, the project should raise its level of ambition by supporting the Government to adopt legislation for biodiversity protection in Mauritius. It also recommends upgrading the project's risk framework to reflect new challenges to activities, including the delayed passage of legislation for biodiversity protection, weak coordination across public and private sectors, and the potential impacts on the project of the COVID-19 pandemic.</i></p>	<p>Key elements are being left out here. The SECU report clearly highlighted not only that the project's risk framework needs to be reviewed and upgraded It also called for greater engagement of civil society. It is disappointing that this appears to be omitted in the Decision of the UNDP Administrator. Exclusion of civil society appears to be an entrenched pattern.</p>	<p>Paragraph 8 (with highlights here added):  <i>"OAI/SECU recommends that Mauritius Country Office, via either the Mid Term Review or a specific screening exercise, reconsider the risk framework, in light of what has occurred so far on the project and <b>mitigation measures that are now needed in light of potential barriers to progress on specific elements of the project, including legislation, coordination across the public and private sectors, and engagement of civil society. Several events and trends of recent years pose particular risks that could be well considered in a SESP review</b> – namely the financial shock from the COVID19 pandemic, the general election held in November 2019, and midterm uncertainty about the future of the tourism economy."</i></p>
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