SECOND READING OF

THE NATIVE TERRESTRIAL BIODIVERSITY AND NATIONAL PARKS BILL

Intervention by

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Minister of Agro Industry and Food Security

in the National Assembly on

Tuesday 20 October 2015
Madam Speaker,

I beg to move that the Native Terrestrial Biodiversity and National Parks Bill (No XVI of 2015) be read a second time.

As set out in the Explanatory Memorandum the main object of this Bill is to make further and better provision for the protection, conservation and management of native terrestrial biodiversity, and giving effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the CITES) and any other biodiversity related Convention to which Mauritius is or may become a party. The Bill also provides for the identification, control and management of reserved lands and private reserves.
In fact, Madam Speaker, the Native Terrestrial Biodiversity and National Parks Bill will replace the existing Wildlife and National Parks Act which was enacted in the year 1993.

After more than 20 years now, and with major developments in the areas of biodiversity conservation and management, there is need to further strengthen the protection of our endemic fauna and flora and genetic resources.

Madam Speaker, I must state that this Bill is long overdue, and I am advised that the Ministry has been working on it for the last ten years. Wide consultations have been held with relevant stakeholders along with inputs from specialised international agencies.

It appears that the issue of biodiversity was not a priority for the previous Government.
Madam Speaker, Mauritius is a signatory Party and member of a number of biodiversity related international instruments. These are, namely:

a) The United Nations Convention on Biological Diversity (CBD);

b) The Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES);

c) The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization;

d) The Convention on Migration of Wild Species (CMS);

e) The Ramsar Convention on Wetlands;

f) The International Union for Conservation of Nature (IUCN); and

Madam Speaker, at the 70th UN General Assembly held in September this year, world leaders embraced the 2030 Agenda for Sustainable Development with new goals and targets set to transforming the world.

And Goal 15 specifically refers to biodiversity protection and reads as follows:

*Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss.*

A set of targets clearly spells out the need to take urgent and significant actions to reduce the degradation of natural habitats, halt the loss of biodiversity and protect and prevent the extinction of threatened species. There is also the need to introduce new measures to prevent the introduction of invasive alien species and reduce their impact on land and water ecosystems and control or eradicate the priority species.
Madam Speaker, the Bill is therefore being introduced at a very opportune time as it will address the new agenda for sustainable development through protection of our biodiversity.

Biological diversity – or biodiversity – the term given to the variety of life on earth and the natural patterns it forms, and, as we see it today, is the fruit of billions of years of evolution, shaped by natural processes and, increasingly, by the influence of humans. It forms the web of life, of which, we are an integral part, and upon which we so fully depend. This diversity is often understood in terms of the wide variety of plants, animals and microorganisms.

Scientists reckon that there are actually about 13 million species on earth.

Biodiversity also includes genetic differences within each specie – for example, between varieties of crops and breeds of livestock. Chromosomes, genes, and DNA – the building blocks of life – determine the uniqueness of each individual and each specie. Yet
another aspect of biodiversity is the variety of ecosystems such as those that occur in deserts, forests, wetlands, mountains, lakes, rivers, and agricultural landscapes. In each ecosystem, living creatures, including humans, form a community, interacting with one another and with the air, water, and soil around them. It is the combination of life forms and their interactions with each other and with the rest of the environment that has made Earth a uniquely habitable place for humans. Biodiversity provides a large number of goods and services that sustain our lives.

We therefore, have a duty, an obligation towards our people today and tomorrow to protect this biodiversity and to ensure that it is used for the benefit of all.

Protecting biodiversity is in our self-interest.

Biological resources are the pillars upon which we build civilizations.

I must here, add that my Ministry, with the technical and financial support of the United Nations Development Programme/Global
Environment Facility is presently preparing a National Biodiversity Strategy and Action Plan (NBSAP) as well as the Protected Areas National Expansion Strategy.

A Strategic Plan to enhance forest and tree cover has also been prepared and will target the planting of 500,000 trees over the next five years. This will improve the habitats for our fauna and flora and will also help to mitigate the effects of climate change.

Madam Speaker, it is important to mention that today, we have only 2% of pristine native forests left though our forest cover represents 25% of total land area.

This Bill, together with the strategies and action plans will address the critical issues and threats to our biodiversity and native forests. Economic development is essential to meeting human needs and to eliminate poverty. However, the sustainable use of nature is essential for the long-term success of development strategies. A major challenge for the 21st century will be making the conservation and
sustainable use of biodiversity, a compelling basis for development policies, business decisions, and consumer desires.

Madam Speaker, our country is still recognized today as a biodiversity hotspot with some unique endemic flora and fauna still well preserved.

Our Pink Pigeon, Kestrel, Echo Parakeet and passerine birds are well known conservation success stories. Similarly, our Mauritian endemic bat species, the \textit{Pteropus niger} is unique and is the subject of many studies. Our national parks, the Black River Gorges National Park and the Bras D’ Eau National Park which are proclaimed national parks under the law and which harbor rich native forests, are popular tourist attractions which are visited by a large number of visitors every day. Restoration programmes are on-going in these forests to remove invasive species such as Chinese guava plants and other invasive plants. Conservation management areas have been created and these areas will be given special protection under the new law.
The Vallée de Ferney and the Vallée d’Osterlog Endemic Garden are endemic forests which harbour a rich biodiversity with rare native plant species. Many privately owned forests, including large areas of mountain and river reserves also harbor rich native flora and fauna which are well preserved but no legal protection is given to these endemic areas and this Bill will help to address such issues. More parks will be created to provide the people with more green spaces for leisure and recreation.

Our islet nature reserves, such as Round Island, Ile Aux Aigrettes and Ile D’ Ambre are examples of protected nature reserves ans islet national parks where restoration and conservation programmes are ongoing by the NPCS with the collaboration of NGOs. The Rivulet Terre Rouge Estuary Bird Sanctuary is another protected area and is a migratory bird site for a large number of winter birds from the northern hemisphere. This site is under legal protection and is a designated Ramsar site. I will be shortly coming with a new legislation
for the protection of all Ramsar sites and the control of developments on and around wetlands which are habitats for a large number of species.

Madam Speaker, the enactment of the Native Terrestrial Biodiversity and National Parks Bill will be a major or rather critical step to strengthen the protection of our natural resources and halt biodiversity loss.

Part I of the Bill covers preliminary matters, including interpretation of the various terms used in the Bill and also its application.

Part II of the Bill provides for the setting up of the Native Terrestrial Biodiversity and National Parks Advisory Council which shall advise the Minister on matters relating to native terrestrial biodiversity, reserved land, and conservation generally. The Council will also advise on the assessment of the state of wildlife resources and the effect of land use and environment activities on wildlife and wildlife habitat and will make recommendations with regard to the conservation of
wildlife. The Council will appoint sub committees and co-opt such other members as it considers appropriate to assist it.

Part III of the Bill provides for the setting up of the National Parks and Conservation Service which shall consist of such scientific, technical, administrative and other public officers. There shall be a Director of the Service who shall be a public officer and who shall have administrative control of the Service. I wish here to point out that the National Parks and Conservation Service already exists and there is a Director presently whose functions have been generally reviewed in the new Bill.

Part IV of the Bill deals with national parks and other reserves. It provides for the declaration by proclamation by the President of any state land to be a National Park or special reserve where the land is of natural, scenic, scientific, educational, recreational importance or value and preservation is necessary. It also provides for the
designation of private land as may be prescribed to be a private reserve for its protection and restoration.

Though the ownership of such designated private reserve will remain vested in its owner, the latter will have to seek the approval of the Minister for the alteration or sale of the designated private reserve. Section 13 (3) provides for the compulsory acquisition of a private reserve for the public benefit. Section 14 provides for the owner of a private reserve to maintain the reserve to the satisfaction of the Director who will have the responsibility to assist the owner to maintain the reserve.

Furthermore there is provision to declare any land adjoining a private reserve or a reserved land to be a buffer zone for that land. The purpose of declaring a buffer zone is to ensure that the activities in such buffer zones are monitored and the impacts of such activities are not detrimental to the protected reserves.
Here, I am bringing an amendment to Section 15 (1) to provide for the delimitation of the buffer zone to be within an area not exceeding **200 metres** of the reserved land instead of one kilometer. The one kilometer buffer zone is an internationally accepted standard for protected areas.

However, given the small size of our island and limited land resources, I am therefore proposing a buffer zone of not exceeding 200 metres.

Madam Speaker, these provisions have been made in order to ensure the protection of lands of high and unique biodiversity value.

Part V relates to the setting up of CITES Authorities.

As I mentioned earlier, Mauritius is party to the Convention on International Trade on Endangered Species of Fauna and Flora, or the CITES as commonly referred to. This convention is an international agreement between governments which aims to ensure that
international trade in wild animals and plants does not threaten their survival. International wildlife trade is estimated to be worth billions of dollars annually and includes hundreds of millions of plant and animal species. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products, derived from them, including food products, exotic leather goods, wooden musical instruments, timber, and medicines. Levels of exploitation of some animal and plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction. Though many wildlife species in trade are not endangered, the existence of the CITES agreement is important to safeguard these resources for the future.

Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it, requires international cooperation to safeguard certain species from over-exploitation. The CITES works
in this spirit of cooperation and accords varying degrees of protection to more than 35,000 species of animals and plants listed in the three appendices of the CITES. Hence each Government is required to set up its Management Authority to implement and enforce the legislation relating to species conservation and issue permits in accordance with the CITES. Accordingly a Scientific Authority will also be established to advise the Management Authority on all CITES related matters.

Part VI provides for a better protection of our endemic flora and will regulate the propagation and sale of native plants.

The section also makes provision for the hunting of wildlife and game. Here I wish to bring an amendment to add a new sub section 26 (4) to provide for the Minister to authorize the hunting of wildlife at night on the advice of the Director. We are all presently aware of the serious problem as regards the endemic bats population which has reached a large number and is causing significant damages to fruit plantations. However, because of its protected status and the existing
legal provision prohibiting hunting at night, we are bound by the existing legal provision and cannot authorize its culling at night. Hence this section will allow for a derogation to be made for hunting of wildlife at night in exceptional circumstances and where human life or national interests prevail.

I wish here to point out that human/wildlife conflict is an international issue and many countries do resort to culling as and when such conflicts represent a threat to human life and agriculture where livelihoods of people are directly at stake. At times bold and unpopular decisions have to be taken by Government in national interest. However all necessary measures will be taken to ensure the survival and sustainability of the population of the species.

Furthermore, as regards hunting of game, Section 27 (b) (iii) of this Bill, forbids hunting of deer with bows and arrows in view of the humane aspects. However I have received representations that this new provision will negatively impact on tourism related activities. I
am here bringing an amendment to Section 27 (2) to empower the Director to authorize a person to hunt game for any purpose and by any method on such terms and conditions as may be prescribed. Appropriate regulations will be made to regulate this activity to ensure that all security measures are adhered to and those practicing such sport are in possession of valid licenses and authorization.

Part VII provides for the control of wildlife and will specifically address the major threat posed by invasive species to biodiversity. It will provide for the setting up of the Invasive Alien Species Committee for the purpose of controlling the introduction of exotic wildlife in Mauritius and preparing a prohibited list of wildlife species which shall not be allowed to enter Mauritius. The importation of exotic wildlife including pet animals will be regulated through a system of permits and licences and payment of the prescribed fees.

This part also provides for the setting up of a Special Technical Committee for the purpose of controlling wildlife in Mauritius. In
cases where any specie of wildlife has attained pest level, the Special Technical Committee will advise on the control of such species in the national interest for such period and in such manner as it may determine. Here again the problem we are presently facing with the bats will be addressed in a legal manner and in the national interest. This part will also provide for the control of species which, though small in numbers, but may constitute a threat at strategic locations such as for example, the airport.

Part VIII provides for the issue of CITES Export and Import permits by the Management Authority for species or derivatives thereof which are listed on the CITES lists of species or as may be prescribed.

Parts IX provides for the registration of persons who intend to trade in prescribed species and keep records of such trade.

Parts X deals with the powers of the officers and incorporates the provisions of the existing Wildlife and National Parks Act together with some changes.
Part XI deals with the financial provisions and other changes in the National Parks and Conservation Fund to consist henceforth of the levies payable by monkey export companies for the export of live monkeys and derivatives thereof. So far these companies have been paying the levy under protest as there was no legal requirement for such payment.

Part XII deals with offences and penalties and also for regulations to be made for the purpose of this Act, coordination with other laws and for the repeal of the Wildlife and National Parks Act and its regulations. It also provides for the consequential amendments and transitional arrangements.

Madam Speaker, nature supports such diverse industries as agriculture, cosmetics, pharmaceuticals, pulp and paper, horticulture, construction and waste treatment. The loss of biodiversity threatens our food supplies, opportunities for recreation and tourism, and sources of wood, pharmaceuticals and energy. It also interferes with
essential ecological functions. **Our need for products of nature we once ignored is often important and unpredictable.** Time after time we have rushed back to nature’s cupboard for cures to illnesses or for infusions of tough genes from wild plants to save our crops from pest outbreaks. Many breeds of the main farm animal species are currently at high risk of extinction. While the loss of individual species catches our attention, it is the fragmentation, degradation, and outright loss of forests, wetlands, coral reefs, and other ecosystems that poses the gravest threat to biological diversity.

We all know that ecosystems provide a range of goods and services which include provision of food, fuel and fibre, provision of shelter and building materials, purification of air and water, detoxification and decomposition of wastes, stabilization and moderation of the Earth’s climate, moderation of floods, droughts, temperature extremes and the forces of wind, generation and renewal of soil fertility, including nutrient cycling, pollination of plants, including
many crops, control of pests and diseases, maintenance of genetic resources as key inputs to crop varieties and livestock breeds, medicines, and other products, cultural and aesthetic benefits.

The long-term viability of species and ecosystems depends on their being free to evolve in natural conditions. This means that we have to learn how to use biological resources in a way that minimizes their depletion. We have to make development sustainable, to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs. This new Act will usher in a new era of environmentally sound economic development. As a Government, we need to provide the critical role of leadership, particularly by setting the appropriate rules and regulations to guide the use of natural resources, and to protect, conserve and sustainably use our biodiversity.

The amendments which I am proposing to bring at Committee stage to section 15 (1); section 26 and section 27 (2) as I have said earlier
have been circulated and I will be moving accordingly at Committee stage.

Madam Speaker, I am confident that this Bill will have the support of everyone as it will give better protection to our parks, native forests and our native fauna and flora.

So I now commend the Bill to the House.