



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**FRIDAY 16 AUGUST 2019**

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 29 of 2019**

**Sitting of 16 August 2019**

The Assembly met in the Assembly House, Port Louis at 3.00 a.m.

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table.

**A. Ministry of Public Infrastructure and Land Transport, Ministry of Foreign Affairs, Regional Integration and International Trade**

The Annual Reports of the Construction Industry Development Board for the year 2015 and for the 18-month period 01 January 2016 to 30 June 2017. (In Original)

**B. Ministry of Agro Industry and Food Security**

The Annual Report of the Mauritius Meat Authority for the 18-month period 01 January 2016 to 30 June 2017.

**PRIVATE MEMBERS' MOTION**

**CONSTITUTION – PRIME MINISTER'S TENURE LIMIT, ANTI-DEFECTION,  
ETC. – PROVISIONS**

*Order read for resuming adjourned debate on the following motion of the hon. First Member for Savanne and Black River (Mr A. Ganoo) –*

*“This House resolves that, in the context of the celebrations of the 25<sup>th</sup> anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following new provisions –*

- (a) limitation of the tenure of the Prime Minister;*
- (b) anti-defection provisions to deter the practice of crossing the floor;*
- (c) gender quota for fairer representation of women in the National Assembly;*
- (d) review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies;*
- (e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives;*
- (f) the introduction of second generation « development and environmental rights », and*
- (g) enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law.”*

*Question again proposed.*

(3.06 p.m.)

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval (First Member for Curepipe & Midlands):** Thank you, Madam Speaker. Madam Speaker, let me congratulate my hon. friend, Alan Ganoo, for bringing this motion to the House.

Madam Speaker, from point (a) to (g), I think that this motion, in terms of the limitation of tenure, the anti-defection, the quota for women, recall mechanism to the



enhanced process of appointment of Presidents of parastatal bodies and so on, is exactly what I think, after 50 years of independence, as is stated by the motion, and after 25 years of Mauritius being a republic, we have to put this all into question and ask ourselves since 1968 how have things evolved, have they evolved as was intended by the drawers of our Constitution, by our forefathers, the founding fathers, etc., by the past Prime Ministers of this country, by all those who have one way or another contributed to its development and to shaping it, whether today we have achieved what we thought we would or whether we have remained stuck in terms of democratic principles, in terms of the workings of our institutions of Mauritius as a democracy, whether we have been stuck now after 50 years, in what seems to be *une tranchée qu'on n'en peut s'en sortir*.

Madam Speaker, the motion itself, I must say that I regret and I know the decision does not lie with you, but I do regret, Madam Speaker, that this motion, if I am not mistaken, was tabled in 2017, has till now, the end of 2019, end of the Parliamentary Session 2014/2019, is still being debated and that so far I am today the 10<sup>th</sup> orator on this motion. I must say I regret why, because I think this motion resumes some that exactly what all political parties in this Assembly and outside should reflect on. I think it questions the very basis of Mauritius as a republic and as a democratic country and I hope that for the next Parliament Session 2019/2024, we will take more seriously Private Members' Motions which are completely called for.

Madam Speaker, let me come to the motion itself. I will go by points. There is definitely, Madam Speaker, a lot of ground in paragraph (a). It holds water for the limitation of tenure of the Prime Minister. As you know, Madam Speaker, many countries have different views on whether the President where it is an executive position or the Prime Minister where he holds the executive power, should have a limitation of tenure. You will see, Madam Speaker, in the UK, in most of the democratic countries, you will see that there is in place a limitation of tenure, usually two mandates in France, in the USA, in many democratic countries, Madam Speaker, and the basis for that is that as politicians, as leaders, for our country, we need to serve that country and not stay long enough for the country to serve us. That's the basis. If you stay too long as happens in our neighbouring countries in Africa, we see it more often, you become a monarch sitting in the executive and therefore you get a hold on the country's institutions and you try to stay as long as you can to maintain your power. It is all about being in power and then maintaining that position of power and this is why I think, Madam Speaker, there tends to be more corruption, there tends to be more

political influence on institutions, there tends to be more abuses and we see that at the end of the day the country then becomes the asset, becomes the ownership of the person in power and I think for Mauritius being a small country, being a country where you would say you would argue, mainly there have been four political parties since independence which have dominated the political scene. You will see then that most likely, it is the same group of people at the end of the day who will come to power and who will be part of the Executive. So, it is even more relevant to have, in my view, a limitation of mandate.

What we propose in the PMSD is not the strict limitation of mandate, as is applied in France, for example, or in the USA where after having filled two mandates, you are barred from taking part in election and from sitting in office again. What we propose is similar to the Russian Federation system where the President is barred from seeking a third consecutive mandate and has to go back out of Parliament, cannot sit for a third consecutive mandate in office as President. Why? Because it allows that person to get a better look at things, *un peu de recul, de repenser, etc.* In our personal case, having been in the PMSD, in Government, nearly non-stop, it has served us well, these three years in Opposition to re-think, to take a step back and to look at the workings of the country from perhaps *une position de recul*.

So, we think that, that could be a good system for us where the person, automatically, the Prime Minister, after two consecutive mandates, would have to step out of the political arena, could sit in Parliament, but would not be able to sit as Prime Minister, but then, could come after having that one gap of the mandate.

But, obviously, Madam Speaker, nobody detains the best - there is no one fits all models at the end of the day. And she compared around the world, democracy is those who have adopted limitation of tenures, strict limitations, those who have adopted, like I have just spoken about, a limit of two consecutive mandates and then, provided that person makes a gap of one mandate out of office, can come back. There is not one fits all models and after 50 years of independence, at the end of the day, after having had, in the past, if you look in terms of variety of Prime Ministers that Mauritius has had, is very small variety.

So, is it not time for us now to come up with a new model, think seriously about the limitation of tenure? Because, at the end of the day, Madam Speaker, what is important for a country is to renew the political scene, is to make sure that it includes more and more newcomers into politics, to make sure that there are new ideas, to make sure that there are new ways of seeing things and not to impose this system dominated by the same persons over

and over again. And, at one point or the other, it becomes saturated and it no longer works as intended. Instead of serving the country, then, there is more of a risk of coming to serve yourself. Again, that is one proposition which, we, the PMSD, are making, and the point of this debate is precisely for each and every intervener to make his case.

The second point, Madam Speaker, is with regard to the anti-defection provisions to deter the practice of crossing the floor. Madam Speaker. For too long has this Assembly been subjected to what we call crossing the floor. In this mandate, we have seen it. Six or seven MPs have crossed the floor from the Opposition to the Government side and vice-versa.

But, Madam Speaker, I think, and I am totally in favour of imposing an anti-defection legislation once and for all to stop political parties, Government - in all cases, it is Government by trying to secure a majority in Parliament, by using all means to influence those elected to be on the Opposition to cross the floor. And the problem, Madam Speaker, with that, is that, firstly, it is a matter of democracy. If you are elected in one party, you are elected in Government, in the Opposition, if you leave Government, as is often the case, for our case, it was the Prosecution Commission, because you no longer agree with what Government does, with the laws that are being proposed or you are no longer in solidarity with Government, then you leave.

As you know, Madam Speaker, you have been a Minister, if you do not agree as a Member of Cabinet, you have no other choice than to resign, because there has to be the collective agreement in Cabinet. So, that is something that has to be there because this is completely democratic. If you do not agree with something, you cannot be stopped from switching side and going in the Opposition. That is something that is totally acceptable. But the reverse is unacceptable, Madam Speaker. Switching to the Opposition side in trying to fill the ranks of Government, we have seen, not in this mandate, in the last mandate, how the Government in 2014 was clinging on to one Member - you remember before the elections? - on one majority Member, and the Members of the MSM party had crossed the floor, three or four, to increase that majority, to secure that Government held the majority, Members of the PMSD, as well.

But, Madam Speaker, the question is: is this acceptable? Especially, since we know the means that are used to encourage people to cross the floor. On the face of it, we might come up with an argument that we agree with Government's policy or whatever. But the truth is, Madam Speaker, when you go deep into the motivation, sometimes that are offered, when

Government is clinging on to one or two Member majority, the incentives that are given. And to my view, it is unacceptable; nobody can be for sale. As a member of parliament, you cannot sell your conscience for personal benefits. There is the Prevention of Corruption Act that applies in Mauritius and enforces anti-corruption legislation and tries to root out corruption. But, I think one source of corruption, democratic corruption is when you buy out Members of one side or the other. I am not saying this applies particularly here, but we have seen in other countries, Madam Speaker, how Governments have held power by buying Opposition Members. We have to send the right signal. We have to show the right example. We have to show and to enforce the right principle.

So, I think we must put it into law now that anti-defection from Opposition to Government cannot be tolerated, that no longer can a Member cross the floor elected in the Opposition to go and sit on the benches of Government. I personally feel and we feel in the PMSD that, that has to come, Madam Speaker. Because we feel that, first of all, it is going against your mandate, going against the pledge that you have taken with the electorate, and therefore, it contradicts democracy itself. Unfortunately, we have not seen the Electoral Reform Bill through in this House; the debates were adjourned. And the main reason for that, although it did provide for anti-defection, is that it was *monté de toutes pièces* with regard to the proportional representation, with regard to this question of leaders now to appoint post-election MPs etc., which was in contradiction to what the initial intention of the Bill was. It did not go ahead; it was unacceptable. We maintain it. However, it did have the anti-defection provision, and that will bring me to the other point with regard to the quota for feminine representation. We have called on Government to single out those provisions that conveyed unanimity in the House, to bring them again to the vote, and I think it would pass with unanimity. However, it still isn't the case. Parliament today is most probably having the last sitting for the session - we all know that - and unfortunately, there has been no provision for gender representation, a stand-alone amendment to the Constitution, nor has there been for anti-defection. I think that we should once and for all root out completely out of the political system the crossing of the floor, anti-defection of MPs. I think we have to be serious about it.

Madam Speaker, for the gender quota, as I said, we have continuously called on Government to bring it to the House. We have asked Parliamentary Questions, I think the last one was by hon. Ramano, if am not mistaken. I, myself, have intervened so many times on supplementary questions to call on the Prime Minister and Government to bring that

legislation to the House. We still maintain, Madam Speaker, it should be brought before the election. We would give our entire support here in the ranks of the PMSD and vote in favour. I fail to see, Madam Speaker, why Government refuses to bring it on a stand-alone provision if, and I say if, we are serious about imposing now a quota of 30% for women representation, then we must walk the talk, Madam Speaker, and bring that provision on the agenda of the House, otherwise it is too easy to hold meetings and to campaign on the fact that we have more women and yet we fail to use the opportunity that comes to us. And what surprises me even more, Madam Speaker, last time for the Youth Parliament, you were here, the Deputy Prime Minister was talking about the need for a quota, the need to ensure, to impose an adequate representation, a minimum of least of 30%, and he went on to criticise the hypocrisy of politicians. Madam Speaker, there is no hypocrisy here, we maintain it, we will vote in favour. The Government decides on the agenda with regard to legislation and it has the entire possibility, it has the tools in its hand to make that provision become part now of that Constitution. Why doesn't it do so? The more so, Madam Speaker, I was surprised to hear to the Deputy Prime Minister *faire le procès de la classe politique*, when you remember, Madam Speaker, in 2014, the only party that did not align one woman candidate, which party was that, it wasn't the PMSD, it was the ML and, therefore, I think on this core he should be disqualified from categorising the whole of the political class from *hypocrites*. So, Madam Speaker, this I think is the priority for Mauritius.

Madam Speaker, unfortunately, the day that this House is adequately represented, will only happen when it becomes force of law, when it is imposed to political parties. It will only happen when leaders will be forced to align, at least, one woman candidate per constituency.

Let me just say, Madam Speaker, clearly, this Bill will not come on a stand-alone to this House before the end of this mandate, and we are nearing the end, but it should be the priority of the next Government within days in office to make that provision into our law to amend the Constitution and to impose an adequate representation.

Madam Speaker, with regard to point (d), review of the Electoral Boundary Commission, you know, last year, we have had consultations with the Electoral Boundary Commission; we came up with a written statement by the Leader of the Opposition on behalf of the PMSD and addressed to the Members of the Electoral Boundary Commission with regard to the need to respect the provision of Section 39 of our Constitution, that is, to ensure

as far as is reasonably practicable that all constituencies have the same number of electors, of voters.

Madam Speaker, since then, we have had so many times the occasion to raise this in this House. I am happy that the hon. Ganoo has included this in point (d) of his Motion, the review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies. Let me just, at the expense of repeating myself - the points need to be repeated - go back, *un survol* of what is being done today unfortunately by the Commission, in the way that our boundaries are being drawn. As you know, Madam Speaker, the delimitation of electoral boundaries, it plays a central role in ensuring that we have an appropriate and good working of democracy; there is this principle, Madam Speaker, of equality of vote that one vote should have equal weight and equal value, and the central piece of this principle is to make sure that the number, whatever constituencies there is in a democratic system, is equal in terms of voters. It cannot be, Madam Speaker, that one constituency, smaller in number of voters, elects the same number of MPs as one which is far bigger, because then, the smaller constituency obviously would have more significance, more influence on its vote and when the constituency is bigger, more electors, the influence is diluted, so that goes against the principle of equality of vote and equal vote of equal weight.

Unfortunately, you will see, Madam Speaker, in 1966 the workings of the boundaries, the delimitation was a much fairer system and accounted for a much more democratic mechanism in terms of representation. In 1966, Madam Speaker, there was no big variation in terms of number of electors. If you take but just two examples, for example Constituency No. 3 in 1966, you had a total of 14,590 electors, and when you compare it to Constituency No. 14, which is the constituency of the mover of today's Motion, you had in 1966, 16,940 electors - which is, as you know well, Madam Speaker, it was also your constituency - you had therefore a difference of only 2,000 electors. That was in 1966 and that was the case because it is clearly written in our Constitution at Section 39 that -

“The Report shall make recommendations for any alterations to the boundaries (...) as appear to the Commission to be required so that the number of inhabitants of each Constituency is as nearly equal as is reasonably practicable to the population quota.”

So, that was being done in 1966, Madam Speaker, where you had variations of a thousand, two thousand or the maximum, I think, was something like three thousand voices.

But if we fast forward to the latest boundaries exercise which was done some 10 years ago, you will see, Madam Speaker, that the situation has dramatically worsened in terms of democratic representation. If I take the same Constituency, No. 3 today, you will see that there is in Constituency No. 3, 21,000 electors. It has not changed much from 1966. However, in Constituency No. 14, we now have 62,000 electors.

*(Interruptions)*

Yes, and increasing. My hon. friend Ganoo tells me that it has now changed to 63,500. So, we see, Madam Speaker, now with regard to the variation that has been going on, with regard to the delimitation of the Constituencies. Constituency No. 3, in 1966, there was a difference of only 2,000 voters with regard to Constituency No. 14. And if you look at another comparison, we take let's say Constituency No. 2, which had 15,000 in 1966 and Constituency No. 5 which had 15,000 in 1966, today you see that Constituency No. 2 has 24,000 and Constituency No. 5, 63,500. So, clearly, Madam Speaker, Section 39 (5) says it should be as equal as is reasonably practicable, has not been the case.

So, that is what was highlighted among, obviously, the internationally adopted principles of variation in terms of what are the standards that are applicable and accepted internationally as of norms, is among these, what was highlighted in the report of the Leader of the Opposition and submitted to the Electoral Boundaries Commission. And, Madam Speaker, we have said this a number of times now, you do not have to repeat it all over again but it is noteworthy, Madam Speaker, to note that as time is going by, you will see that this gap is increasing, it is ever increasing and it has come up to a point now where you have one constituency being 300% bigger than another. What it means is that an elector in the smaller constituency with 20,000 electors, his vote will have 3 times more influence than the elector in Constituency No. 14 or No. 5, and with the same number of MPs. Because what is also the international norm is that if it is the case, that you have to draw boundaries in such a way, then obviously you need to cater for the number of MPs. So, in order to dilute influence that one has, which is unequal to the other, we have to correct it by allowing for more MPs. So, this is the situation we are in today, Madam Speaker, with regard to the delimitation of boundaries. And if you look at what is the accepted norm in terms of deviation, to cite a few countries, if you go and look at the UK and New Zealand, for example, you will see that 5% is accepted as deviation. What is deviation Madam Speaker? Is deviation from the population quota? How do we calculate it? You take the population quota of the country, you divide it by the number of constituencies and then the deviation would be a plus or minus, in the case of

the UK and New Zealand, plus minus 5%, and this is the accepted norm. In the US, it is 10%, in Australia, Italy, it is 10% and in Germany, it is 15%. So, on average, Madam Speaker, 10% is the accepted norm.

Here, we have a huge deviation with regard to the population quota divided by the number of constituencies. The deviation is huge and increasing. So, therefore, we have to realise that touching at the delimitation of constituency is the very foundation of democracy in electing your representatives to serve in Parliament. And when you allow your constituencies to be 3 times bigger in some places than others in terms of electors, then it is called gerrymandering and what it is, is that you accept that you are diluting completely the influence of voters in the bigger constituency, first of all, but, secondly you are interfering with the very workings of democracy. And the problem, Madam Speaker, is that boundaries for Constituencies for general elections is extremely important because drawing the wrong boundary and increasing the influence of voters in one as opposed to the other, will affect the results of the elections, and the results of the representation in the House, and you would end up, Madam Speaker, is with some votes being of greater strength and greater weight than others, contradicting the very essence of democracy.

And the problem with that, Madam Speaker, especially in a country like Mauritius where Parliament is, first of all, supreme in the laws that it votes, that it enacts and secondly, that elects the Prime Minister. The Prime Minister comes from the ranks of the majority party in Parliament. The Ministers are then appointed by the President who himself or herself is appointed by Parliament and then all these appointments in institutions, constitutional, parastatal, Government companies, all of them emanate from the Executive which emanate from Parliament. Parliament is the basis for the State of Mauritius and whatever composition of Parliament is, then the wide powers that are given to the Executive, to the Prime Minister, it would have an influence on most institutions in Mauritius and, therefore, if the system is unfair, if the system provides for inequality in the boundaries itself, then, obviously, this would go up the ladder and no system can start at the base as being an unfair system and end up at the top producing fair results. It does not exist. And, therefore, to ensure that we have equality, and to ensure that we root out discrimination and all the problems that are associated with it, we must first ensure that the system is fair and that the system is equal, that we, first of all, have equality of vote, strength and weight and, therefore, Madam Speaker, I think and we have taken up this issue with the Electoral Boundaries Commission and we have said and we repeat it should we not be satisfied with the results that are produced in the new report,



the upcoming one, we will take it up and challenge it in Court and definitely, Madam Speaker, I think, and we are committed here in the PMSD to ensure that the next Government reviews completely the workings of the Electoral Boundaries Commission in the way it makes its report and that it forces the EBC to respect the provisions of the Constitution, Section 39 and that it stops forthwith to valid it.

So, Madam Speaker, this is the pledge of the PMSD, and to us it is clear that if we do not address this problem, then there can be no rooting out of discrimination, there can be no rooting out of inequality.

And the second problem with the report that was drawn up by the Electoral Boundary Commission, Madam Speaker, is the fact that contrary to what the workings in place in the UK in terms of the requirement of the Commission to communicate, to produce the report, to communicate it to Government formally, and then, the requirement for Government to table it in Parliament so that Parliament may debate on it and so that Parliament may be explained of it, unfortunately, here, in Mauritius, this is not the case. As you will see in the law, Madam Speaker, in the Constitution, the role of the Commission, its duty is to produce the report, to give it to the Executive, to give it to the Prime Minister and then the Prime Minister is free to decide whether he shall leave that report *dans son tiroir* or whether he will apprise Parliament of it and he will arrange for the report to be debated in Parliament. Unfortunately, you will see that the last report - I think in 2009 if I am not mistaken - was given to the Prime Minister and was never taken to Parliament. Parliament has never apprised of the delimitation of Constituencies in the 2009 Report drawn up by the Electoral Boundary Commission. It never came to Parliament and there is no requirement, there is no duty on the Executive to bring it to Parliament and this is a fundamental flaw of our system, Madam Speaker. Why is it a constitutional principle that the Boundaries Commission shall draw up a report every 10 years? It is legally obliged by the Constitution. It is a constitutional duty of the Commission to draw up the report every 10 years. But then, it is entirely up to the Prime Minister and the Executive what to do with the report. It does not make sense.

Therefore, it is time that we adopt the British principle, Madam Speaker, and that we make it now our requirement for the Prime Minister to table the report in Parliament, so that then Parliament can debate on it, so that then Parliament can decide to adopt it or not. Whereas what is noteworthy, Madam Speaker, is that for the report to be adopted, it has to come to Parliament. It is only Parliament that can adopt or reject the report. That is clear, that is how it should be. But there is the discretion of the Prime Minister never to bring it in

Parliament in the first place if he so decides and that cannot be the case, and the correct word is we should make it mandatory, Madam Speaker, upon the Prime Minister, once he is communicated with the report by the Electoral Boundary Commission, to bring it to Parliament so that Parliament can do its job, debate on it and approve it or reject it, if need be. But, at least, that everybody here, in this House, can put on record whether they agree with the report, whether they disagree with what is being proposed in that report and to give the reasons thereof. So, Madam Speaker, that I think will have to be changed, and again we are committed on the side, here, in the PMSD at least, to impose that mandatory requirement now on the Executive to bring that report to the House.

Madam Speaker, with regard to part (e) of the Motion, “recall mechanism for the parliamentarians who are failing in their duties as elected representatives”, I think, Madam Speaker, that, too often, Members of this House have put this House in disrepute or tarnish its reputation and the image that we try to uphold as people of integrity, respectable persons. Our title that we were conferred upon sitting in this House itself is ‘honourable’, so honourable Members in every aspect of our lives, whether as MPs, Madam Speaker, in this House, in the way we debate, in the way we carry on business of the House, but also as role models and elected representatives of the people in the way we do our constituency works and in the way that we live our life for the public or private.

Madam Speaker, I would not go in details with regard to who has brought this House to disrepute. It is not for me to be judge of that, but for the electorate. However, I think that there should be some sort of a mechanism provided for recalling Parliamentarians who are in blatant contradictions to whatever code of ethics there may be, but especially who have violated, where there is a case of a violation of the law, for example, Prevention of Corruption Act.

Madam Speaker, I think there is a strong case for such a Commission to see the light of the day. I presume it would be within the jurisdiction of yourself, Madam Speaker, as Speaker of the House and I think now that Parliament is going on a long holiday, you will have, if you choose to do so, some time to think on it, what may be the best mechanism, the best forum to provide for the review of the misconduct. I think that we should, of course, have a manner of priorities in what should be classified as serious cases and not so serious cases, and the sanctions as well, but I think that the top ranking, the most serious offence should be corruption, cases of corruption or electoral bribery and, therefore, I think should warrant the ineligibility to remain Member of this House.

Madam Speaker, I am not necessarily referring to this mandate alone, but since the independence, for too long there have been members, some ex-members who have been prosecuted for cases of electoral bribery and for offences under the Prevention of Corruption Act. I think there have been far too many cases here in this House of people crossing the red lines that should never be crossed, and at the end of the day, these people should be held to account in Parliament; and if it is putting the House in disrepute, then Parliament, as a matter of vote, perhaps it is referred to a Committee, and then debated in the House and voted upon, but the House should have a say with regard to this type of unparliamentary conduct, Madam Speaker. And you should not forget that according to our Constitution, any person who is convicted for an offence of more than 12 months of imprisonment is disbarred from taking part in elections and, therefore, when there are clear cases of corruption that could warrant such a sentence, it could also be up to the House to take preliminary steps, Madam Speaker, especially that applies mainly to Members of Cabinet. As you know, it is a principle that a Member of Cabinet should step down if he faces a criminal inquiry or he has been served to the provisional charge so as not to interfere with the inquiry, so as not to interfere with the good running of institutions that may be involved in this.

It is too often the case, Madam Speaker, as we have seen in this mandate itself that Ministers resist to the very last minute, cling on to their seat and I think that as well should be up to Parliament to have its say. So, Madam Speaker, that is it for the recall mechanism.

With regard to the introduction of second generation “development and environmental rights”, Madam Speaker, let me say that I truly believe that environmental rights should be a constitutional right. The right to a clean environment should be a constitutional right. The right to have a certain percentage of our land protected and our seas also should be a constitutional right. The right of future generations to get to live in a country where the flora and fauna is preserved should also be a constitutional right. What we are doing at this stage, Madam Speaker, is depriving the future generations of that right and, therefore, it is about time now that we increase in terms of seriousness of how we are committed to environmental issues and that we make it a constitutional right. As you know, in other countries, Parliaments now are voting all sorts of environmental laws and all sorts of environmental actions in order to enumerate and to voice out their commitments to changing the world, reversing climate change and so on.

In terms of environmental rights, Madam Speaker, I think that it's about time that we have an amendment of constitution so that we have a Climate Change Commission as other

constitutional Commissions that are provided in our Constitution as, for example, the Public Service Commission, the Ombudsman. There should be now a Climate Change Commission that would have wide ranging powers, first of all, Madam Speaker, but would also have reached all the levels and within all the different ministries. It would have obviously powers to take action, powers of review to account and so on. Madam Speaker, I hope that speakers after me will enumerate and discuss this point. If we are committed to protection of environment; if we are committed to saving whatever is left to be saved in terms of our flora and fauna, it is about time that we give some teeth to a Commission that will be able to account any project of Government, any action of Government, any decision of Government or any person whether in the Private Sector or Public Sector that could take action.

With regard to the last point - enhanced process of appointment for the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law - I wish here to repeat the pledge of the PMSD, Madam Speaker, which was included in the manifesto of *l'Alliance Lepep* to have a Parliamentary Approval Committee, that is, a Select Committee of Parliament that would vet any proposition by Government for appointment or chairmanship in an institution whether parastatal bodies, whether constitutional appointments and so on.

Madam Speaker, this is done in the USA with much success. We have the Senate Approval Committee as you may know, Madam Speaker. Whether it is the Director of the FBI there, whether it is any person holding public office has to be vetted and approved by a Committee of the House of Senate, which is comprised of Members of the Opposition and of Government. That Senate Approval Committee has the authority to call whenever applicants there are to a job, to have a review of their qualification, of their competency, of their affiliations, especially political affiliations and then they put it to the vote and it is only then, in the case of the US, that the Federal Government may go ahead with the appointment.

It is about time, Madam Speaker, that we have a transparent and credible appointment process for people heading our institutions, our parastatal, our Government owned companies, etc...

For too long, there has been *la politique des petits copains* and for too long, there has been this perception that, at least, there is *la politique des petits copains* and we have to bring some credibility to the system. Why not then have this Parliamentary Select Approval Committee as it is the case in the UK as well, so that that Committee will be mandated to review, vet and approve any proposition there may be for appointment?

When you look at our institutions, Madam Speaker, it has become clear that, with time, they are failing in terms of independence. Take the MBC, you will see that Government after Government, as time goes by it, becomes more and more of a propaganda machine. You will see, Madam Speaker, that institutions like the MBC cannot be trusted with independence. When you look at the Police, when you look at the ICAC, when you look at all the important institutions in our country that are influenced by Government, you will see that there is *la politique de deux poids deux mesures*. We must understand. For the country, we always talk about becoming like Singapore, we always talk about becoming a high-income nation of surpassing ourselves, then it inevitably has to go through institutions, Madam Speaker.

Madam Speaker, I can see that you are looking at me. It does fall within paragraph (g) with regard to the enhanced process of appointment to maintain democracy, good governance and the rule of law. So, Madam Speaker, the point is, institutions are failing us. Most of the institutions that are at arm's length reach of Government are failing us. Important institutions which are compelled by their enabling laws to be independent, the MBC is supposedly independent. Go and ask anyone in the street who believes the MBC is independent. When hon. Lutchmeenaraidoo resigned, could you believe it did not go through the MBC news as if resignation of a Minister, fourth, fifth...

**Madam Speaker:** But does the MBC fall within institutions designed by the Constitution?

**Mr A. Duval:** Madam Speaker, you will see that the Constitution...

**Madam Speaker:** Enhanced process of appointment of the President for institutions designed by the Constitution

**Mr A. Duval:** Well, Madam Speaker, if am not mistaken, the MBC is appointed by the PSC or another Service Commission which is designed by our Constitution...

**Madam Speaker:** Certainly not by the PSC and I don't think it falls within institutions designed by the Constitution.

**Mr A. Duval:** But, in any case, Madam Speaker, you will see 'and the laws of the country'. So, but Madam Speaker...

**Madam Speaker:** Yes, but designed by the Constitution...

**Mr A. Duval:** And the laws of the country, Madam Speaker, that is the second part – 'designed by the Constitution and the laws of the country'. The MBC is the MBC Act.

**Madam Speaker:** You have to read it together.

**Mr A. Duval:** But, Madam Speaker, the point is: if we come for a motion like this, it is to allow us to speak freely and widely on issues...

**Madam Speaker:** No. Look, hon. Adrien Duval, I think you have been to the point up to now. Up to now, you have been to the point with regard to (a), (b), (c), (d), (e), (f). I think you should know at how the motion has been labelled, it is -

*“enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy(...).”*

I think you should limit yourself to this. This is my Ruling.

**Mr A. Duval:** Madam Speaker, again, not changing your Ruling, what I am saying is: the motion reads that the process of appointment designed by the Constitution and the laws of the country show our...

**Madam Speaker:** Yes, yes. Hon. Adrien Duval, I have already given my Ruling on this point. We have had so many parliamentarians who have debated on this point. I do not see anyone who has gone beyond. Please, can you just try to be within the limits of what is there?

**Mr A. Duval:** If I cannot go longer in the process of appointments of institutions then I'll rather resume my seat. So, if you maintain your Ruling, I'll resume my seat.

**Madam Speaker:** It is up to you to decide hon. Adrien Duval, but what I have to say is that you have to be within the limits and within the parameters of what is in the motion, please. You can talk up to 7p.m. if you want. I will allow you to do so provided it is within the parameters of the motion.

**Mr A. Duval:** Madam Speaker, this is the last sitting. I will show the good example and bow to your Ruling on this last sitting, Madam Speaker, without any fuss.

Madam Speaker, let me just say fair enough the point has been made for the MBC anyway. Let me just come, if you want, to the constitutional appointment process. Whether it is the PSC, any Service Commission, Madam Speaker, they do a good job. The PSC, the DFSC, the LGSC and the JLSC do a good job otherwise take the JLSC, you would not have the judges we have or the Director of Public Prosecutions that we have or the Solicitor General that we have, right. So, they do a very good job, but where is the problem Madam Speaker? It is when it comes to delegated powers. As you know, Madam Speaker, delegated powers that are given by the Public Service Commission or the other Service Commissions, it is delegated powers given to a Ministry, let's say any Ministry, to do the recruitment directly. This is where the abuses lie. It is when we give delegated powers and, unfortunately, we have

seen time and time again that this subterfuge to recruit whomever we want on the delegated powers is again and again on the table and we all know how it happens.

But, Madam Speaker, it is about time that any person who is competent enough for the job could be recruited. First of all, we do away with delegated powers because as long as you will have delegated powers, you will have people who will favour their agent or whoever they want to favour. It has been like this since time immemorial, it will not change. So, let's do away with the delegated powers and let's empower solely the PSC under the normal workings of the PSC and the other Service Commissions to appoint because, Madam Speaker, as I was saying, it is about time that we recruit on a merit basis, on an equal basis without any discrimination, and it is about time that any person can aspire to any job in Government provided he fits the qualifications. So, it is about time we do away with recruiting people who perhaps we feel like we have to recruit because of a particular favour during the elections or whatever.

Madam Speaker, it never stops there. You do it for one, you do it for ten, you do it for a thousand and that is the problem. Then you end up with people who have had some form of political patronage to be in office, for whatever recruitment purposes or whatever job while you may have genuinely motivated persons who were genuinely good for the job and who have not been appointed. Therefore, you end up with a scenario like today where to be now recruited by Government is largely similar to winning the lottery unless you know the right person in the right place then it is much easier.

So, Madam Speaker, it is time we do away with this because it does no good to the country. Also, Madam Speaker, on this point, it is time that we have a Service Commission for parastatal bodies because there is also where the abuse lies with regard to parastatal bodies. I think we should treat it to the same level as Public Service Commission, public jobs in the public service. As you know, some parastatal bodies offer great rewards, great remuneration and it should only be fair that they are kept to the same standard. So, why not have a parastatal service commission that will regroup all the recruitment duties of all these different parastatal bodies. There should also be, with regard to Government owned companies which do not answer to Parliament, more oversight in terms of recruitment and in terms of pay packages, etc. So, this is, Madam Speaker, in the name of enhancing democracy and we here are all in favour for that and we have said so for a long time.

The last thing, Madam Speaker, in order to maintain good governance and the rule of law is also obviously discrimination. As you know all Service Commissions under the Constitution with regard to the appointments are not subject to the Equal Opportunities Act. I have said it last time for the Workers' Rights Bill. It is, Madam Speaker, for me a mistake.

When we came up in 2008, it was one of the pleasures of the PMSD to come with the Equal Opportunities Act. It was one of the main items during the negotiations at the time for the manifesto, but, unfortunately, Madam Speaker, what we had intended was for an Equal Opportunities Act that would apply to both the public sector and the private sector. Unfortunately, as the devil is always in the details, it has not been the case up till now. Our pledge now – and I think should be the pledge of the next Government - is to have all cases of discrimination to be heard under one roof according to the same laws, to the same principles and, therefore, uniformity in terms of enforcing antidiscrimination provisions in our Service Commissions, in our recruitment process, in the way we give promotions, in the way that we also assign responsibilities and all that. So, that, Madam Speaker, is our pledge. We maintain it and we affirm it today that there should be uniformity and there should be an amendment to the Equal Opportunities Act so that to give it application now to the public service appointments, to the public service sector, to parastatal bodies and so on, and so on Government owned companies.

So, there, Madam Speaker, you have it. In conclusion, let me just again congratulate hon. Ganoo. I think that he has provided us an opportunity to go into the depth of the workings of our country fifty years after the independence. Obviously, many may not agree on both sides with what I have said, but we truly believe that there should be, to conclude, the limitation of ten-year of not more than two consecutive mandates unless there is that gap of one mandate. There should be anti-defection provisions because this is contrary to democracy. But we truly believe that there should be to conclude the limitation of tenure of not more than two consecutive mandates unless there is that gap of one mandate that there should be anti-defection provisions because this is contrary to democracy that there should be a gender quota to allow for greater and fairer representation of women in Parliament, in the Executive and at all the levels of democracy. If we realise that Parliament is the base of the workings of the country and that everything emanates from that and we realise that having not enough women in Parliament is therefore a discrimination, an inequality and antidemocratic, the same applies for the boundaries. It is again the same Parliament and there should not be an inequality in the size of constituencies, so, both principles should apply.



Madam Speaker, we are all for them and if and it will not be done most probably as it is, today, the last sitting, probably until a new Parliament is elected, probably and therefore if it is not done until then, this is our pledge to do it the next time we are here, if we are here of course.

Madam Speaker, with regard to the review, nobody can pre-empt the future, unfortunately, nobody can predict what can happen. You would be surprised what is happening in other countries, if you just take a look at what is happening in the UK, in Greece, in Italy, etc., you would be surprised. So, Madam Speaker, review of the powers of the boundary I have said, the recall mechanism, I think there should be provision in the House to hold somebody to account if he has acted in a dishonest manner or in an unparliamentary manner and I am told by my good friend, hon. Ganoo, that in the UK, it does exist.

With regard to the innovation, introduction of second generation, environmental rights, Madam Speaker, I have said it, the right to a clean environment should be our constitutional right. We should have a climate change commission and we should have given much more importance to all issues related to the environment and climate change.

And lastly, Madam Speaker, with regard to institutions, I have said no longer can it be impossible to have political puppets in institutions like the MBC, for example and this should change. So, Madam Speaker, there you go. Thank you and let me just say, Madam Speaker, if today is the last sitting of Parliament until the next session, then let me say thank you to hon. Ganoo first of all for bringing this motion, but also, Madam Speaker, let me just say that I hope that this next election that voters and electors will look carefully in terms of the reasons why they would vote for a particular party or an alliance as Mauritius, after 50 years of independence, has not in my opinion evolved as it should have been. There are still profound issues of inequality and discrimination that are still very present today in our society and I think, Madam Speaker, that democracy is as good as the voters, obviously you have seen, Madam Speaker, with Brexit, the power now of disinformation on social networks, Cambridge Analytica and all of this, how now voters are being influenced. So, I hope that all the institutions that we have spoken of will do their job to ensure a fair and impartial election both in terms of what is being said and also in terms of keeping everyone to the same standard but I am confident that the Electoral Supervisory Commission has done a wonderful job in the past that it should also now take much more attention of what is done on social

networks and also on the radios, now that we have new players in the arena which will ultimately favour one side or the other.

So, there we go, Madam Speaker, thank you very much.

**Madam Speaker:** Hon. Rampertab!

(4.16 p.m.)

**Mr R. Rampertab (Second Member for Flacq & Bon Accueil):** Madam Speaker, it gives me immense pleasure to be able to address this august Assembly on its 29<sup>th</sup> Sitting of this Parliamentary year.

Indeed, it has been another very fruitful year for the Government where we worked unrelentingly to deliver legislation and answer parliamentary questions. Indeed, I thank hon. Ganoo for presenting this motion. This gives us the opportunity to delve into the very details of our Constitutional history as well as refer to the latest updates in its point being presented today. The motion of hon. Ganoo was qualified of being outdated last time it was discussed and it is very unfair. In fact, since last year, this motion has been in line with the historic moments this House has lived when hon. Pravind Kumar Jugnauth, the Prime Minister and Minister of Finance presented the Constitutional (Amendment) Bill which aimed at changing the way we run elections and the Political Financing Bill which would have brought a landscape change in the way political parties are financed.

The majority of Parliamentarians, Madam Speaker, from both sides of the House intervened lengthily on these very Bills. We were served with interesting insights and travelled through the historical evolution of our Constitution and how the different players have been key in shaping the constitutional, electoral and parliamentary system under which we operate today.

Madam Speaker, I would like to make some remarks on the way this motion has been presented, looking at the first line of hon. Ganoo's motion, which reads as follows –

“This House resolves that, in the context of the celebrations of the 25<sup>th</sup> anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following new provisions.”

Madam Speaker, the reading of this motion creates the impression that the proposals brought forward by the hon. First Member for Savanne and Black River, hon. Ganoo, are ought to be debated only because of our nations celebration of the 25<sup>th</sup> anniversary of the Mauritian Republic and the attainment of 50 years of independence.

However, Madam Speaker, it must be highlighted that his Government under the Prime Ministerships of both the Rt. hon. Sir Anerood Jugnauth and hon. Pravind Kumar Jugnauth, has not waited for 25<sup>th</sup> anniversary of the Mauritian Republic and the attainment of 50 years of independence to begin the necessary consultation to undertake a reform of our Constitution. In fact, our electoral manifesto made some firm commitments to the population that we will leave no stone unturned to deliver the reforms focussed on our electoral system, woman representation and anti-defection.

Madam Speaker, the motion of hon. Ganoo also makes mention that the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country. Madam Speaker, as far as I can understand, our Constitution has been enacted and has been holding our country together for the last 50 years as we all know our Constitution was enacted in 1968 following details and lengthy constitutional conferences in 1965 and the General Election in 1967. Maybe the motion should perhaps have read as follows: ‘the Constitution of the Republic of Mauritius be amended by the sovereign Parliament of the country’.

Madam Speaker, the motion presented by hon. Ganoo proposes bold reforms to our Constitution, democratic institutions and the way elections are organised and financed in Mauritius.

However, we need to reiterate the fact that even bolder provisions had been presented by the hon. Prime Minister since last year in the same August Assembly. Madam Speaker, since the hon. Prime Minister and Minister of Finance presented the Electoral Reform proposals to the population on 21 September 2018, he had keenly open the doors to receive any firm official criticism and enhancements from other political parties. But, unfortunately, it is sad to note that none of the parties from the Opposition parties have mostly not made any counter proposals through official submissions. Instead, they have only used the media to notify the public about the disapproval of the proposed reform.

Madam Speaker, the Government is open to the diverging opinions of the Opposition parties. However, they should not forget that their role is not always to oppose, but they are free to come with proposition. Madam Speaker, what this Government has learned is, indeed,

unprecedented. It has also shown throughout its mandate a firm commitment in delivering a comprehensive Political Financing Reform and after numerous consultations and meticulous analysis of all the reports, commissioned over the last 50 years. It has presented a series of proposals which have been carefully packaged in the Political Financing Bill.

Madam Speaker, what this Government has not done is to give false promises to the population. It has not used the State apparatus to suspend the Parliament for months while pretending to be working hard on an electoral reform proposal which was never presented to the Parliament. The population has a clear choice, Madam Speaker, between a former Prime Minister who spent years talking loud without any actions and our current Prime Minister whose actions speak louder than words.

Madam Speaker, the closest we got in terms of an Electoral Reform was through a draft Bill circulated in 2005 under the Prime Ministership of hon. Paul Bérenger under the MSM/MMM Government.

I would like to delve now, Madam, into the details around each of the proposals of the motion tabled by hon. Ganoo where the first one reads as follows –

“limitation of the tenure of the Prime Minister”.

Madam Speaker, it is helpful to understand that Prime Ministerial post was only created after the 1968 Constitution was adopted. Prior to that, Sir Seewoosagur Ramgoolam was both the first and second Chief Minister as he took up the role on 26 September 1961 and then, for a second time on 21 October 1963. Since 1968, our nation has had a total of five different Prime Ministers.

Madam Speaker, let us focus on the situation of our African counterparts, for instance. According to the Africa Centre for Strategic Studies, there are currently 21 countries in Africa which have term limits for Prime Ministers. However, they also report that leaders in 10 countries did not uphold their limits, leading to the failure of the system. In the US, the current system is a mixed one with the President having a two-fixed term of four years, but the elected Members of the Congress and the Senate, having no cap on the term limits. On the contrary, in the UK, there are no term limits for any elected representatives. Hence, Madam Speaker, the concept of term limits should be dealt with the utmost consideration. In fact, it could be argued that each country determines its elected representative’s term limits based on the constitutional and demographic specificities of the country

itself. In the case of many African countries, the issues of armed and unarmed conflicts combined with the traces of colonialism and past dictatorial tendencies have led to the adoption of term limits.

Madam Speaker, the discussions around term limits are not new or focused on Africa mostly. Indeed, at the very heart of democracy is the issue of how to best crystallise the will of the people through the leadership of a country. Madam Speaker, term limits come in different formats across the world and the key question revolves around determining the duration and the number of terms on which premises will we be able to answer these two simple questions. Our founding constitutional fathers were right not to include any term limits in our 1968 Constitution as the very core of democracy relates to the rule of the people through its elected representatives, and one cannot imagine any sort of barrier being imposed on the choice and the rule of people.

Madam Speaker, democracy must have no limits. Madam Speaker, let the democratic rule determine the length of the tenure, the people who decide whom they want as Prime Minister and for how long. Limiting the tenure of Prime Minister is interfering with the democratic rights of our citizens. Is this what this Mauritian desires to do? Remember this democracy once lost will not be obtained again. Let us leave the decision of the Prime Ministership to the people. Let us not steal this right from them. Our children and grandchildren will accuse us of robbing their rights one day. I fear when I imagine what Mauritius would have been if we had limited the tenure of the Rt. hon. Sir Anerood Jugnauth when the country was on its knees in the 1980s. So, Madam Speaker, let the people decide.

I will look into that part of the motion where it says –

“anti-defection provisions to deter the practice of crossing the floor”.

Madam Speaker, we made a solemn promise to the population in 2014 to introduce anti-defection measures. We can proudly say that we created history by proposing the Constitutional (Amendment) Bill which made firm proposals on how effectively to deal with the issue. I still remember hon. Bodha mentioning during the then debates: “there exists no perfect anti-defection law in the world.” What we have tried to do is to consider the prevailing legislation around the world and gather the best practises into the proposal of the hon. Prime Minister.

Unfortunately, the Opposition, along with hon. Ganoo, did not support the legislation we brought forward. Madam Speaker, this Government will keep its fight to deliver what it

promised to the population and we have put our trust in the hon. Prime Minister to deliver the historic legislation.

Madam Speaker, the anti-defection law cannot come on its own. It has to be part of *un ensemble*. On top of it, it is not only about crossing the floor. We need to understand why someone feels the urge to cross the floor. The reasons can be varied. We need to examine all the reasons and see if there can be specific cases where exceptions can be allowed. The fundamental question that arises here, Madam Speaker, is: is the elected member answerable to the public who voted for him or her or to the party? Who should decide: the public, the party or the law? So, there is no straightforward answer. It requires profound debate, Madam Speaker.

I will now look into the –

“gender quota for fairer representation (...)”

**Madam Speaker:** Before you engage on the next item, can I ask you whether you have got a long speech?

**Mr Rampertab:** Yes, I have.

**Madam Speaker:** If so, then I suspend the sitting for half an hour for tea and then you can resume after.

**Mr Rampertab:** Okay! Indeed, Madam.

*At 4.31 p.m., the sitting was suspended.*

*On resuming at 5.14 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Please, be seated. Hon. Rampertab!

**Mr Rampertab:** Mr Deputy Speaker, Sir, I would like to come back to the Motion presented by the hon. Ganoo and I would like to tackle the gender quota for fairer representation of women in the National Assembly.

Mr Deputy Speaker, Sir, for long politicians across the board have criticised the imbalance in terms of gender representation. In fact, since the election of Emilienne Rochecoste to the Legislative Council in 1948, we have had numerous women candidates, MPs, and Ministers. I salute our fellow women MPs from whom this august Assembly benefits from the unique perspectives and equal, and sometimes better performances than male MPs, PPSs or Ministers.

However, Mr Deputy Speaker, Sir, we have not succeeded as a democracy to reach the 50% gender balance in terms of representation in our august Assembly and, in the private and public sector decision making position yet, but the provision proposed in the Bill presented by the hon. Prime Minister last year was the boldest move, ever since our strong move, I would say, towards parity by institutionalising a minimum of one third women representation within our Parliament.

Mr Deputy Speaker, Sir, this is indeed a matter of pride for this Government to be able to champion the equal gender balance following our previous achievements of having the first woman in the post of Speaker, Vice-Prime Minister, Minister and PPSs. Mr Deputy Speaker, Sir, unfortunately due to the opposition, this was not voted through; nobody can blame our Government for not walking the talk, contrary to the opposition who have only been talking and were never even close of presenting a Bill to this august Assembly in the past.

Mr Deputy Speaker, Sir, in line with SDG 5, which is to achieve gender equality and empower all women and girls, the Government has been leaving no stone unturned to achieve this aim. Gender equality is central to World Bank groups to engage of reducing poverty and promoting shared prosperity. Mr Deputy Speaker, Sir, last year itself, the hon. Prime Minister took the historic decision of introducing gender consideration at all levels of policy making and implementation while also informing that the Commonwealth Secretariat is conducting the study on gender budgeting and we will make its recommendations in the coming months. All these, Mr Deputy Speaker, Sir, are in line to finalise the National Gender Policy 2019-2029. He also announced bold measures such as the implementation of Gender Mainstreaming Programmes in Government Ministries and Departments. There have never been so many Permanent Secretaries in our Government before like today, Mr Deputy Speaker, Sir. We are allocating the sum of Rs11 m. for the Women's Employment Centres to be revamp with the following additional facilities, like equipment to promote wellness, day care centres for elderly women, *un atelier des Métiers/Savoir* for unemployed and vulnerable women and maintaining the *crèche* scheme to regularise the child day care centre, and on top of it, removing the restriction on maternity leave limited to three confinements in the public service. Today, an officer in the public service who is nursing her child is now also be entitled to permission on the same basis as working mothers in the private sector, that is, for a period of six months as from date of birth.

Public companies and statutory bodies are now required to have at least one woman on their Board of Directors. This will also gear towards a fair gender balance on the Boards, the Company Act and the Statutory Bodies (Accounts and Audit) Act will be amended accordingly. For the first time a chapter on gender mainstreaming in our three-year rolling strategic plan will be introduced and a study will be carried out on the introduction of gender based budgeting. We will also allow payment for remuneration of those mothers reckoning less than 12 months' service; devising a Gender Equality Bill to set a strong and comprehensive legal framework for gender mainstreaming and each Ministry and public institution will have to publish a gender policy statement in its annual report. There will also be training for some 250 Government officials across all Ministries and Departments to deal with gender issues. As we know, an allocation of Rs200,000 has been made to each Ministry to promote sensitisation and awareness programmes and implement activities on gender mainstreaming. We will also make each Ministry have a Gender Cell that will encourage gender balance in the decision making process and serve as a platform for dialogue on gender mainstreaming issues and doubling the current one-off grant under the Crèche Scheme from Rs200,000 up to Rs500,000 to promote investment in crèches and companies that invest in crèches would also benefit from a double deduction under the corporate tax.

Also, Mr Deputy Speaker, Sir, to combat domestic violence, Government is also supporting NGOs to set up additional emergency centres for women and children.

Mr Deputy Speaker, Sir, I now come to the Workers' Right Bill which caters for discrimination and protection from violence at work, especially in the form of bullying and harassment. This, again, Mr Deputy Speaker, Sir, shows the commitment of our Government to protect the rights and well-being of women.

Mr Deputy Speaker, Sir, now, over and above, all the measures mentioned, the Government is coming up with the introduction of a minimum of 30% of female candidates. This shows the commitment of the hon. Prime Minister to the value of women and their capabilities. Women do have a voice and it counts, Mr Deputy Speaker, Sir. Today, as it is, the current percentage of women MPs is 11% and aiming at 30% is definitely the first bold step in the direction of achieving great gender representation.

Mauritius has been lagging behind with the World Economic Forum, placing Mauritius at a dismal 112<sup>th</sup> place on its latest Gender Gap Report. Moreover, it fails the objectives set by the UN to reach 35% of women in political decision-making by 2005.



SADC has a threshold of, at least, 50% of decision-making position in the public and private sectors to be held by women by 2020.

Mr Deputy Speaker, Sir, our Government, at least, has dared to change this. With a percentage of women in Parliament being currently, the majority of our population have a voice in strategic planning and decision-making for the country. This has multiple benefits ranging from an economic perspective to social ones. The World Bank's Mauritius Outlook for 2018 stated that one of the key levers to bring Mauritius out of middle-income trap is to redress the gender gap. This will give opportunity to women from various fields to demonstrate their leadership capabilities and have a say in matters of national and international significance.

The youth, today, Mr Deputy Speaker, Sir, will be inspired by this bold move to nurture their skills, capabilities and have faith that the Government will value them and give them the opportunity to serve their country. We have just had the Youth Parliament, not long ago, Mr Deputy Speaker, Sir, only last week, and we have seen the talent of the youth today and how motivated they are in Mauritius. And I do thank, Madam Speaker, for giving these youngsters the opportunity to come and excel themselves in this House.

Mr Deputy Speaker, Sir, women are underrepresented in Governments around the world, not only in Mauritius. As of 2017, they hold only 23.4% of parliamentary seats with regional average varying from 17.5 in the Middle East and North Africa to 28.4 in the American States. Representation becomes even weaker in leadership positions whereas of 2016, only 19 Heads of States of the world were women. Allow me, Mr Deputy Speaker, Sir, to quote a few Parliamentarians from around the globe who were interviewed by the World Bank on the occasion of International Women's Day on 08 March 2019, and about the positive contribution of female Members of Parliament, MPs, to their communities, society and women's representation in politics. I would like to quote hon. Mrs Nguyễn Thị Kim Ngân, the President of the National Assembly of Vietnam, who states that their objective is -

“(...) to achieve 30% female representation in the National Assembly, which is high compared to other Association of South-East Asian Nations countries. The next generation will raise it to 50%”.

Equally, hon. Yunus Carrim, in South Africa, states that there –

“(...) should be a constitutional requirement that all political parties must nominate at least 50% women for elections to public office.”

He believes that -

“Our parliaments would benefit enormously from more, and more effective, women MPs.

We could have a more emotionally intelligent Parliament that would contribute less to civil wars and other forms of aggression that undermine democracy, development and peace.”

Mr Deputy Speaker, Sir, we believe that in terms of the impact of women, the sky is the limit. Women have their pace and it is also important that women MPs are not consigned to female issues, but can equally pursue issues of interest and be given responsibilities where their skills lie. It is vital too that we mentor younger women and encourage their participation to secure a more equal and truly representative future. I would like to quote hon. Olfa Soukri Cherif, of Tunisia, who is also the Vice-Chair of the Parliamentary Network of the World Bank and IMF, and she states –

“More women in Parliament would reduce corruption and increase efficiency. Many competent women with access to power would increase political pragmatism and bring common sense into politics.”

As our hon. Prime Minister stated during his speech on International Women’s Day celebration on 08 March this year, I quote –

“The key is to change our mindset and acknowledge the contribution of women in society, along with creating respectful relationships, which include equal partnership, starting with our own homes. Prejudices against women, lack of respect towards women, violence against women, and abuse of power to exploit women should stop and more people should come forward to denounce all forms of abuse against womenfolk.”

Mr Deputy Speaker, Sir, female participation in politics will definitely allow more women to be part of the policy dialogue, making Government more democratic and representative. Mr Deputy Speaker, Sir, I wish to salute the vision and commitment of our hon. Prime Minister in acknowledging the importance of women and working towards giving them a voice. And we know what happened when we had a leader, in the last Government, especially, when it concerns about women. We know what he has been up to and he is still up to. He is still going strong in this...

*(Interruptions)*

Yes. And that is not a good example to give to our youngsters today, Mr Deputy Speaker, Sir.

Now, I would like to look at the review of powers of the Electoral Boundary Commission with regard to the delimitation of constituencies. Mr Deputy Speaker, Sir, the Constitution has firmly and clearly spelled out the roles and responsibilities of the Electoral Boundaries Commission. Unfortunately, the Commission has been the victim of critics from the Opposition quite recently. The Commission has flawlessly been operating within the purview of the role as described by the Constitution. I find it very unfair, indeed, that the Commission is subject to the critics of people who now sit in the Opposition, but who did nothing, Mr Deputy Speaker, Sir, while they were themselves in power. Hence, it is completely unwarranted to call for changes in the Electoral Boundary Commission when we, as a Government, do not find any issues with their operation.

Mr Deputy Speaker, Sir, I would like to look at the recall mechanism for the Parliamentarians who are failing in their duties as elected representatives. Mr Deputy Speaker, Sir, a democratically elected Parliament is the only true voice of the people and is accountable to the people itself. This is the basic plank of a democratic system. As the elected representatives of their people, parliamentarians have a critical role to play in driving forward people centred development, that is, reflective of and responsive to the needs of their constituents. For years, a recurring issue in the Parliament, the press and in the community, has been the standard of conduct of parliamentarians. Parliamentarians have faced allegations of misusing travel allowances and allegations of conflicts of interest among other allegations of impropriety.

Mr Deputy Speaker, Sir, currently in Mauritius, questions to the Ministers are put only on Tuesday sittings and the Order of business provides for a three-hour Question Time, allowing the Members of the Parliament to raise questions with the Ministers on their Ministries, especially which fall under their respective responsibilities. Therefore, the Parliament makes the Government account for its action through the Question Time and through the Parliamentary debates and the public can listen to a spectrum of views and opinions and find out how decisions affecting them are made.

According to the USAID 2005, it was shown that a greater involvement of people in decision-making is essential for the advancement of democracy; the promotion of good governance and to the achievement of peace and stability in a country. And one of the key

findings is that despite the efforts undertaken by many countries, including the present Government, in promoting people's participation in decision-making processes, there is still room to do a lot towards enhancing citizens' participation in economic, social and political decision-making.

Mr Deputy Speaker, Sir, cases of misconducts where Parliamentarians fail in their duties as elected representatives can be in the form of –

- misusing Parliamentary privilege;
- misusing Parliamentary entitlements of resources;
- using a position for a personal or party advance, for example influencing peddling, soliciting donations to political parties;
- post Parliamentary employment;
- acting in a way that prevents the Parliament function as it is supports to, and
- acting in a way that may reflect adversely upon the institution.

Mr Deputy Speaker, Sir, misconduct matters in a democracy because all democratic systems rely upon the integrity of the elected Members. Therefore, a set of approaches could be considered to ensure the feasibility options and importance of a code of conduct for Parliamentarians.

Mr Deputy Speaker, Sir, a code of ethics identifies those ethical principles and values that are regarded as the foundation of an organisation. It embodies ethical values that are cross-cultural such as justice, fairness and impartiality and protocol about right and wrong behaviours for many different groups like elected Leader, Prime Minister and the Cabinet Ministers, elected representatives like Members of the Parliament, political staff and public servants.

Mr Deputy Speaker, Sir, code of conduct specifies certain rules for behaviour or standard to which a person conduct must comply. They are more specific than a code of ethic in terms of actions prescribed and not prescribed. A code of conduct may enjoin a person to always listen to both sides of the case and never be a judge in your own case with a specific prescription for just action. Codes of conduct are then an essential element with the aim to raise the standard and perceive standards of conduct for elected officials by proscribing and prescribing behaviour as well as setting goals to aspire towards. If implemented,

Mr Deputy Speaker, the code of conduct can function as a foundation upon which the Parliament can take sanctions against Members being unethical, using of abusive language among others and can even be removed.

Mr Deputy Speaker, Sir, in 2002, South Africa launched the 'Taking Parliament to the People' programme. A similar platform, I am sure, will be initiated in Mauritius in order to promote better understanding about Parliament and to enhance public participation in Parliamentary and governance matters. This will bring the Parliament closer to its people such that Parliamentarians can better understand the challenges that the people are facing. This programme has been remarkably successful in South Africa, especially in reaching in the most remote rural areas and it has also seen active participation by women, youth and people with disabilities. The 'Taking Parliament to the People' programme will give people an opportunity to observe an official sitting of Parliament whilst ensuring the best practices in the promotion of democracy and political governance.

Mr Deputy Speaker, Sir, it is good to point out that there are several existing mechanisms already in place to ensure accountability. Amongst is the annual budget vote which is potentially one of the most direct tools that Parliament can use to enforce accountability. Each year, the Parliament approves the annual budget of the Government. Because of this power to approve executive expenditure, the budget vote process is or can be among the most direct venues through which Parliamentary decision can be enforced. Committees may be able to use their budget approval power to impose sanctions on or to influence Government Departments such as using the budget approval power to threaten, to punish the Department or the person who fails in the duties.

Mr Deputy Speaker, Sir, the functioning of law making in Parliaments entail amongst other the following –

- (1) establish Parliamentary Committees on a specific subject like, for example, health, education, budget, corruption, etc. and if necessary increase their powers;
- (2) to make sure that Committees have enough time and resources to make them familiar with the issues to be decided including supporting staff;
- (3) to provide expertise from within the Parliament Library, Research Unit and allow for outside research facilities including use of modern technology;

- (4) train new Parliament Members and staff on their rights and duties including on pertinent subject, example on the budget;
- (5) draft a code of conduct for all Members of the Parliament, especially where there is abusive language, and
- (6) we have to ensure fair and clear procedures, for example, time allocation of speeches, motion hearings, Orders of the day.

Mr Deputy Speaker, we also have to ensure political neutrality of the Parliamentary Secretariat and also to establish a Committee of Mediation between the Parliament and the Executive, if necessary.

Mr Deputy Speaker, Sir, I would like to comment on the introduction of second generation development and environmental rights. Since our Independence, Mauritius has focused on sustainable development on a long-term basis, never compromising our environment for economic growth. The testimony of the tourists and visitors are clear evidence. Our ancestors cleaned up the volcanic island of Mauritius and made it a beautiful island which is known as a paradise, today. They improved sanitation. They handled our waste efficiently. They planned to the best of their knowledge and abilities so that industries did not pollute our environment. Our pioneers had a foresight to plan long-term, even critical measures which were difficult and unpopular.

The steadfastness left us this liveable environment we enjoy today. According to the UNDP Reports, it is predicted that billions of lives will be adversely impacted in developing countries due to the climate change and studies also state that Africa is one of the most vulnerable continents and several factors affects its ability to cope with climate change such as –

- poverty;
- lack of skills;
- lack of technology and information;
- low level of primary education and health care;
- poor access to resources;
- low management capabilities, and
- arm conflicts.

This is why concerted global action is required.

Mr Deputy Speaker, Sir, Mauritius is no exception. It is very vulnerable indeed. From rising sea levels to increasing rainfall intensities to longer dry spells. I agree that we need to take climate action now for the sake of our next generation and generations to come after. If the previous generation left us a clean and green island, we must make our legacy a sustainable country as we pass on this motherland to our children and grandchildren.

Mr Deputy Speaker, Sir, all human beings depend on the environment on which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, to health, food, water and sanitation and without a healthy environment, we are unable to fulfil our aspiration or even live at a level commensurate with minimum standard of human dignity.

At the same time, protecting human rights helps to protect the environment. When people are able to learn about and participate in the decisions that affect them, they can help to ensure that those decisions respect their need for a sustainable environment. In recent years, the recognition of the links between human rights and the environment has greatly increased. The number and scope of international and domestic laws, judicial decisions and academic studies on the relationship between human rights and the environment have grown rapidly.

Mr Deputy Speaker, Sir, many States now incorporate a right to a healthy environment in their Constitutions. Many questions about the relationship of human rights and the environment remain unresolved however and require further examination. Mr Deputy Speaker, Sir, as the world urbanises and industrialises and as effects of climate change intensify, environmental crisis will increasingly devastate the lives, health and livelihood of people around the globe. A lack of legal regulation and enforcement of industrial and artisanal mining, large scale dams, deforestation, domestic waters and sanitation system and heavily polluted industries can lead to hostile human rights violation. Activists and ordinary citizens defending their rights to land and the environment may face intimidation, legal harassment and deadly violence. The primary victims of environmental harm are often impoverished and marginalised communities with limited opportunity to meaningfully participate in decision making and public debate on environmental issues and have little access to independent courts to achieve accountability and seek any redress if there is any.

Mr Deputy Speaker, Sir, it is believed that Mauritius has relatively a clean environment. However, major problem concerning the marine environmental have risen on

the coastal zones due to peoples' actions and natural processes on land and at sea. The individual behaviours that impact on the marine environment are agriculture, infrastructure and hotel development and fishing coral and sand extraction, dredging, and siltation due to deforestation. While natural courses of actions that have influenced such as environment are cyclones and wave events, unconstructive impacts of human activities on the marine environment are manifold. It includes the following –

- disturbance of local ecosystems;
- worsening of the water quality;
- wearing away of shores;
- inhalation of coral community;
- decline in the fish productivity;
- pollution of the seas by industrial effluents;
- sewage, and
- agricultural run-off.

Mr Deputy Speaker, Sir, in 2015, a new era of sustainable development was ushered in with the signature of the Paris Agreement on climate change and sustainable development goals and if I am not mistaken, my colleague hon. Dayal, then Minister of Environment attended this seminar in Paris and he did have a very big impact on that meeting they had whereby we were allocated a very astronomical sum to protect our environment and I thank him for that.

Mr Deputy Speaker, Sir, we passionately believe that the time is right for the African continent to play a leadership role in achieving the ambitions laid out by these two agendas. Mr Deputy Speaker, Sir, the Republic of Mauritius supports the delivery of international commitments at Rio Plus 20. Mauritius reaffirmed its commitments to fully implement the Rio Declaration on Environment and Development, the program for the further implementation of Agenda two, the plan of implementation of the World Summit on Sustainable Development, Johannesburg plan of the implementation. The Johannesburg Declaration on Sustainable Development of the World Summit on sustainable development as it was and the program of action for the sustainable development of SIDS, Barbados Program of Action and the Mauritius strategy for the further implementation of the program of action for the sustainable development of the SIDS.



Mr Deputy Speaker, Sir, the issue of environmental human rights or the human right to a safe and healthy environment is not anyone. It has been suggested that the development of concern for human rights and for the environment have been two key processes which characterise the 20<sup>th</sup> century. Much more must be done before the right set out in the UN Universal Declaration of Human Rights can be fully realised for all people, yet the principle that human rights should be protected by the rule of law is still universally recognised. This protection of human rights by the rule of law remains one of the key stones for democratic expressions within a framework that guarantees legal action while fostering dialogue. We would suggest that the principles of human rights, the right to life and the right to development cannot be realised in the absence of the right to a healthy environment.

Many international agreements since the 1972 Stockholm Conference have talked about such a right. Mr Deputy Speaker, Sir, working towards sustainable development is increasingly recognising the importance of a human rights approach. This should not be surprising. The protection of human life is in relation to life, health, culture and living standard is central to any social environment, social, environmental or economic programs. The right to life cannot be realised without the basic right to clean water, air and land. A human right approach allows the quality of life of people, in particular, the most vulnerable to be integrated into environmental decision making and there are two main approaches to human rights and the environment, the use of existing human rights and the need of new human rights for a safe and clean environment.

Mr Deputy Speaker, Sir, the rights we have already are civil and political and economic, social and cultural. Mr Deputy Speaker, Sir, civil and political rights provide for moral and political order. Such rights include the right to life, equality, political participation and association. They are couched most clearly in the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966. When you realise civil and political rights are fundamental to guaranteeing a political order, supportive of sustainable development, they can protect civil mobilisation around environmental protection and equity. Economic, social and cultural rights are often referred to as second generation rights. These provide substantive standards for an individual wellbeing. The International Covenant on economic, social and cultural rights 1966 provides an example. This provides substantive standards for an individual well-being. The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) provides an example. The Covenant provides, amongst others, the right to health, which recognises the need for environmental

improvement. It also provides for self-determination, including the right of all peoples to manage their own natural resources. This second generation rights often have a direct bearing on the human and environmental condition.

Mr Deputy Speaker, Sir, accordingly, an introduction of second generation development and environmental rights is needed in order to recognise the multiplicity and complicity of factors on the environmental. New rights will strengthen the role of civil society in every national and local organisations to play their part in that governance and to influence resource use and allocation more effectively.

Mr Deputy Speaker, Sir, definitely, this Government is laying the foundation for the next generation to build on. We can continue to be proud of our living environment. Our objective is to sustain our efforts to keep Mauritius clean and a green island for future generations. This Government, Mr Deputy Speaker, Sir, is doing more than previous Governments have done, especially there is a bigger challenge as far as climate change is concerned. This is an existential issue for our planet. Mauritius is vulnerable, as I said earlier, from rising sea levels to increasing rainfalls intensities to longer dry spells. I agree that we need to take climate change action now for the sake of our next generation and after. If the previous generation left us a clean and green island, we must make our legacy a sustainable country as we pass on this motherland to our children and grandchildren.

Mr Deputy Speaker, Sir, I would like to assure hon. Ganoo, that, this Government is coordinated in tackling climate change. All public bodies are committed to taking climate action. In 2019 and beyond, the 2018 Budget Speech announced that an amount of Rs2 billions will be transferred in the fiscal year to the National Environmental Fund, created under an Act of Parliament in 2002. This Fund will be revamp to further mobilise funding from international sources, such as the Green Climate Fund and the Global Environment Facility. On top of it, some Rs450 m. from the King Salman Humanitarian Aid and Relief Centre (KSRelief) and the Adaptation Fund Board of the United Nations have also been deployed. Mauritius is designated in 28 as our year of Climate Action. On this side of the House, we want to imbed in Mauritius DNA the instinct to care for the environment, like our national consciousness in conserving water.

Mr Deputy Speaker, Sir, the Mauritius water story is one where it strives for sustainability through long-term planning and investing ahead of our needs. This approach is more critical with climate change, where we need to grapple with both extremes of drought

and flooding. Mr Deputy Speaker, water is entwined with our nation's survival and our everyday lives. It is not enough that the Government pumps billions of dollars into infrastructure to ensure supply. Policies to manage demand are as important. The right price in policies being developed to ensure good management of this precious resource. We must also pay equal attention to water conservation. Prior to the drought, Cape Town was using 225 litres of water per person per day. They are now struggling to cut back to 50 litres. So, we must endeavour to control Mauritius households' water consumption.

Mr Deputy Speaker, Sir, I would like to assure hon. Ganoo that the Government is coordinating in tackling the climate change. This year, the hon. Prime Minister announced in his Budget Speech that the following measures are being taken to mitigate the impact of the climate change. Allow me to quote, Mr Deputy Speaker, Sir –

“High risk flood-prone sites have been identified across the island. As flash floods cannot be completely eliminated, we will help members of the public better to cope by providing timely situation updates and by delivering a massive programme of drain construction throughout the country.”

For instance, a massive budget of Rs200 m. has been voted for flood mitigation works in my Constituency No. 9, namely in Poste de Flacq and where our Prime Minister did see it himself.

“Rs 650 million have been earmarked for carrying out drainage works in these areas, including in Fond du Sac, Cottage, Amitié, Gokhoola, Mapou, Résidence Roma, Résidence La Cure, Le Hochet Terre Rouge, Pointe aux Sables, Baie du Tombeau, Morcellement Raffray, Résidence Hibiscus Flacq, Montagne Blanche, Coromandel, Nouvelle France, Plaine Magnien, Carreau Esnouf, Trois Boutiques, Chemin Grenier, Tranquebar, Vallée Pitot, Belle Source Pamplémousses, Clémencia, Rivière des Anguilles, Bambous, Richelieu, Port Mathurin and other sites in Rodrigues.”

Only in Camp Thorel, my next door village, a budget of over Rs125 m. has been earmarked for the protection of the whole village where there will be drains all around the village to stop the water getting in to the everyday life of people. It is also said -

“(…) around 50% of the draining works at Cottage have been completed and works at Fond du Sac have already started (…)

My friend the PPS, hon. Ramkaun, I know, is working relentlessly on that project. Moreover works at Tranquebar, namely at Canal Kitchry and Bangladesh are expected to be completed very soon. It is also said -

“The Land Drainage Authority is being reinforced and it will enlist 5 Technical Experts to provide assistance for better planning and emergency response.”

And also -

“Government is coming up with a Renewable Energy Roadmap to optimise the use of the various renewable sources of energy to produce electricity. This will facilitate private investment in the renewable energy sector.”

Moreover –

“(…) a Waste to Energy project will be implemented where some 1,000 tons of municipal solid wastes will be used to generate some 20 MW of electricity.”

Mr Deputy Speaker, Sir, the road ahead to building a more sustainable world lies in education, technology and finance. Latest discussions from the World Economic Forum outlining the potential of Artificial Intelligence and Blockchain to make the world a better place also serve to prove that our Prime Minister has the foresight and this is why the Government is leaving no stone unturned in ascertaining his vision for transforming Mauritius through Blockchain and Fintech.

Mr Deputy Speaker, Sir, I will now look at the points raised by the hon. Ganoo, the enhancing process of appointment of a President for institution designed by the Constitution and the laws of the country to maintain democracy, uphold governance and the rule of law.

Mr Deputy Speaker, Sir, the current set up whereby the Prime Minister consults the Leader of the Opposition with regard to Constitutional appointments has been in place in 1968. It is a formula which has worked and should not be changed for any alternative one. Mr Deputy Speaker, Sir, this system has produced a number of highly skilled and experienced appointments who have been able to operate with independence and integrity. This will have served the nation brilliantly and this has been due only to the prevailing system.

To conclude, Mr Deputy Speaker, Sir, I would say thank you for giving me the opportunity to share my contribution with regard to the motion tabled by the hon. Ganoo. I have tried to demonstrate that this Government has been unflinching in its commitment to

deliver deep reaching reforms to change the very core of our country and how it operates. We have delivered far more than what we have promised and beyond the expectation of many. The different motions tabled by hon. Ganoo have been covered in the actions of the Government, so far.

Mr Deputy Speaker, Sir, in 2068, when our country will celebrate its 100<sup>th</sup> Independence Anniversary, our future generation will, of course, be grateful for achievements like the Minimum Salary, Negative Income Tax, New Supreme Court Building, the Metro Express. However, one of the institutional legacies which will make them proud of our nation will be the reformed electoral, political financing and constitutional system. Again, Mr Deputy Speaker, Sir, the reforms will not be flawless and will have to be continuously adapted. However, the solid and foresighted foundations laid by the hon. Prime Minister would stand strong. History will remember that our Government delivered its solemn promise to present framework for electoral, political financing and constitutional reform.

Mr Deputy Speaker, Sir, the Mauritian population is yearning for our proposed changes to be implemented. Indeed, the young generation are especially disappointed to see that the Electoral Reform Bill and the Political Financing Bill were not passed because of the Opposition, and that includes our friend, hon. Ganoo as well.

Mr Deputy Speaker, Sir, the opportunity presented to us is straightforward. Only one person has demonstrated the political clarity required to deliver a modern democracy with enhanced institution. As patriots, we should unite behind hon. Pravind Kumar Jugnauth, our Prime Minister, so that he can finally implemented these reforms in his many future mandates that is coming.

Thank you very much for your attention.

(18.03)

**The Minister of Civil Service and Administration Reforms (Mr E. Boissézon):**

M. le président, j'ai bien écouté l'honorable Alan Ganoo et la première partie de son discours lors de la présentation de sa motion peut se résumer de cet extrait de la dite motion.

And I come, Mr Deputy Speaker, to the first proposal that is being made in the Motion because, I repeat, the purpose of this Motion is to call upon this House to agree to the repatriation of our Constitution. The Motion proposes that when this will be done, consideration should be given also to introduce certain new provisions. The hon. Member has explained that since Mauritius has celebrated the 50<sup>th</sup> anniversary of its independence, it

was the right time to overdo with the Constitution drafted by some expert from a Whitehall civil servant. He insinuated that Mauritius cannot content itself of a Constitution made in England, which was published in the Government Gazette G.N. 54 of 1968 on 03 March.

M. le président, généralement parlant, la Constitution d'un Etat est la base légale du pouvoir du gouvernement. Une Constitution doit créer une bonne relation entre le gouvernement, l'exécutif et donner la garantie de l'indépendance du judiciaire des instances précitées. Si nous faisons des recherches, nous verrons que, dans la majorité des cas, que des constitutions ont été rédigées et adoptées parce que la population voulait prendre un nouveau départ, eu égard au système de gouvernance qu'elle recherchait. Le nouveau départ était dû comme dans le cas des Etats Unis d'Amérique, de l'annexion des communautés avoisinantes, afin de former un gouvernement ; des communautés qui voulaient s'autogérer après leur libération suite à une guerre contre l'empire, par exemple, La Hongrie, la Tchécoslovaquie, ainsi de suite, où, comme en France en 1789, et l'URSS en 1917, après une révolution, le besoin d'une rupture d'un régime. D'autres, après des défaites comme l'Allemagne, le Japon après la deuxième guerre mondiale, et plus près de nous, les colonies d'Afrique après leur indépendance.

M. le président, en 1925, le gouverneur colonial a doté Maurice d'une Constitution. Cette Constitution fut amendée en 1832 et resta en vigueur jusqu'à 1885, année où un amendement fut nécessaire pour permettre la tenue des élections pour la mise en place du *Legislation Council*. La Constitution fut amendée en 1947 pour la tenue des élections au suffrage universel. Notre présente Constitution est le résultat des consultations constitutionnelles de 1961, 1964 et 1964, qui eurent lieu à Lancaster House à Londres entre les représentants du gouvernement Britannique et des partis politiques de Maurice. Le Secrétaire d'Etat Britannique aux Colonies, a conclu que Maurice était prête et avait le droit de se trouver parmi les Etats souverains de la planète. Il a dit qu'il ne souhaitait pas un Référendum, vu l'état d'insécurité qui prévalait dans le pays, et qu'un tel évènement attiserait les divisions communales et les rivalités. Il préconisait la tenue des élections générales en ligne avec le nouveau système électoral, système qui est toujours en vigueur aujourd'hui avec 20 circonscriptions à trois élus au lieu de 40 circonscriptions. C'est ainsi qu'après les élections tenues le 7 août 1968, le Parti travailliste et ses alliés qu'on a tendance à occulter la participation, votèrent une motion de Sir Seewoosagur Ramgoolam, demandant au gouvernement Britannique de faire le nécessaire pour souscrire au désir de la population d'accéder à l'indépendance du pays dans le Commonwealth of Nations.

La Constitution de Maurice ne fut pas le fruit des délibérations et réflexions lors des assemblées constituantes comme ce fut le cas en Inde. Notre Constitution fut rédigée par des experts de Whitehall, qui avaient à leur actif plus de 30 constitutions, car c'était l'époque, où, les pays européens donnaient leur indépendance à leur colonie.

Aujourd'hui, M. le président, malgré le fait que notre Constitution soit vieille de plus de 50 ans, elle est toujours la garante de notre démocratie et de notre stabilité politique car elle a les caractéristiques d'une bonne Constitution, c'est-à-dire, elle est au-dessus du système de gouvernement, non pas une partie du gouvernement. Elle est la garante de la démocratie comme cela fut défini par le *Privy Council* dans le cas de l'Etat v/s Khoyratty, qui stipule que l'idée de la démocratie implique plusieurs différents concepts.

Premièrement, c'est le peuple qui doit décider qui est le gouvernement, c'est-à-dire, avoir des élections systématiques, et depuis notre indépendance une seule fois les élections furent renvoyées, mais depuis 1982 grâce à un amendement à la Constitution, aucun parti, aucun gouvernement n'a la possibilité de renvoyer les élections.

Deuxièmement, le canon fondamental de la séparation de pouvoir entre le Législatif, l'Exécutif et l'indépendance du Judiciaire.

Troisièmement, les droits fondamentaux doivent être protégés par un Judiciaire impartial et indépendant.

M. le président, la population est très friable quand il s'agit de la Constitution du pays et voudrait être consultée quant à tout changement. Hors, aujourd'hui, dans sa motion l'auteur n'a pas parlé de mode de consultation avec la population. L'auteur de cette motion s'est contenté de nous demander d'amener la Constitution aux fonts baptismaux pour changer son nom, car beaucoup d'Etats ont revu leur Constitution sans dire les raisons pour lesquelles ils ont entrepris de tels procédés. Il n'a pas fait mention valable de ce qui n'est pas bon dans notre Constitution pour l'abroger et le remplacer par une nouvelle Constitution *made in Mauritius*. Quelles sont ses propositions pour la conception d'une telle entreprise ?

M. le président, l'auteur de la motion fait mention de la limitation des mandats du Premier ministre. Encore une fois, le membre est très vague, encore une fois, il s'est contenté de dire que cela se passe dans plusieurs Etats et que nous devons copier. Il a parlé de la liberté du Premier ministre en deuxième mandat qui ne serait pas gêné par une contrainte politique. Nous sommes à Maurice, l'auteur aurait dû venir avec des exemples, des imperfections d'avoir un Premier ministre ayant occupé ce poste pendant trois mandats. Peut-

être qu'il a en tête les frasques tels que des coffres forts débordant de devises étrangères, des largesses à l'aéroport, des centaines de dossiers en suspens, empilés. Nous attendons des réponses de l'auteur de la motion.

M. le président, comme nous parlons les Premier ministres qui ont occupé ce poste pendant plus de deux mandats. Le pays a connu deux, et comme j'ai parlé d'infection, je dois dire qu'à Maurice, nous avons un cas où un Premier ministre a occupé ce poste de 1982 à 1995, de 2000 à 2003, quand il a montré au monde une honnêteté politique en démissionnant pour honorer un engagement pris. En 2014, sentant le pays en danger d'une tyrannie et d'un bafouage de la démocratie, il retourna dans l'arène politique pour sauver son pays. Avec notre expérience mauricienne et nous tenons à rendre hommage à Sir Anerood Jugnauth qui a su diriger ce pays de façon démocratique, avec autorité et une bonne gestion du pays. Nous ne voyons pas l'urgence d'un changement de Constitution pour restreindre le nombre de mandats d'un Premier ministre et nous ne voyons pas le Président Putin, comme dit par le représentant du PMSD, être un exemple à émuler, mais M. le président, à écouter l'initiateur de la motion, et je cite –

« Pourquoi une Ile Maurice moderne doit-elle réfléchir et pourquoi pas limiter le mandat du Premier ministre à dix ans ou deux mandats qu'ils soient consécutifs ou non ? Les raisons et les avantages sont multiples, Madame la présidente. »

*(Interruptions)*

Non, je suis en train de citer.

« Les raisons et les avantages sont multiples, Madame la présidente.

Primo, permettre un renouvellement au niveau de la direction au sommet de l'Etat. »

C'est une bonne chose. Mais -

« Deuxièmement, favoriser la démocratie au niveau des partis politiques. La limitation du mandat d'un Premier ministre qui est normalement le leader de son parti sans aucun doute favorisera le renouvellement au niveau de la direction du parti et éliminera le risque d'un leader à vie. »

C'est ça la raison réelle de cette motion. C'est ça la raison qui a poussé l'auteur de cette motion à amener cette motion. Et c'est cette raison même de cette motion, parce que, pendant plusieurs années, je dirais même, pendant plusieurs décennies, l'auteur de la motion a été de lieutenant d'un seul leader, et pour lui. C'était une façon peut-être *to get rid of a political*



*leader*. Qu'il vienne, aujourd'hui, nous dire quels sont les désavantages d'avoir un leader politique allant à vie et nous l'écouterons.

Autrement, il a parlé de Premier ministre, mais il n'a pas dit de quel type de Premier ministre qu'il propose, celui qui est décrit dans la Constitution à La section 59(3), et je cite –

«(3) The President, acting in his own deliberate judgment, shall appoint as Prime Minister the member of the Assembly who appears to him best able to command the support of the majority of the members of the Assembly(...)"

C'est clair, le Président de la république nomme un Premier ministre s'il est sûr que ce Premier ministre commande la majorité à l'Assemblée. Qu'il soit leader de son parti, qu'il ne soit pas leader de son parti, si le Président sait qu'une personne peut commander la majorité dans un Parlement, il nomme cette personne Président. Et en 2014, nous avons fait cette expérience. Sir Anerood Jugnauth n'était pas le leader d'aucun des trois partis qui avaient fait *l'Alliance Lepep*. Le leader du MSM était et est toujours l'honorable Pravind Jugnauth, le leader du PMSD, l'honorable Xavier Duval, et le leader du ML, l'honorable Ivan Collendavelloo. Et ce n'est pas un leader de parti qui a été choisi. C'est Sir Anerood Jugnauth qui a été choisi, parce que le Président savait que c'était Sir Anerood Jugnauth qui pouvait *command the support of the majority of the Members of the Assembly*.

Une proposition - mais je me pose la question : quel genre de Premier ministre que l'auteur de la motion préconise ? Est-ce que c'est ce type de Premier ministre ou celui qu'il avait proposé à la nation lors des dernières élections ? L'accord électoral entre le Parti travailliste et le MMM signé en 2014, et je cite la section 4(a) –

*"4(a) Powers of the President*

*There shall be close consultation between the President and the Prime Minister which will be the foundation of the success of the partnership. The powers of the President shall be broadened to include the following:*

- (i) The President may dissolve the National Assembly.*
- (ii) The President may preside the Cabinet of Ministers whenever he so decides.*
- (iii) The Prime Minister shall give effective consideration to any recommendation of the President to appoint and revoke a Minister."*

*"The President, in collaboration with the Prime Minister will be responsible for the foreign policy of Mauritius and represent Mauritius in international and other meeting."*

Ça me fait penser à Lionel Jospin et Chirac en France.

*(iv) The President may address Parliament whenever he so decides.”*

*(v) The President shall have additional powers of appointment as per the annexed list.”*

*And we all know what type of couleuvre it was.*

*We come to the powers of the Prime Minister, only two sentences.*

*“4(b) The powers, responsibilities and prerogatives of the Prime Minister shall remain as current, save for the powers referred to at para 4(a);”*

That is, the Prime Minister now will not be able to give instruction for the dissolution of the National Assembly. He will have to ask the President. Maybe, he will have the opportunity to preside the Cabinet of Ministers because, at any one time, the President may preside the Cabinet of Ministers. For him – the author of the motion - the Prime Minister should have the permission even though he is the Leader of his party, to appoint a Minister because he proposes the name of somebody to be a Minister, the President will have the authority to just lay it down. So, the author of this motion shall have to tell us what kind of Prime Minister he was thinking of. Is it the Prime Minister that we have today or will it be the bicameral authority of the President and the Prime Minister? He would have to tell us and he has not said that during the deliberation of his motion.

M. le président, la Constitution est une forme de loi supérieure aux autres lois. La Constitution doit être un accomplissement et un geste d'affirmation nationale qui renforce l'unité nationale. La Constitution, si elle doit être revue, doit être l'objet d'une consultation nationale, voire même l'objet cardinal d'un manifeste électoral, suivi d'un référendum. Pourquoi ? Aujourd'hui, nous ne pouvons pas venir dans cet auguste Assemblée, accepter que quelqu'un vienne avec une motion, qu'il fasse des propositions. Disons que nous acceptons ces propositions, il ne nous a pas dit comment nous allons implémenter ces propositions et moi je pense que si nous avons à changer une Constitution, nous ne pouvons pas simplement venir dire, Ah, parce qu'une Constitution a été écrite par les Anglais, parce qu'une Constitution *is made* à l'étiquette *Made in England*, que nous devons, d'un trait de plume, voter le changement d'appellation de notre Constitution, et bien sûr, en ajoutant quelques items. Figurons-nous que demain on arrive à accepter cette motion, nous avons plus de 60 députés et si chaque député apporte son '*shopping list*', comment allons-nous

gérer cette Assemblée ? Nous ne pouvons pas, et quand nous savons très bien que l'idée derrière cette motion, c'était une action vindicative envers un leader politique.

M. le président, on parle « *de anti-defection provisions to deter the practice of crossing the floor ;* » et le terme transfuge est purement mauricien. Il est connu comme nomadisme ou transhumance. Un terme pastoral qui signifie le mouvement du bétail vers des pâturages plus vert et c'est un phénomène du changement d'allégeance partisane en cours de mandat. Les raisons sont multiples, oscillant

entre un changement d'idéologie, des principes et des projets de société dans lesquels le parlementaire ne se reconnaît plus. Et si nous regardons la composition de ce Parlement en 2014, d'un côté les représentants de l'alliance *Lepep* et de l'autre côté l'alliance 60-0. Et le lendemain, un bouleversement, l'alliance 60-0 était cassée en morceaux. Mais ce n'est pas une raison pour aujourd'hui venir dire, vous savez, nous allons changer la Constitution pour stopper le nomadisme, le transfuge ou la transhumance. Nous devons réfléchir à ce sujet et, M. le président, l'Assemblée Parlementaire de la Francophonie s'est penchée sur ce phénomène lors de la réunion de la Commission des Affaires Parlementaires le 19 et 20 mars 2012 à Vancouver. Et un rapport sur les divers témoignages, des expériences vécues dans les régions de l'AFP, notamment en Afrique, en Australie et en Europe démontrent que les opinions divergentes, dépendant des régions. Ils soulèvent beaucoup de questions, telle que, qui du député ou du parti conserve le siège. Doit-on plutôt tenir une élection partielle pour combler le siège et quelle juridiction appliquer? La question de la possession du mandat électoral a souvent été discutée sans aucune réponse définitive. On peut citer le concept de libre mandat des députés élus au scrutin direct. En effet, la Constitution établit que les citoyens élisent des députés en tant que leurs représentants et non des représentants des partis politiques. À ce jour, il n'y a aucune décision finale et définie.

A ce jour, il n'y a aucune décision finale et définie. Mais M. le président, ce gouvernement a soumis une proposition au parlement lors de la présentation de l'Electoral Reform Constitution (Amendment) Bill mais elle ne fut pas retenue et l'auteur de la Motion n'a pas voté notre proposition d'amendement. Il s'expliquera, je suis sûr quand il clôturera les débats. Il a parlé d'un changement, c'est *gender quota for fairer representation of women in the National Assembly*.

M. le président, *everybody prides himself of being gender focus*. Tout le monde, tous les politiciens, tous les partis politiques disent qu'une de leur priorités, un point cardinal de

leur programme, c'est d'être des champions de la cause féminine. Aujourd'hui, les femmes représentent 50% de l'électorat. Malheureusement, ce chiffre n'est pas représenté par le nombre de sièges remplis par les dames. Dans son exposé, l'honorable membre parle d'au moins un ticket alloué aux dames dans chaque circonscription assurant ainsi un tiers des sièges possibles aux dames. Il n'est pas d'accord avec le système que nous avons proposé dans la réforme électorale que nous avons proposé mais qu'avait fait l'auteur de la Motion quand notre projet de loi fut soumis aux différents partis du pays leur demandant d'amener des propositions ? Rien ! Et venir aujourd'hui dire que nous voulons ça, nous voulons ça, je ne citerai pas, je ne qualifierai pas ces demandes. Il argue qu'un parti peut allouer des tickets électoraux à des dames dans des circonscriptions difficiles. Le Gouvernement avait fait une proposition et le député n'a pas fait de contre-proposition avant la présentation du projet de loi au Parlement. Lors de son intervention, il faisait clairement ressortir qu'il ne voterait pas le projet de loi mais qu'il demanderait au Gouvernement de venir avec un projet d'amendements concernant la représentativité des femmes lors des élections en isolation.

M. le président, quand l'Opposition refuse de voter pour qu'il y ait un assainissement des finances des partis politiques pour les élections, alors que sur les estrades tous les partis en parlent. Pourquoi ce refus de voter ? Refus de voter de peur que le gouvernement en tire un capital politique. Vous croyez que, si ce gouvernement avait emmené un projet d'amendement pour la participation des dames aux élections, l'Opposition aurait voté ? Non, M. le président ! Parce qu'ils auraient vu, ils auraient trouvé des prétextes. Nous avons vu, combien de fois : *« Ah oui, vous devez emmener une proposition, vous devez emmener un amendement »* Le gouvernement présente l'amendement, le gouvernement demande à l'Opposition de faire des suggestions, non ! Ils donnent l'impression qu'ils vont voter le projet de loi et au dernier moment, la fuite en avant, le samedi avant le vote, conférence de presse et excuses farfelues, le projet de loi n'est pas voté.

M. le président, figurez-vous, pourquoi l'Opposition n'a pas voté le projet de loi de financement de partis politiques. Pourquoi ? Une seule raison. Ce n'est pas possible que le gouvernement puisse gagner du crédit de cette sorte. Pas plus tard que mardi dernier, le Workers' Rights Bill, tout en disant *« Oui, nous sommes d'accord, nous sommes d'accord »* mais il y a eu *« Mais oui, mais oui, mais oui »*, *« Ah on aurait dû faire cela, on aurait dû ajouter cela »* Pourquoi ? Parce que pour eux, ce n'est pas l'avancement du pays qui est la priorité. Pour eux, c'est l'avancement personnel et l'avancement de leurs partis et ils ne peuvent pas accepter que le gouvernement amène des amendements, amène des projets de loi

qui vont vers le bénéfice de la population, qui rendent la population heureuse. Et j'espère que l'auteur de la motion sera plus clair pour dire pourquoi il n'a pas voté cette motion quand il en avait la possibilité.

M. le président, l'autre point soulevé par l'auteur de la motion *review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies*. Encore une fois, l'auteur de la motion a été flou et il n'a pas été de l'avant pour faire comprendre à la population pourquoi il faut revoir les pouvoirs de l'Electoral Boundary Commission. A ce jour, il doit venir nous dire pourquoi revoir? C'est une institution constitutionnelle, et si nous commençons à toucher aux institutions constitutionnelles, aujourd'hui une institution, demain une autre institution, nous deviendrons une République bananière. Si demain, nous voulons revoir certaines institutions, si nous voulons revoir d'autres points de la Constitution, je pense que nous devrions avoir une assemblée constituante et étudier point par point. Et je ne m'étendrai pas dessus. *(e) Recall mechanism for the parliamentarians who are failing in their duties as elected representatives -*

M. le président, encore une fois, qu'est-ce que l'auteur de la motion a voulu nous dire? Lui-même, lors de sa présentation, a dit *'this proposal sounds problematic to implement'*. Lui-même il sait que l'implémentation d'une telle proposition est problématique, Malgré cela, il présente cela au parlement pour pouvoir dire demain *'sa government-la pas capave travay, mo ena solution.'* But bring that solution, explain it! You had the opportunity to explain it.

Et là, encore une fois, on a parlé des autres pays, parce que les autres pays font ça, pourquoi nous, à Maurice, on ne peut pas le faire? Il a parlé de la Jamaïque, de Trinidad et de Tobago mais pas d'allusion à l'implémentation alors que nous savons très bien qu'effectivement *it is problematic to implement*.

Lors des élections de 2010 en Angleterre, les trois partis en liste pour les élections législatives avaient promis d'introduire le *Recall Procedure* pour les parlementaires qui avaient commis des délits sérieux mais le discours de gouvernement de la coalition Conservatrice Libérale Démocrate faisait allusion au *Recall*, mais pas beaucoup d'effets sinon un *Briefing Note* du 10 Downing Street. Et pour moi, faisant des recherches, j'ai appris que pour qu'il y ait une pétition de *Recall*, il faut au moins 10% d'électeurs qui signent la pétition de *Recall*.

M. le président, comment définir *in their duties* et comment définir *failing in their duties*, pas d'éclaircissement, comment trouver avec la grandeur aujourd'hui nous avons reçu les derniers chiffres de la Commission Électorale et nous avons une moyenne de 45,000-50,000 électeurs par circonscription, comment trouvez un minimum de 4,500 à 5,000 signatures de personnes qui pourront objectivement dire en toute bonne foi, qu'ils ne sont pas satisfaits de leur député, pas satisfaits du point d'éthique, pas satisfaits de la conduite personnelle du député, pas satisfaits parce que le député utilise un langage abusif, pas satisfaits quand le député interpelle bruyamment Madame la Speaker, par satisfaits d'abus de pouvoir, encore une fois, nous attendons des explications.

M. le président, il y a un autre danger, comme dans toute bonne démocratie, les résultats des élections démontrent qu'il y a toujours au moins 30% d'électeurs qui votent pour le perdant. Imaginez que le perdant décide de faire une campagne systématique de dénigrement contre le gagnant, quelle sera la pagaille occasionnée. L'auteur de la motion n'a pas parlé de la possibilité de recours du politicien pointé du doigt, ni des droits de son parti.

M. le président, le pays a trop de projets à élaborer et mettre en pratique pour se payer le luxe de vivre sur le qui-vive d'un état d'urgence politique où chaque député, ministre devra garder un relevé de son emploi du temps pour pouvoir répondre à l'inquisition de la circonscription. M. le président, si nous avons une telle clause dans notre Constitution, que répondrait l'honorable Ganoo aux électeurs de la circonscription numéro 14 qui, suite à la façon cavalière, qu'il s'est défait du Parti travailliste le lendemain de la déconvenue de l'Alliance 60-0 et aux électeurs du MMM après son départ de son parti. Heureusement pour lui! Heureusement!

Mr Deputy Speaker, Sir, now let's come to the...

*(Interruptions)*

... introduction of second generation development and environmental rights. Mr Deputy Speaker, Sir, although Mauritius does not have any environmental provisions enshrined in the Constitution, our country has come a long way in addressing a host of environmental and sustainable development challenges.

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Mr Boissézon:** I would like to stress that second generation rights which were established Post-World War II are fundamentally economic, social and culturally nature and are extensively covered by the universal declaration of human rights. Such civil and social rights are already embodied in the Constitution of our nation.

Mr Deputy Speaker, Sir, we have to know key measures at international level to implement second generation development in environmental rights. In 1987, the United Nations World Commission on Environment and Development published our common future also known as the Brundtland Report. The report sought to recapture the spirit of Stockholm Conference which had introduced environmental concerns to the formal political development sphere. Our common future places environmental issues firmly on the political agenda namely, the rights of a person on the planet to health, education, shelter, safe environment and security. The World Summit on Sustainable Development, Summit 2002, affirms United Nations commitment to full implementation of Agenda 21 alongside achievement of the Millennium Development Goals, the Barbados Programme of action and other international agreements.

In 2005, an international meeting to review the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States was held in Mauritius. The final report emerging from this meeting significantly revised the original Barbados Program of Action and verified what previous reviews were alluding to, that the implementation of the Barbados Program of Action had been largely unsuccessful. What emerged from it was a reorganising of the programs, priority areas and an entrance commitment to the notion; the economic growth would ultimately contribute to sustainable development. The United Nations Conference on Sustainable Development also known as Rio 2012/Rio+20 or Earth Summit 2012 was the first international Conference on Sustainable Development aimed at reconciling the economic and environmental goals of the global community. It resulted in a focus political document designed to shape global environmental policy.

In 2014, the SIDS accelerated modalities of action pathway; an international framework was developed as the outcome of the third international Conference on Small Island Developing States held in 2014 in Samoa. The Conference with the overarching theme – ‘the sustainable development of small island developing States through genuine and durable partnerships’ played a significant role in identifying SIDS priorities that needed to be considered in the formulation of the 2030 agenda. We have put in place key measures at

national level, laws and institutions to implement second-generation development and environmental rights. The Department of Environment, which was established in 1989, was an institutional response to emerging environmental challenges. It maintains the prior responsibility of ensuring environmental protection, planning, monitoring, coordination, enforcement and awareness rising.

Owing to the multi-disciplinary nature of environmental management, the task of environmental protection is assigned to various other departments, the enforcing agencies with respect to specific environmental media and pollutant. The Environment Protection Act was first enacted in 1991 as the main legislation for the protection and management of the environmental assets of Mauritius and to foster harmony between quality of life, environmental protection and sustainable development. The EPA also sets out comprehensive enforcement procedures and development control mechanism provides for the promulgation of regulations and standards of environmental protection across all media and provides for the setting up of several statutory committees to ensure effective coordination among enforcing agencies. This was reviewed in 2002 and again amended in 2008 in response to emerging challenges. The Beach Authority Act 2002 establishes the Beach Authority to regulate activities on and ensure the security and safety of public beaches. The Beach Authority is to set standards and guidelines for beach management so that users may derive maximum enjoyment from public beaches while safeguarding the environment. It further implements projects relating to the conservation and protection of the environment on public beaches, sets standards and guidelines for beach management.

The Beach Authority, Mr Deputy Speaker, Sir, is managed by a Board which is composed of representatives from the Ministries responsible for Local Government, Tourism, Environment, Fisheries, Housing and Lands, Youth and Sports as well as representatives from other entities including the Police, the association of District Councils and the Rodrigues Regional Assembly. We also have the Planning and Development Act 2004. The Planning and Development Act seeks to promote and coordinate the orderly and economic use of the land as well as the proper management, development and conservation of natural and man-made resources in order to promote the social and economic welfare of the community and a better environment, specifically, the Act seeks to promote sustainable development.

Furthermore, the Maritime Zone Act 2005 implements the UN Convention on the law of the sea in Mauritius. As such, it defines and applies nationally the Maritime Jurisdictional



Zone claimed by Mauritius territorial sea, exclusive economic zone, etc. It also authorises the Prime Minister to make regulations concerning sea lanes and air routes as well as the passage of ships carrying hazardous waste, nuclear materials or radioactive materials. the environmental management of these activities is undertaken by the Maritime and Environmental Authorities. In addition, the Act provides that the Prime Minister may make regulations for the authorisation of persons to explore for natural resources in the EEZ and continental shelf.

Under the Fisheries and Marine Resources Act 2007,...

**The Deputy Speaker:** Hon. Minister, I am sorry to interrupt you. It is already 7.00 p.m. and the business of the House is interrupted.

### ADJOURNMENT

**The Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 13 September 2019, at 3.00 p.m.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo) rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned.

*At 7.00 p.m., the Assembly was, on its rising, adjourned to Friday 13 September 2019 at 3.00 p.m.*