

ORAL ANSWERS TO QUESTIONS

CHAGOS ARCHIPELAGO & TROMELIN ISLAND –  
MAURITIAN SOVEREIGNTY

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence and Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether in regard to the sovereignty of Mauritius over the Chagos Archipelago and Tromelin Island, he will state -

- (i) what discussions have recently been or are being held between Mauritius and the authorities of the United Kingdom, the United States and the Republic of France respectively;
- (ii) whether any consultations had been held by Mauritius with the Seychelles, Madagascar and the Comoros Islands in relation to the maritime agreement signed in December 2006 between the Seychelles and the Republic of France, and
- (iii) whether, as in the case of Tromelin island, Mauritius is claiming sovereignty over the St Paul and the Amsterdam islands.

**The Prime Minister:** Mr Speaker, Sir, ever since I assumed office, I have spared no effort to reiterate both in the domestic and international fora our legitimate sovereignty over the Chagos Archipelago and Tromelin.

My latest effort in this regard was made at the Sixty-second Session of the UN General Assembly where, in my statement in the general debate, I stressed once again, in the strongest possible term, the sovereignty of Mauritius over the Chagos Archipelago and Tromelin. In fact, I wish to quote what I said , Mr Speaker, Sir –

“While we fully appreciate the continued support of the United Kingdom and France in the development of our country, we have been striving to reach an amicable agreement on these issues, but we cannot and will not compromise on our territory integrity and our sovereignty over these islands”.

Mr Speaker, Sir, the issue of our sovereignty over Tromelin, has been in the past the subject of several bilateral meetings between Mauritius and France at various levels, including two Experts’ Meetings held in December 1990 and in March 1995 in Paris and Mauritius respectively.

The issue was raised again at the *Commission de l'Océan Indien* (COI) held in Réunion in 1999.

On this basis, Mr Speaker, Sir, there was meant to be another *Commission-Mixte* to be held in France, but due to the Presidential elections this year, the convening of the *Commission-Mixte* had been kept in abeyance until a new Government took office in France. In preparation of the First Meeting of the *Commission Mixte Franco- Mauricienne* all the stakeholders have met to discuss a common position to be presented to the French Authorities. I must say, Mr Speaker, Sir, that we have insisted and France has agreed that on the agenda of the discussions will include the issue of sovereignty and both States will be expected to discuss the way forward on the modalities and scope of a *co-gestion* of Tromelin. This is the situation as far as Tromelin is concerned.

Informal consultations have already been held with the French for the holding of the First Meeting of the *Commission Mixte Franco- Mauricienne*.

Mauritius remains committed to continue dialogue and discussions on all pertinent issues relating to our sovereignty over Tromelin.

Mr Speaker, Sir, contrary to what has been reported in the press it is not the first time that the Island of Tromelin has been incorporated in the "*Territoire des Terres Australes et Antartiques Françaises*", commonly known as TAAF. In fact, the incorporation of Tromelin in TAAF follows from a Ministerial decree of 03 January 2005 thereby placing Tromelin and the administrative control of the *Préfet* for TAAF. This decree was followed by legislation adopted on 21 February 2007, formerly incorporating Tromelin within TAAF. Mauritius reacted by way of a *Note Verbale* on 25 May 2007 asserting its sovereignty over Tromelin island.

Whilst deploring the unilateral decision taken by the French Authorities, we expressed concern and regret at the fact that the measure was contrary to the spirit of dialogue that has so far prevailed on this matter and was reaffirmed at the Experts' Meeting in January 2006.

I wish to remind the House that Government has always expressed its readiness to address the sovereignty issue on Tromelin through dialogue with the French Government while maintaining the sovereignty of Mauritius over Tromelin.

As regards part (ii) of the question, no consultation has been held with the Malagasy Republic and the Comoros Islands. However, the Minister of Environment, Natural Resources and Transport of Seychelles was mandated by President James Michel to hand deliver a letter from the latter to me.

President James Michel states therein that the sole objective of the Agreement signed between the Seychelles and France was to combat illegal fishing in the exclusive economic zone of Seychelles and that it had no political or legal incidence whatsoever with regard to the zones surrounding Tromelin. He assured that the issue of sovereignty is strictly a matter for bilateral negotiations and discussions between Mauritius and France. In fact, after talking to the Minister of Environment and Natural Resources and Transport, Mr Morgan, he gave me a letter from the President, but also I insisted with him that the Ambassador of Seychelles, in fact, had discussed this with Minister Pillay and they did again reassure us that it does not mean that Seychelles recognises the sovereignty of France over Tromelin and that the Seychelles is prepared to make such a statement which reflects its position adopted at the United Nations.

Mr Speaker, Sir, I should say also that I am proposing to take up the matter to the new French President at the next available opportunity.

Regarding part (iii) of the question, since independence successive Governments have consistently asserted our sovereignty over the Chagos Archipelago, including Diego Garcia and also Tromelin. The hon. Leader of the Opposition is aware that we are regularly guided on the sovereignty issues by Mr Ian Brownlie, Q.C, Expert in International Law. In one of his legal opinions, on the basis of the briefs and documents submitted to him by Government, he has partly addressed the historical and legal background to the status of the islands of St. Paul and Amsterdam. We shall, under his guidance, explore all diplomatic and legal avenues pertaining to the sovereignty over these two islands.

**Mr Bérenger:** Mr Speaker, Sir, if I can start with the first paragraph and the UK. The hon. Prime Minister did not make any reference to the meeting which the hon. Minister of Foreign Affairs of Mauritius had with the new Minister of Foreign Affairs of the UK, Mr Miliband ...

*(Interruptions)*

I was listening and taking notes. Being given that today the Foreign Office in London is deciding whether to appeal against the judgment of 23 May 2007 – the *Cour d'appel de Londres* judgment striking down two orders in Council of 2004 - and in case the Foreign Office decides today to go ahead, does the hon. Prime Minister agree with me that the Government of Mauritius should have a lawyer with a watching brief when the appeal comes before the House of Lords?

**The Prime Minister:** In fact, the High Commissioner from London has assured me that he will let me know as soon as we know what the situation is and we will take appropriate steps from there.

**Mr Bérenger:** I did not hear the hon. Prime Minister make any reference to the US authorities. As the hon. Prime Minister knows, four years back, the then Foreign Secretary, Mr Jack Shaw, agreed to the proposal from Mauritius that all the islands, except Diego Garcia, should be returned to our sovereignty, and that we would agree to disagree on Diego Garcia itself. Can I ask the hon. Prime Minister whether this issue has been taken up with the new UK Prime Minister and Ministers and with the US authorities?

**The Prime Minister:** In fact, during my first term as Prime Minister, I have raised that issue for the first time with the then Foreign Secretary, Mr Robin Cook, who passed away, and this is when we decided that, at least, the people from Chagos should be able to go and visit the other islands. This issue has not been raised officially with the members of the administration of the United States, although I must say that, both last year and this year, I did speak to the Secretary of States, Ms Condoleezza Rice, informally about the issue. We had agreed then between us here that, since there was going to be a new Prime Minister in London, we should wait and talk to him first, and then, pursue the matter further.

**Mr Bérenger:** Does the hon. Prime Minister agree with me that the fact that the other islands are some one hundred kilometres away from Diego Garcia itself, and also that, whereas in 1990 '*tempête du désert*' action of the United States against Irak and, in 2001, '*liberté immuable*' action of the United States against Afghanistan, the Diego Garcia base was used for those military actions in priority whereas, in 2003, when the United States went into Irak, I am sure the Prime Minister will have taken note that Diego Garcia base hardly played a role on that occasion, therefore, reinforces our arguments towards Washington that all the other islands, except Diego Garcia, should be returned to Mauritius?

**The Prime Minister:** In fact, that is the stand that we have taken. The United States has not confirmed, from what we gathered, they have not used the base, that they shall shadow in secrecy, therefore, we are not 100% sure, but, in any case, this has been our stand all the time. In fact, during my first term, I had discussions formally with the United States about the position in Diego Garcia, but, as the hon. Leader of the Opposition knows, very often, the Americans say: 'we have to talk to the British'; the British say: 'the Americans do not agree' and this has been the situation. That is why we want to take a different approach as far as this is concerned. First, I want to be able to talk to the new British Prime Minister and, from then on, we will see what position we should take.

With regard to the Chagos Archipelago, I have on several occasions raised the Chagos issue with the leading members of the British Government, including former Prime Minister Tony Blair and former Foreign Secretary Jack Shaw. I propose to raise the issue again with Mr Gordon Brown at the next Commonwealth Heads of Government Meeting in Uganda later this month. In fact, I have asked for an appointment on that specific issue, and I believe this is being arranged.

I should also inform the House that, at the level of the Ministry of Foreign Affairs, International Trade & Cooperation, hon. Minister Dulloo met his counterpart, the British Foreign Secretary, David Miliband, for a continued and constructive dialogue on the Chagos Archipelago issue, especially in the light of recent developments.

The House will recall that it was following my meeting with the then British Prime Minister last year that a group of Chagosians proceeded on a historical visit to the Chagos Archipelago.

**Mr Bérenger:** Mr Speaker, Sir, concerning the third paragraph, the hon. Prime Minister quoted his speech at the United Nations General Assembly in September last. In that speech he also said, I quote: 'We note the progress registered at the recent Mauritius/French Joint Commission'. Can I request the Prime Minister to explain what is that progress that he has registered?

**The Prime Minister :** When that was decided, it was basically at the time when we were at a deadlock as far as this is concerned and there were people who were using other powers, the territories around Tromelin to pillage the sea and make use of it. It is a bit similar to the Mauritian Fishing Commission that we had in mind. What I meant when I was saying that I have noted there has been progress registered is that we have agreed that the sovereignty issue should be one of the issues that will be discussed at the next *Commission Mixte* which will be held here in Mauritius.

**Mr Bérenger:** Pending that meeting, will the hon. Prime Minister agree with me that it is vital for us to delink our sovereignty claim over Tromelin from other countries placed on the *îles éparses*?

**The Prime Minister :** In fact, when we discussed it we did say - because there was the issue of Madagascar about the other islands - that whatever discussion we have does not prejudice our position as far as sovereignty is concerned. That was clearly said. In fact, Mr Brownlie, our adviser, has given his opinion that if a co-management regime is satisfactory, then, this will not be inimical to the interests of Mauritius. We think it is a way forward; maybe, we disagree on this, but the sovereignty issue remains the main issue that we have to discuss with France.

**Mr Bérenger:** May I point out to the Prime Minister that the new French President, Mr Sarkozy, has received President Ravalomanana from Madagascar at l'Elysée, he has also received James Michel, President of the Seychelles, and President Sambu of the Comoros? Can I ask the hon. Prime Minister whether he expects to meet President Sarkozy in the very near future at l'Elysee or, at least, on the occasion of the European Union-Africa Summit in Lisbon in December?

**The Prime Minister :** In fact, I met him several times, but he was not then President of France. The recent meeting I had with him at the Security Council was very brief – the hon. Minister of Foreign Affairs was with me – where he was chairing the session, but, we did not, of course, engage on this discussion. But I intend to meet him; we are all working on having a meeting with him. We have had some indication, but, since it is not clear yet, we are not suggesting a date. But I am looking forward to meeting with him to raise that issue specially and then other issues as well that he had agreed with us about the Police Force, etc.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he is considering proposing to France an *arbitrage* on the issue of Tromelin, a bit like what Sir Harold Walter proposed in 1979, that is, three *arbitres*, one Mauritian, one French and the Chairperson being an international personality?

**The Prime Minister :** I will see how the discussion goes. As I said in my declaration at the United Nations, we want to have French relations and we appreciate what France does for Mauritius, but we need to move forward on that issue of sovereignty. I will see how it goes.

**Mr Bérenger:** Is the hon. Prime Minister aware that since 03 August, *France Météo* no longer has four staff members based on Tromelin? Is the hon. Prime Minister aware that they had been removed and whether there is any other permanent French presence on Tromelin since 03 August?

**The Prime Minister :** As far as we know, we are not aware whether there is any other French presence on the island of Tromelin.

**Mr Bérenger:** Moving to paragraph (b), can I ask the hon. Prime Minister, although it is very positive what our Seychelles *dallons* have done over this maritime agreement they signed with France, but legally, indirectly, it was recognition of sovereignty of France over Tromelin and other territories in our region, and I am sure the Seychelles did not mean it and it is good that they have said that, according to them, it does not bear on the sovereignty. But I heard the hon. Prime Minister say that they said that they are prepared to issue a communiqué restating that they recognise the sovereignty of Mauritius over Tromelin. Can I suggest to the hon. Prime Minister that this should be done, that should insist that they do it?

**The Prime Minister :** In fact, our Ambassador in Brussels had a telephone conversation with the Foreign Office here. He has talked to the Ambassador of Seychelles, who had then discussed the matter with Mr Pillay, who had assured him the same thing, as the Leader of the Opposition is saying, that this does not mean that Seychelles recognises the sovereignty of France over Tromelin, although this is what they said. He went further to say that Seychelles is prepared to make such a statement which reflects the position adopted at the United Nations. It appears that Seychelles did take that position at the United Nations previously. When I met the Minister of Environment of Seychelles, Mr Morgan, I told him about this. I gave him, in fact, a copy of the conversation between our Ambassador in Brussels and the Ambassador of Seychelles and I told him that it would give us a lot of comfort if he could issue that statement which reflects his position adopted at the United Nations. We are following up on this.

**Mr Bérenger:** The hon. Prime Minister will remember that in August, I pointed out to him that the Indian Ocean Commission had, unfortunately, posted on its website a map which placed Tromelin under French sovereignty and the Chagos under UK sovereignty and I must say action was taken immediately on the same day and that map was removed from the website. But so that there should be no repeat of such unfortunate happenings, can I ask the hon. Prime Minister whether a formal request – *une note verbale* - was put to the Indian Ocean Commission protesting on that so that there should be no repeat of such thing?

**The Prime Minister :** In fact, this was done by the Foreign Minister, hon. Madun Dulloo.

**Mr Bérenger:** I move on to the last part – St. Paul and Amsterdam islands. I am sure the hon. Prime Minister is aware now that St. Paul and Amsterdam, two little islands halfway between Antarctica, the South Pole and Mauritius were amongst our *dépendances* in 1814 and were recognised officially by France in 1844, were placed among our dependencies in the Annual Blue Book of the Colony up to 1862 and that there was a UK mission there in 1945, but unfortunately, France was allowed to claim sovereignty over St. Paul and Amsterdam *par la faute* of our British friends. Can I put it squarely to the hon. Prime Minister whether the Government of Mauritius is now prepared to claim sovereignty over St. Paul and Amsterdam?



**The Prime Minister :** In fact, I did read what the hon. Leader of the Opposition sent me about his conference on “*Maurice et ses dependences*” including St. Paul and Amsterdam islands. It is interesting reading. We have also made our expert in London aware of this and we intend to do that. As I said, Mr Speaker, Sir, we are exploring all diplomatic and legal avenues pertaining to the sovereignty over these two islands.

**Mr Bérenger:** My last question, Mr Speaker, Sir, is: will the hon. Prime Minister agree to the setting up of a multiparty committee - all parties present in the Parliament - chaired by himself, the hon. Prime Minister, with staff, advisers from the State Law and Foreign Affairs to further strengthen our very strong case on Tromelin and come to a final decision on St. Paul and Amsterdam islands?

**The Prime Minister :** Mr Speaker, Sir, I have always said - and I think the hon. Leader of the Opposition and all other Prime Ministers before me have said it - that this should be a national issue and not a party politic issue. This is what we have to do. We have to speak with one voice as far as our claim on sovereignty is concerned. But, as I said, we need to make it a non-partisan issue. I think it is a good thing if we discuss and keep everybody abreast of what is happening. But what I wanted to do is, first of all, meet with Prime Minister Gordon Brown, and then, whenever the meeting is set up, with President Sarkozy, and to move forward from there.

*(Interruptions)*

**Mr Speaker:** Order! Questions addressed to hon. Prime Minister!