SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY
DEBATES
(HANSARD)
.UNREVISED)

FIRST SESSION

MONDAY 15 JUNE 2020
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PAPERS LAID

QUESTION (Oral)

MOTION

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

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MAURITIUS

Seventh National Assembly

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FIRST SESSION

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Debate No. 20 of 2020

Sitting of Monday 15 June 2020

The Assembly met in the Assembly House, Port Louis, at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)
The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

Prime Minister’s Office, Ministry of Defence, Home Affairs and External Communications, Ministry for Rodrigues, Outer Islands and Territorial Integrity

ORAL ANSWER TO QUESTION

COVID-19 PANDEMIC – PHARMACEUTICAL DRUGS – PURCHASE

The Leader of the Opposition (Dr. A. Boolell) (by Private Notice) asked the Minister of Health and Wellness whether, in regard to pharmaceutical drugs, he will state the amount of money spent for the purchase thereof by way of emergency procurement since 11 March 2020 to date, and table details of the –

(a) local importers to whom contracts were awarded;
(b) purchase prices thereof, item-wise, and quantum thereof; and
(c) dates of –
   (i) purchase thereof, and
   (ii) payments or on which payment are due therefor.

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Speaker, Sir, as the House may be aware, in the wake of the COVID-19 Pandemic, my Ministry had to ensure that the Health Services were adequately prepared to respond to any emergencies in all aspects, including required number of medical and paramedical staff, infrastructure, equipment, protective materials as well as appropriate quantity of drugs and pharmaceutical products.

Mr Speaker, Sir, my Ministry holds a stock of some 766 drugs, which are used in the treatment and care of patients with different pathologies. Most of these drugs are procured through annual tenders from both local and foreign suppliers. These are stocked at the Central Supplies Division and distributed to the Health Institutions on a planned delivery schedule. Other drugs are procured on as and when required basis. The list of 766 pharmaceutical items which we procure annually is based on the World Health Organisation’s essential list of medicines for the treatment and management of various categories of diseases. The procedure for procurement of the pharmaceutical products is well defined. Each year, there is a Committee of Needs comprising all Consultants in Charge and Pharmacists who usually meets in February and March every year to examine the requirements of previous years, the annual trends, the new requirements and the existing stocks.

Based on this exercise, the requirements of the following financial year is worked out by the Committee of Needs. The recommendations of the Committee of Needs are submitted to the Procurement Section for preparation of appropriate tender documents.
However, for this year, the exercise could not be completed in view of the outbreak of the COVID-19 and the subsequent lockdown. Consequently, my Ministry had to initiate appropriate action in March 2020 with a view to avoiding the situation of disruption in the supply of pharmaceutical products, the more so, as most of these products are procured from abroad. In fact, my Ministry has contacted the suppliers who confirmed that they were not in a position to fulfil their contract for orders which had already been placed by my Ministry, due to lockdown and restrictions on international transportation. This situation persisted and suppliers are still facing the same problems to deliver the products for which contracts were already awarded to them.

Mr Speaker, Sir, even today, the situation is still the same and has not improved. In the light of such a situation, my Ministry set up a Monitoring Committee comprising of Senior Officials who undertook an in-depth assessment in the whole matter of procurement of drugs, other medical consumables and as well as biomedical equipment. The reason for this exercise was to assess the exact needs of our patients given that we were in a situation of lockdown and the closing of International Borders, and also to ensure that emergency medications, routine medications, vaccines and other essential drugs are available in sufficient quantity at all times to cater for our patients in all our Health Institutions.

Mr Speaker, Sir, our proactive action resulted in the availability of all medications in our Health Institutions as well as in the Private Sector. In fact, at no point of time there was a shortage of any drugs. The House should also note that during our vaccination campaign carried out as an outreach exercise, more people wanted to avail to the vaccine. My Ministry has been able to airlift an additional stock of 62,000 vaccines from Biocom of a total value of around Rs15 m., through direct procurement, to meet the requirements of our fellow citizens. This was also done as an emergency procurement, Mr Speaker, Sir.

Mr Speaker, Sir, as you know, most of our pharmaceutical drugs are imported and being given that the borders were closed, it was very difficult to get all the items required in sufficient quantity and in time. It was, therefore, imperative for my ministry to look out for practical solutions to ensure that the pharmaceutical products needed were made available.

Mr Speaker, Sir, the COVID-19 Pandemic, the invisible enemy, created an unprecedented situation with uncertainty worldwide. We had to plan our supplies for pharmaceutical products for at least six months. In the circumstances, my Ministry had no other alternative than to have recourse to emergency procurement procedures to ensure that
the stock of drugs is replenished at its earliest. These initiatives were taken in line with the Directive 44 issued pursuant to Section 7 of the Public Procurement Act 2006 on 19 March 2020 and Section 21 of the Public Procurement Act 2006.

Mr Speaker, Sir, concurrently, actions were taken to proceed with the annual tender exercise for the procurement of the pharmaceutical products, for which tender documents have already been submitted to the Central Procurement Board by the end of May 2020.

Mr Speaker, Sir, from 11 March till date, an amount of Rs93,592,919 has been spent for the purchase of pharmaceutical products by way of emergency procurement. I am tabling details regarding -

a) local importers to whom contracts for emergency procurements were awarded;
b) purchase prices and the quantum thereof, and
c) dates of purchase of the drugs.

Mr Speaker, Sir, with regard to payments for the emergency procurement of drugs, these are being processed and will be completed by the end of this Financial Year.

**Dr. Boolell:** Mr Speaker, Sir, can I ask the Minister on how many occasions did the Ministry have recourse to emergency procurement, and will he give a full list of the members of the Evaluation Committee?

**Dr. Jagutpal:** Can you repeat the question, please?

**Dr. Boolell:** On how many occasions did the Ministry have recourse to emergency procurement and will he give a full list of the members of the Evaluation Committee? I want a list of each emergency procurement exercise.

**Dr. Jagutpal:** Mr Speaker, Sir, I will answer the first part of the question, how the Ministry has been procuring drugs as an emergency basis. This is happening both at the hospital level and at the Ministry’s level. At the hospital level, whenever there is a shortage of drugs, especially emergency drugs, that is being done there and the Evaluation Committee also is being done at the hospital level. This exercise has been conducted for many years and it is still so. The aim of this exercise is to ensure that drugs are always available for the public and for everybody who is attending the hospital.

Now, the second part of the question, the members attending the Evaluation Committee, at this moment, I don’t have it, but I am going to table a list of the members of
the Evaluation Committee, including those sitting in the Evaluation Committee at the hospital level as well as the Ministry’s level. Now, the Evaluation Committee for drugs, it will depend on which drugs you are procuring. For example, somebody working in the Anaesthesiology Department should be sitting in that Committee, but comparing to somebody who has issues to other drugs, to drugs that concern antibiotics, for example, so it’s a long list. So, I’ll definitely table the list of all the members sitting on the Evaluation Committee.

**Dr. Boolell:** In one word, you could not reply to the question I put to you. Can I come to the second question? Will the Minister confirm to this House that there is one particular supplier who submitted his bid without any details of sourcing or standard? Can he tell me who is that particular supplier?

**Dr. Jagutpal:** I have not...  

**Dr. Boolell:** He has submitted his bid without any detail of sourcing or standard.

**Dr. Jagutpal:** Mr Speaker, Sir, the hon. Leader of the Opposition has to submit it so. The Ministry is going to follow all the procedures. How can anybody just, without pointing the names, say that the medication was not up to the standard? The Committee has to decide that. In the Committee, there is not only one person; it’s a group of persons sitting in the Committee. The whole Committee has to take that decision. And now, the hon. Leader of the Opposition is going to pinpoint one person who supposedly has drugs that are not appropriate. I think that he has to submit to me the names, he has to submit to me the drugs as well and then we can confirm whether these drugs or the suppliers of these medicines, they are not appropriate.

**Dr. Boolell:** Will he confirm to the House that the bid of this particular supplier was rejected by the Evaluation Committee, but was subsequently maintained by higher levels? Can he confirm that?

**Dr. Jagutpal:** Mr Speaker, Sir, the Leader of the Opposition is just mixing issues. What does it have to do with the High Level Committee? The High Level Committee was meant to make sure that the COVID situation is being managed properly. The Evaluation Committee will do the work. If the Evaluation Committee rejected any supplier for any substandard drugs, it’s rejected! You have given the answer; you’ve given appropriate answer for this, Mr Speaker, Sir.

**Dr. Boolell:** I will give him the name of this non-compliant bidder, ‘Hyperpharm’, I don’t know whether he has heard of this company, owned by Mr Ashwin Bundhun, has been
selected when it was found to be non-compliant by the Evaluation Committee. And I can submit to you observation made by the Principal Pharmacist. I don’t know whether he is aware of the amount disbursed to Hyperpharm. Would you like me to read? Let me read –

“In the absence of the above information, no technical evaluation of the offers can be carried out and as such, the efficacy and safety of the pharmaceutical products cannot be ascertained. The source of supply as to whether the drugs are being procured from a duly registered wholesaler or manufacturer is not specified in the pro forma invoice.”

Is he aware of this? The pharmacopoeial standard of the products on the pro forma invoice is not mentioned. The certificate of pharmaceutical products nor the certificate analysis has been submitted to ascertain the quality of the products. Even that company does not have a certificate of pharmaceutical products to move into international commerce. Can I impress upon the House and tell the Minister that that company has not complied with basic World Health Organisation’s good manufacturing practices, and I will lay on the Table of the Assembly the comments made by the Principal Pharmacist of the Procurement Unit, Mr Bohoorun.

Dr. Jagutpal: Mr Speaker, Sir, the hon. Leader of the Opposition is totally confused.

Dr Boolell: You are confused!

Dr. Jagutpal: Mr Speaker, Sir . . .

Mr Speaker: Hon. Leader of the Opposition!

Dr. Jagutpal: I’ll repeat it. He is totally confused, I’ll maintain that. Why I am saying so? He is just confused about the products, medications and what any company has supplied. There is something called medical equipment and medical products in terms of medicines, drugs. So, try not to make confusion. I’ll just highlight the House. For products, if you buy any PPEs or you buy any mask, in Mauritius, we don’t have any agency who can tell you whether these PPEs, these masks are up to a certain standard. It’s not only in Mauritius; in so many places around the world, we can’t give any assessment of that. For this, I am going to admit, but as far as medication is concerned, not a single medication has been procured from the said company that the hon. Leader of the Opposition has mentioned.

Dr. Boolell: I can impress upon the Minister and upon the House that either he is misleading the House or he is lying through his teeth. I can submit documents in respect of medication purchased from that company.
Dr. Jagutpal: I am sure of that. I would like to have the documents that have been supplied.

Dr. Boolell: We will submit!

Mr Speaker: Hon. Leader of the Opposition. . .

Dr. Jagutpal: Mr Speaker, Sir, once you submit and then we will. . .

Mr Speaker: Hon. Leader of the Opposition, I would advise you...

Dr. Boolell: Yes, there it is, I can submit.

Mr Speaker: Listen to my ruling!

(Interruptions)

Listen to my ruling!

(Interruptions)

Hon. Leader of the Opposition! What is happening now? I am giving a ruling, listen to my ruling. I will help you. Every document you would submit, make sure it is authenticated. Go ahead!

Dr. Boolell: Mr Speaker, Sir, we all know that the gentleman concerned, Hyperpharm, has been selling his products way above the price quoted, to more than 2,200%. And I can submit figures for that. I don’t know whether the Minister is aware in respect of specific drugs. Can I quote. Lignocaine, for example, at more than 170% of the last price paid; Amoxicillin and Clavulanate Potassium at more than 330% of the last price paid, and the icing on the cake, Mr Speaker, Sir, I am referring to Haloperidol, which is sold at more than 2,200% of the last price paid. And I would come back. Can the Minister submit all the awards of contract given to Hyperpharm?

Dr. Jagutpal: Mr Speaker, Sir, I have already tabled all the procurement of medicines given to all the different companies in this House. Now, Mr Speaker, Sir, allow me to remind the House that as the sanitary curfew was becoming more and more probable in the wake of COVID-19, Members on the other side of the House and, in this case, some elected leaders indulged in fear-mongering, unfounded criticism was the order of the day. It is indeed very easy to fantasize and anticipate on impending worst case scenarios, and then, as per their habit, absolutely no solutions were proposed during that time. Hon. Duval also indulged in this fear-mongering process, unfounded remarks on the impending shortage of medicine and
protective equipment were brandished on the very eve of the sanitary curfew. I believe that we all remember that. Just imagine the effect of such …

(Interruptions)

Mr Speaker, Sir,…

(Interruptions)

Mr Speaker: What is happening here?

Dr. Jagutpal: Can the hon. Member. . .

(Interruptions)

Mr Speaker: What is happening? The Minister is giving his reply!

Dr. Jagutpal: Can the hon. Member listen to what I am saying? Just imagine the effects of such remarks on the Mauritian population. These types of attitudes actually gave rise to panic buying, be it for daily commodities or for medicines. Such remarks were made for thousands of Mauritians to rush in pharmacies and to buy in bulk and, at the same time, creating artificial shortage of drugs. Did the authors of such remarks think about the gravity of their allegations? Due to their remarks, thousands of Mauritians flocked in pharmacies and outlets at that time. It is true that in the aftermath of the COVID crisis, there has been. . .

(Interruptions)

Mr Speaker: Hon. Shakeel Mohamed, let the Minister reply! Don’t obstruct proceedings!

Mr Mohamed: He is reading!

Dr. Jagutpal: Yes, I am reading! I am reading, that’s true, Mr Speaker, Sir. I am reading.

Mr Speaker: Carry on, Minister!

Dr. Jagutpal: There is nothing to take note about it.

(Interruptions)

Mr Speaker, Sir, this House is a House where every Member has to be given the opportunity to express. If any Member thinks that he is superior or he is going to try to bully, it’s not going to happen!

(Interruptions)
It’s true. There has been a surge of global demands on medicines, protective materials and other equipment. Now, let me remind the House that on 23 April 2020, the World Trade Organisation observed that as many as 80 countries introduced export prohibitions and restrictions on certain medicines and protective equipment. Can you imagine what would have happened if we did not procure medicines or protective equipment on emergency? This was a challenge that stood in the Government’s way, and challenge, we were fully aware of, and a challenge that we addressed accordingly. At the same time, Mr Speaker, Sir, in the Ministry, we have a Committee that looks at the quality of medicines. So far, daily, thousands of medicines are being given to the population, we haven’t yet received any complaint about side effects of medications, about quality of medications being given to the population. Thank you.

Dr. Boolell: Mr Speaker, Sir, let me remind the hon. Minister what his Permanent Secretary stated in respect of drugs imported by Hyperpharm, which have been supplied to hospitals –

“In the light of the observation made above, and given that there will be...”

Mr Speaker: The Leader of the Opposition is quoting from which document?

Dr. Boolell: From a document from the Ministry of Health!

Mr Speaker: Is it authenticated?

Dr. Boolell: Well, why should I authenticate it? Why?

Mr Speaker: Don’t shout at me!

(Interruptions)

Dr. Boolell: Why? This is a valid document!

Mr Speaker: Don’t should at me! Don’t shout at the Chair!

Dr. Boolell: This is a valid document! So, I have no right to quote from a valid document?

Mr Speaker: Don’t shout at the Chair, first! Don’t shout at the Chair. Then, you answer my question!

(Interruptions)

From which...
I don’t have to argue.

You don’t have to argue!

**Dr. Boolell:** I don’t have to argue?

**Mr Speaker:** Yes, you don’t have to argue. Reply! Give the reply to my question!

**Dr. Boolell:** Let me...

**Mr Speaker:** Hon. Leader of the Opposition, you are quoting from a document.

**Dr. Boolell:** Yes, I am.

**Mr Speaker:** Which document?

**Dr. Boolell:** I am quoting from what the Permanent Secretary has stated in relation to a document...

**Mr Speaker:** And I am asking you a second question: is it authenticated?

**Dr. Boolell:** It bears the signature of the Permanent Secretary.

**Mr Speaker:** It is authenticated subject...

**Dr. Boolell:** It bears the signature.

**Mr Speaker:** Submit it!

**Dr. Boolell:** Let me read first.

“In the light of the observation made above and given that there will be a special flight from India around the 8th of May, Hyperpharm, which is already engaged to bringing other drugs on this flight from India, has submitted a Pro Forma Invoice for only 19 of the drugs from the list of Portfolio 13, which it can supply at this stage.”

So, it means that it has been supplying medication to the hospitals, and medication which is substandard! Substandard medication!

**Mr Speaker:** Don’t shout at me! Submit the document so that I can have it.

**Dr. Boolell:** Can I also tell the Minister, if he is not aware, that in respect of the box of medication where you have, what is known as Sodium Valproate, in that same box, there are other medication like antibiotics, which means that if somebody purchases that
medication, not only will he have a drug which has been prescribed to him, but other drugs in
the box. I don’t know whether he is aware of this, and this is a problem that has arisen at
Jawaharlal Nehru Hospital and complaints have been registered by pharmacists. Is he aware
of this?

Mr Speaker: Submit the document also!

Dr. Boolell: Yes.

Dr. Jagutpal: Mr Speaker, Sir, may I assure the hon. Leader of the Opposition that I
am fully aware of the medications...

(Interruptions)

There was another medication in that.

Dr. Boolell: Yes!

Dr. Jagutpal: At this stage, there is an enquiry being carried out, whether...

(Interruptions)

Mr Speaker, Sir, this medication, on Friday...

Mr Speaker: Let the Minister reply!

Dr. Jagutpal: Mr Speaker, Sir, this medication – the report from the Dispenser of the
pharmacists was reported on Friday.

Don’t you expect that the enquiry should be initiated immediately? This has been
done immediately and the report will come out in the days. Now, Mr Speaker, Sir, let me
reassure the House that, medications were present in different boxes. How, at this point of
time, can we say that it is the manufacturer’s fault, it is the supplier’s fault, it is the
dispensing fault,...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ... it is the stocking fault? At this point of time, I can’t take that
responsibility, because till the enquiry is not completed, and we don’t know why another
tablet of medication was put in that box. We can’t blame the supplier of the medication.

Dr. Boolell: Can I tell the Minister whether this goes against the best standard, if I
refer to World Health Organisation good manufacturing practices? If this is so, it means that
we are buying drugs from a company which does not source its drugs from a registered manufacturing plant or company. Is he aware of this? Is he aware that this gentleman is bringing drugs in our country, which is substandard, which is a danger to the population? Is he aware of it? And being aided and abetted by this Government! Is he aware of this?

Dr. Jagutpal: Mr Speaker, Sir, whenever drugs are on our local market, there are special authorities to deal with the standard of drugs. Whenever there is a drug which is substandard, we have to send it to appropriate WHO agencies to check whether these drugs are of substandard or not. So far, there has been no complaint and, obviously, if ever we have a complaint, we are going to submit it for that scrutiny.

Now, I have also to point out, whenever any drugs are being purchased, they have to be in a pro forma invoice, and all these details have to be mentioned in that: where the drug is being purchased, what are the manufacturing companies, whether they have international agencies, that is, British Pharmacopeia (BP). All these have to be set. At this point of time, when all those have not been mentioned into that, it is not justified to comment on those drugs that are available. Because, at the same time, what the Leader of the Opposition is trying to do, he is trying to instigate the population that drugs available in our hospitals are not good. This is the attitude...

(Interruptions)

This is the answer that he wants to get...

Mr Speaker: Quiet! Order!

Dr. Jagutpal: This is damning, this is shameful! For years, the Government has been supplying free of charge all medications to the population and that’s what he has to say.

Dr. Boolell: Does Hyperpharm meet basic standards as set by other groups, for example, when you procure drugs, does it meet the British Pharmacopeia, the US Pharmacopeia or the EU Pharmacopeia? And if it is so, can he submit on the Table of the Assembly the Certificate of Benchmark?

Dr. Jagutpal: Mr Speaker, Sir, the Evaluation Committee, the Committee of Needs, the consumers...

Dr. Boolell: Submit!

(Interruptions)
Mr Speaker: Come on! Leader of the Opposition!

(Interruptions)

Leader of the Opposition!

(Interruptions)

Leader of the Opposition! What is happening?

Dr. Boolell: Don’t shout!

Mr Speaker: You, don’t shout! And you go by Standing Orders - you put a question and you give reply. Don’t shout and don’t interrupt proceedings!

(Interruptions)

Keep your parliamentary manners! When the Leader of the Opposition puts his PNQ, he should listen to the reply!

Dr. Boolell: He is not replying...

Mr Speaker: This is basic parliamentary manners!

Dr. Boolell: Sit down!

Mr Speaker: You, sit down! Don’t tell the Speaker to sit down!

(Interruptions)

I order you out!

(Interruptions)

You, out!

(Interruptions)

Mr Speaker: I suspend the sitting for some minutes!

At 12.06 p.m., the sitting was suspended.

On resuming at 12.25 p.m. with Mr Speaker in the Chair.

Dr. Boolell: Mr Speaker, Sir, I convey my apologies. As parliamentary work is imperative, I am going to carry on with my work. Thank you.

Mr Speaker: Please, carry on!
Dr. Boolell: Can I ask the hon. Minister, in the light of the amount disbursed to Hyperpharm, and knowing perfectly well that Hyperpharm has failed to meet basic World Health Organisation good manufacturing practices, can I impress upon the Minister to send samples overseas to ensure that norms and standards are met? Because there is a lot of complaints registered in relation to substandard products which are dispensed to patients and prescribed in hospitals.

Dr. Jagutpal: Mr Speaker, Sir, I welcome the hon. Leader of the Opposition to send me the list of products, which he thinks is doubtful, is substandard. We are definitely going to do the needful of sending those products to the agencies that can do the testing.

Dr. Boolell: Can I ask the hon. Minister to see to it also that the list of those to whom contracts have been awarded be submitted to the Assembly, if not, a copy be laid on the Table of the Assembly, so that we have a fair understanding as to the number of contracts that were allocated, and whether the other bidders also met standards established by World Health Organisation?

Dr. Jagutpal: Mr Speaker, Sir, at the same time, I would like to highlight to the House that there have been donations from many countries, and those donations had come to Mauritius at a point of time when the drugs were required. I would also like to point out that at this time, no one queried about where is the supplier, who is the manufacturer of such medication.

For the drugs, whoever be the supplier, the manufacturer and whether they respect the different pharmacopeia, this has to be met, and I assure the House that I am going to do all the needful, especially for drugs that can be doubtful about their standard.

Dr. Boolell: Can I ask the Minister also whether before the contract was awarded to Hyperpharm, the drugs imported had already been sent to the Central Warehouse of the Ministry of Health? Can he look into it?

Dr. Jagutpal: Mr Speaker, Sir, I am going to look into it. I’ll look down what are the medications that have been supplied and whether these medications are already in our store at the Central Supplies Division.

Dr. Boolell: Can I ask the hon. Minister whether it is one and the same company which will be given the tax holiday rebate in the light of what has been spelt out in the Budget and if it is the one and the same company which also will be entitled to this facility with retroactive effect? Can he look into this?
Dr. Jagutpal: Mr Speaker, Sir, well, these are financial issues. I think this is not my prerogative to know what would be the tax rebate scheme for those, but definitely I am going to liaise with the other Ministry to look into that. Thank you.

Dr. Boolell: Will the Minister state whether it is one and the same company which will enter into partnership with Dr. Pankaj Vadhwa, and the gentleman has a manufacturing pharmaceutical product in India? I would like to know whether they have gone into a partnership and this partnership will be entitled to funding from the Mauritius Investment Corporation.

Dr. Jagutpal: Mr Speaker, Sir, I think the hon. Leader of the Opposition is just foreseeing what is going to happen in the future, but I can’t do any such predictions. So far, I am not aware of any name that the hon. Leader of the Opposition has mentioned, neither I am aware of any partnership going on. So, let time come and tell what is going to happen.

Mr Speaker: Before you take the floor, let me remind you that you need to signify that documents you proposed to lay and which you have laid on the Table of the Assembly are true copies of documents which they purport to be. Now you continue with the last question.

Dr. Boolell: Can the hon. Minister state to the House whether the sole proprietor or Director of Hyperpharm is also a member of the Pharmacy Board?

Dr. Jagutpal: Mr Speaker, Sir, I am not aware who is the Director of Hyperpharm, but I will table the names of the members of the Pharmacy Board. I will table that. I don’t know who is the Director of Hyperpharm.

Mr Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Mr Speaker, Sir, I beg to move that all the business on today’s Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.
STATEMENT BY MINISTER

CHAGOS ARCHIPELAGO – MAURITIUS SOVEREIGNTY

The Prime Minister: Mr Speaker, Sir, I wish to inform the House that the report of the Secretary General of the United Nations on the implementation of the United Nations General Assembly Resolution 73/295 was released last Friday. The House will be aware that on 22 May 2019, the United Nations General Assembly adopted, by an overwhelming majority of 116 votes to 6, Resolution 73/295 to give effect to the Advisory Opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

In that Resolution, the UN General Assembly, inter alia, affirmed, in accordance with the Advisory Opinion of the International Court of Justice, that the Chagos Archipelago forms an integral part of the territory of Mauritius and demanded the United Kingdom to withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months, that is, by 22 November 2019.

The General Assembly also called upon all Member States to cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible, and to refrain from any action that will impede or delay the completion of the process of decolonization of Mauritius in accordance with the Advisory Opinion of the International Court of Justice and Resolution 73/295.

The General Assembly equally called upon the United Nations and all its specialised agencies, as well as all other international, regional and intergovernmental organisations, to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognising, or giving effect to any measure taken by or on behalf of, the so-called “British Indian Ocean Territory”.

The General Assembly further requested the Secretary General of the United Nations to submit a report at its 74th Session on the implementation of the Resolution, including any actions taken by the United Kingdom and other Member States.

Mr Speaker, Sir, the report of the Secretary General reproduces the information provided as at 18 May 2020 by Argentina, Australia, Azerbaijan, Mauritius, the Russian
Federation, the United Kingdom and the United States as well as the Food and Agriculture Organization, the Office of the United Nations High Commissioner for Human Rights and the Universal Postal Union on the implementation of Resolution 73/295.

The United Kingdom, the United States and Australia have basically reiterated the positions they had respectively taken at the International Court of Justice. Argentina, the Russian Federation and Azerbaijan have joined Mauritius in expressing the view that the United Kingdom must comply with the Advisory Opinion of the International Court of Justice and the United Nations General Assembly Resolution. For their part, the United Nations bodies, such as the Food and Agriculture Organization and the Universal Postal Union, as well as the Office of the UN High Commissioner for Human Rights, have indicated that they are taking the necessary steps to implement the UN General Assembly Resolution in their activities.

In his report, the Secretary General has also indicated that the designation of the Chagos Archipelago has been modified on the maps produced by the UN Secretariat, in line with General Assembly Resolution 73/295.

This is most significant, as I announced on 25 May 2020. In the new world map No. 4170 Rev. 18 of 20 February 2020, as published by the Office of Information and Communications Technology, Geospatial Information Section, the Chagos Archipelago is labelled as part of the territory of the Republic of Mauritius. This is without any particular caveat or limitation.

In previous versions of the map, the Chagos Archipelago was labelled as “Chagos Archipelago/Diego Garcia” with two asterisks which read as follows, I quote -

“Appears without prejudice to the question of sovereignty.”

The change made to the maps produced by the UN Secretariat confirms the United Nations’ recognition of the sovereignty of Mauritius over the Chagos Archipelago. It also constitutes confirmation of the illegality of the so-called “British Indian Ocean Territory” under international law and of the United Kingdom’s purported administration of the Chagos Archipelago.

I should point out that the new map contains some errors in respect to the names of some of our islands, and we have taken steps to request the Secretariat to make the necessary corrections.
In his observations, the Secretary General notes that since the adoption of Resolution 73/295, communications between Mauritius and the United Kingdom have remained open. In this regard, he encourages the two countries to continue the dialogue in the hope of resolving the matter in a spirit of constructiveness and collaboration.

I am tabling copies of the UN Secretary General’s report and the new world map produced by the United Nations Secretariat.

Mr Speaker, Sir, I wish to thank the United Nations Secretary General for his report and for the modification made to maps produced by the United Nations Secretariat. I express the hope that other map producers will now be able to revise their own maps to reflect the new situation. I also thank the Food and Agriculture Organization and the Universal Postal Union, and the Office of the UN High Commissioner for Human Rights for the active steps they are taking. This will certainly encourage other organisations to follow suit.

I would also like to express our deep appreciation to Argentina, Azerbaijan and the Russian Federation for their support to the implementation of General Assembly Resolution 73/295.

At the same time, I am bound to express my disappointment that the United Kingdom continues to flout the authority of the International Court of Justice and the General Assembly. It has shown no willingness to engage with Mauritius on the specific issue of the completion of its decolonization process.

That the United Kingdom should have withdrawn its unlawful administration from the Chagos Archipelago by 22 November 2019 was a legitimate expectation of the international community and would have been a decent act by a country that claims to be committed to the rule of law and support for international institutions.

We are also disappointed that the United States and Australia continue to support the United Kingdom’s unlawful occupation of the Chagos Archipelago in spite of the clear conclusions of the International Court of Justice and the unambiguous provisions of the UN General Assembly Resolution. Equally disappointing is the Australian position which asks the General Assembly not to act on the Advisory Opinion of the International Court of Justice.

Mr Speaker, Sir, the continued unlawful administration by the United Kingdom of the Chagos Archipelago is a manifest illegality as is the ‘marine protected area’ which the United Kingdom purportedly established around the Chagos Archipelago. The United Kingdom is an
illegal occupier of our territory, much as South Africa was an illegal occupier of Namibia after the 1971 Advisory Opinion of the International Court of Justice. This prevents Mauritius from implementing a programme for the resettlement of its nationals, in particular those of Chagossian origin, in the Chagos Archipelago.

As the House is aware, Mauritians of Chagossian origin were forcibly removed by the United Kingdom from the Chagos Archipelago in blatant violation of their basic human rights, and have so far not been able to return to their birthplace. We have all watched, over the past weeks, as the Black Lives Matter protests remind us of our deep concerns as to historic wrongs in relation to race and slavery. The continued occupation of the Chagos Archipelago inscribes itself in these historic wrongs, and I express the hope that the United Kingdom and the United States will take steps to bring this wrong to an end, to allow those who wish to return to their homes to do so, and to allow Mauritius to enjoy the potential benefits offered by that part of its own territory.

As the Government of Mauritius has affirmed on several occasions, it cannot be expected to work with the UK Government for the delivery of a purported £40 million support package said to be aimed at improving the livelihoods of Mauritians of Chagossian origin, where that package is premised on the United Kingdom’s continued illegal occupation of the Chagos Archipelago.

I once again urge the United Kingdom to comply with its obligations under international law, as clearly set out in the Advisory Opinion of the International Court of Justice of 25 February 2019 and General Assembly Resolution 73/295, and terminate its unlawful administration of the Chagos Archipelago. Mauritius is conscious of the security concerns expressed by the United Kingdom and the United States, but considers that such concerns cannot justify the United Kingdom’s continued unlawful administration of the Chagos Archipelago, the more so since Mauritius has time and again expressed its willingness to enter into a long-term arrangement with the United States or, if needed with the United States and the United Kingdom, in respect of the defence facility on Diego Garcia.

Government unreservedly condemns all actions that impede the completion of the decolonization of Mauritius and that support the United Kingdom’s continued colonization of part of the territory of Mauritius.

Mr Speaker, Sir, Government will continue to spare no efforts to ensure the full implementation of UN General Assembly Resolution 73/295 so that Mauritius can effectively
and fully exercise its sovereignty over the Chagos Archipelago. The House may rest assured that Government remains unwavering in its commitment to pursue all political, legal and diplomatic avenues to achieve the completion of the decolonization process of Mauritius and to enable our citizens of Chagossian origin to fulfil their aspiration to return to the Chagos Archipelago.

Mauritius will be unstinting in its efforts to implement the rule of law.

I thank you, Mr Speaker, Sir.

(Applause)