

ORAL ANSWER TO QUESTION

CHAGOS ARCHIPELAGO AND TROMELIN ISLAND -
MAURITIUS SOVEREIGNTY - DISCUSSIONS

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 the Tromelin Island, he will state if during his recent visits to the United Kingdom and the Republic of France, he has had discussions thereon respectively with Mr Gordon Brown, Prime Minister of the United Kingdom and Mr Nicolas Sarkozy, President of the Republic of France and, if so, the outcome thereof in each case

The Prime Minister: Mr Speaker Sir, the last meeting of the Commonwealth Heads of States held in Kampala, Uganda, concern was expressed about the current architecture of the International Institutions, which it was generally felt did not reflect the challenges of the 21st century. Accordingly, CHOGM mandated the Secretary General of the Commonwealth to establish a small representatives' group of Heads of State and Heads of Government to identify underlying principles and the actions that should be taken to achieve reform of international institutions.

Although Mauritius, Mr Speaker, Sir, was not part of the first ten commonwealth countries which were invited by the Secretary General to participate in that meeting, later on, on a suggestion of the British Prime Minister, Mauritius was added to the list.

In the margin of the Meeting, I met with Mr Gordon Brown, the British Prime Minister and raised with him the Chagos issue especially in view of the Appeal case entered by the UK Government before the House of Lords regarding the proposal for the resettlement of the Chagossians, on two of the islands forming part of the Archipelago, the expiry in 2016 of the UK/US arrangements for the utilization of the Chagos Archipelago and the recent acknowledgement of rendition and torture perpetrated in Diego Garcia in breach of International Human Rights instruments including the European Convention of Human Rights to which the UK is a party.

The British Prime Minister took note of the concerns expressed by me and proposed that these issues be considered in the first instance during forthcoming talks between UK and Mauritius at officials' level.

I wish to point out, Mr Speaker, Sir, that the British Government had earlier suggested that such talks be held between officials of the Foreign and Commonwealth Office and of the Mauritius High Commission. However, I have suggested and the British Government has agreed that such dialogue be conducted, first, between designated officials of our two sides. The officials of the two countries will now have to agree on a common date to start the process of consultations.

I must also point out that in London, members of my delegation, including lawyers from the State Law Office, brainstormed with Mr Brownlie, our Legal Consultant on the sovereignty issue, the issues which are about to be raised by me with Mr Gordon Brown, the UK Prime Minister.

After the meeting with our Legal Consultant, we decided that, in addition to raising the Chagos related issues with the UK Prime Minister, we will also forward a memorandum to the UK Prime Minister on my return to Mauritius with the indication that the memorandum purports to set out the outline of the issues that I alluded to at the meeting with him and that the memorandum could constitute the basis of the agenda of the talks between our two countries.

Mr Speaker, Sir, regarding Tromelin, I raised this issue with the French President. He suggested that we should discuss modalities for the co-management *cogestion* of the island. He proposed that a Joint Scientific Committee under the co-chairmanship of France and Mauritius would be established to identify potential for development and that, in the first instance, Mauritian fishing vessels could operate in Tromelin waters.

I must point out that at the Third Meeting of Experts held on 20 January 2006 in Paris there was not any progress on the proposal of *cogestion* put forward by the former French President Mr Jacques Chirac at the IOC Summit of 03 December 1999, as the French side insisted merely on the idea of "collaboration" and not necessarily *congestion*.

I pointed out to the French President that there was need now to find a permanent solution to the sovereignty issue and the proposal for *cogestion* should not unduly delay the resolution of the sovereignty issue.

At our meeting with the French President pointed out that, unlike his predecessors, he did not wish that Tromelin remains indefinitely a matter of contention between our two countries. Accordingly, he put forward a renewed proposal for *cogestion*.

Both sides agreed that in the circumstances it would be appropriate to convene, as early as possible, another round of meeting at officials level. This meeting would be without prejudice to the position of Mauritius regarding sovereignty over Tromelin.

Mr Bérenger: Mr Speaker, Sir, in the House, on 29 April, reacting to the suggestion of the UK Prime Minister, Gordon Brown, that officials at the level of the Mauritius High Commission in London and the Foreign and Commonwealth Office should meet, the Prime Minister told us that he rejected that idea, that he wanted discussions to take place at a much higher level, and now I just heard the hon. Prime Minister say that the talk refer to designated officials. Can I know at what level - because this is what the UK Prime Minister proposed - what does the hon. Prime Minister has in mind and does he not think that it should be, at least, apart from the discussions between the two Prime Ministers, at the level of foreign Ministers that the issue of sovereignty and other issues concerning the Chagos should be discussed?

The Prime Minister: Mr Speaker, Sir, the British Prime Minister has suggested that the discussions should be at the level of the Foreign and Commonwealth Office on the UK side and the Mauritius High Commission officials, which I rejected, because I don't think this is the level that we should be, but not even the position of the High Commission to follow that kind of discussion at this level. This is why I suggested that it has to be at a much higher level. Therefore, higher officials will start looking at the issues before we can sit down and discuss same with the British Prime Minister. These designated high officials, including from the Foreign Office here, from the State Law Office and the Mauritius High Commission will also be party to that.

Mr Bérenger: I put my question again. Does not the hon. Prime Minister think that such discussions should be at Foreign Ministers' level not at officials' level?

The Prime Minister: When the hon. Leader of the Opposition refers to foreign Ministers' level, I want, first of all, that we look at the issues that we are going to discuss and come to an agreement before we discuss; and I want to discuss at the Prime Ministers' level rather than the Foreign Ministers' level?

Mr Bérenger: We have been informed that Government has now decided to prepare a fresh memorandum to be submitted to UK side. I think we all agree that the issue of sovereignty over the Chagos should be placed above party politics and we both shared experience in the past on the issue. Would the hon. Prime Minister agree to the hon. Leader of the Opposition being put *dans les secrets des dieux* in the preparation of that memo in strict confidentiality, of course?

The Prime Minister: In strict confidentiality, of course, the Opposition should be informed of what is happening. We could think, because we want to show a common front and not a divided front.

Mr Bérenger: Can I ask the hon. Prime Minister whether he has had the opportunity or would look for the opportunity of also discussing the Chagos issue with the Foreign Minister of UK, Mr Miliband, the hon. Leader of the Opposition in the UK and the shadow Foreign Minister, William Hake, as well as the candidates for the US election - I know they are very busy doing other things - Mr Obama and Mr McKane and have the opportunity to brief them on our stand?

The Prime Minister: In fact, I think this should be the case, Mr Speaker, Sir. I can tell the hon. Leader of the Opposition that there was a high Member of the Conservative Party who, I think, was the Chairman, at one point, of the Conservative party. He was here in Mauritius on a private visit; I have also seen him and I have briefed him on the issue. I will certainly look forward to briefing the other parties as well.

Mr Bérenger: Mr Speaker, Sir, the hon. Prime Minister made reference to the so-called renditions, that is the secret inter-State transfer of prisoners, and also of the possibility that US vessels in the harbour of Diego Garcia would have been used as jails. We know that our UK friends have complained that our US friends misled them on that. Can we know what information has been obtained on this issue of the so-called renditions?

The Prime Minister: Mr Speaker, Sir, no further information has come on our side, except that we know - and it is a fact - that the Foreign Minister, Mr Miliband, has admitted that there has been rendition in Diego.

Mr Bérenger: In the House, on 01 April last, when I raised the issue of the possibility of bringing London before either the International Court of Justice or the European Court, on the issue of what they did to the Chagossien was not *un crime contre l'humanité*, the hon. Prime Minister replied that he was looking into it and that he had asked our legal consultant, Professor Ian Brownlie to look into that. We have been informed that they had a brainstorming session. Has this issue been taken up with either Professor Brownlie or anybody else?

The Prime Minister: In fact, on my arrival in London on Sunday last, Mr Speaker, Sir, I had a breakfast meeting with all the lawyers as well to look at the issue of renditions and torture because it concerns human rights and Britain is bound by the European Convention of Human Rights. We looked at that issue and on the next day, that is, Monday, in the brainstorming session with Professor Brownlie, of course, this was a matter that was thoroughly discussed.

Mr Bérenger: Can I ask the hon. Prime Minister whether he has more information concerning what is taking place in the House of Commons and House of Lords concerning the Chagossians? You will remember, Mr Speaker, Sir, that on 29 April, I asked the hon. Prime Minister –

“Does the hon. Prime Minister know exactly what is taking place at both the House of Commons and House of Lords in regard to the Chagossians?”

Has he been able to find out more at both levels, that is, at the House of Lords and House of Commons? What is taking place?

The Prime Minister: In fact, Mr Speaker, Sir, what we have learnt in the past is all the information that we have. There were committees in the House of Lords, they have questioned different people and this is what has taken place.

Mr Bérenger: Can the hon. Prime Minister tell us what is different – if there is anything different – concerning the *cogestion* proposals that have been made now by Mr Sarkozy and his Government as compared to the details that the French side put forward in 2002?

The Prime Minister: Mr Speaker, Sir, the first proposal was put, as far as I remember in 1999, at the Indian Ocean Commission by President Chirac. It was not just concerning Mauritius, but also other islands where there was dispute, for example with Madagascar, etc. What has been different is that we have, in fact, evidence that the French officials wanted to go away from the *cogestion* idea. They wanted to talk more of collaboration rather than *cogestion*. Then there was not any progress and it stuck as it was, there was no meeting. President Sarkozy has come back with the idea of *cogestion*, but he started by saying, to quote his words: “*Je ne veux pas qu’il y ait de contentieux entre la France et Maurice*”. He went on to say that ‘*je ne veux pas être comme mes prédécesseurs*’. He wants this to be solved, he does not want any *contentieux* and, therefore, he came back with the idea of *cogestion*. Our own feeling is that he wants to move quickly and go back to the idea of *cogestion* which we felt, there was a reluctance after a while, from the French side. I must say in all frankness. As I have told him, for us, *cogestion* is one matter, but the issue of sovereignty should not be delayed, we should look at the issue of sovereignty. I suggested then that, since I am taking that position, maybe at the next meeting of the scientific committee *des experts*, we should put forward our proposals and they will examine them.

Mr Bérenger: The hon. Prime Minister made reference to the 1999 Indian Commission Summit in Reunion Island next door where this issue of *cogestion* came up and was mentioned in the *communiqué final* of the summit. After that, in 2002, the Government of Mauritius decided that in no case should the issue of our sovereignty over Tromelin be taken up in any regional or international fora, that it should be restricted to bilateral contacts and discussions for obvious reasons. Does the hon. Prime Minister agree with me that we should be very careful, never to raise the issue in any regional or international forum because our case – as I am sure the Prime Minister is perfectly aware – concerning sovereignty over the Chagos is based on completely different grounds than the case of either Madagascar or the Comoros?

The Prime Minister: Mr Speaker, Sir, for example when France and Mauritius are to talk, it is not in the regional group, but directly between France and Mauritius just as when President Chirac wanted to talk with Madagascar, he wants Madagascar and France not Mauritius or anybody else to be involved. It is going to be a matter between the two sovereign States.

Mr Bérenger: We shall have more details on what exactly the French side means by *cogestion*, whether it is of the island of Tromelin and its exclusive economic zone or, as it seems to be the case in 1999, the zone economic exclusive only. The hon. Prime Minister, I am sure, will remember that in the past, Sir Harold Walter, in his capacity as Foreign Minister of Mauritius, proposed to the French *un arbitrage international* with one assessor from Mauritius, one from France and a well-respected international personality as arbitrator. Are we keeping that option open until and after we get details on what the French mean exactly by *cogestion* and will the Prime Minister give us a clear understanding that *cogestion* or no *cogestion*, we will see to it that it does not impact in any way on our sovereignty claim?

The Prime Minister: I mentioned that, Mr Speaker, Sir, in no way can it prejudice in any case our claim for sovereignty on Tromelin. We have, in fact, discussed the question of *arbitrage* with our legal consultants, we are keeping all the options open; we will see how the talks go.

Mr Bodha: May I ask the hon. Prime Minister, as regards to the talks he had with Prime Minister Gordon Brown, whether the talks were on the mechanism for the further discussions between the UK and Mauritius or he had the opportunity to raise specific issues like the renewal of the lease between the United Kingdom and the United States which was supposed to be done tacitly in 2006 and fishing rights, for example, and the resettlement of the Chagossians?

The Prime Minister: Mr Speaker, Sir, I mentioned earlier this was a meeting of 10 or so Commonwealth Heads of Governments on reform of international institutions, but I took the opportunity of raising the issue with Mr Gordon Brown. We have looked at the mechanism that we will now put forward.

Mr Bérenger: The Prime Minister was reported of having said, after his meeting with Prime Minister Gordon Brown and the French President Nicolas Sarkozy that, in the case of Chagos Archipelago: '*nou pé* move forward' and in the case of Tromelin: '*nous avons déjà fait un progrès significatif et nos différents sur l'îlot de Tromelin sont en voie d'être*

résolus'. Will the hon. Prime Minister not agree with me that going by what we heard today, it is too early even to use such words, that we still don't know what is going to come out of this meeting of designated officials on the one hand and of those discussions on *cogestion* of Tromelin and its exclusive economic zone, what we have heard today, what has come out of this meeting with Prime Minister Gordon Brown and President Sarkozy does not warrant such optimism?

The Prime Minister: I tend not to agree, Mr Speaker, Sir, because as far as Mr Gordon Brown was concerned - I don't want to go in the details of what he said privately to me, not just this time, but in Uganda as well - he was not too happy that we should go at this level at the start, but I said to him that I think it should be at this level and the sovereignty issue has to be the main issue because we still maintain that the Chagos Archipelago was illegally excised from Mauritius. That is the issue that remains, whatever else one might say. I think he is aware that we have to do it, especially after what we have heard and also what happened as far as human rights are concerned. The excision, the uprooting of the *Chagossiens* itself is a major human rights issue, Mr Speaker, Sir. I think we are going in the right direction by the fact that we have now agreed to go to the official high levels and these issues are going to be on the table.

Secondly, as far as Tromelin is concerned, I think we have made huge progress in the sense that I must say I was very pleased with the fact that the French President pointed out that he wants to demarcate himself from his predecessors, that he does not want any *contentieux* between France and Mauritius and he wants the issues settled. This has not been the case before, Mr Speaker, Sir, and, as I said, before they started talking of collaboration instead of *cogestion*, but also the sovereignty issue has been back on the table.

MOTION

SUSPENSION OF S.O 10 (2)

The Prime Minister: 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, Minister of Public Infrastructure, Land Transport & Shipping rose and seconded.

Question put and agreed to.