



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

FRIDAY 12 JULY 2019

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(Formed by Hon. Pravind Kumar Jugnauth)

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Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
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Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
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Hon. Prithvirajsing Roopun	Minister of Arts and Culture
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Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
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Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 23 of 2019

Sitting of 12 July 2019

The Assembly met in the Assembly House, Port Louis at 3.00 p.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. Prime Minister's Office

Certificate of Urgency in respect of the following Bills (In Original):

- (i) The Finance (Miscellaneous Provisions) Bill (No. XVI of 2019).
- (ii) The Business Facilitation (Miscellaneous Provisions) Bill (No. XVII of 2019).

B. Ministry of Energy and Public Utilities

The Annual Report 2017-2018 of the Mauritius Renewable Energy Agency (MARENA).

MOTION

SUSPENSION OF S.O. 10(2)

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

Mr Roopun rose and seconded.

Question put and agreed to.

(3.06 p.m.)

STATEMENT BY MINISTER

Madam Speaker: Hon. Roopun!

HAJJ 2019 – VISAS & ACCOMMODATION

The Minister of Arts & Culture (Mr P. Roopun): Madam Speaker, with your permission, I wish to make a statement on the outcome of negotiations carried out for Hajj 2019.

At the request of Government, hon. Soodhun, who has been entrusted with a responsibility of overseeing and coordinating arrangements for Hajj pilgrimage in consultation with the ICC, proceeded to Saudi Arabia from 04 to 09 July to sort out the problems of flights to tally with the dates of booking for accommodation and finalised the price of air tickets.

Following negotiations carried out, flights have been secured for the 1500 pilgrims. In addition to the following negotiation carried out, we have been granted 535 additional visas for this year. Hence, the total visas for Mauritius for 2019 will be 2035 instead of 1500.

Regarding the additional 500 visas, the Islamic Cultural Centre Trust Fund, is liaising with individuals who have registered themselves to perform the Hajj to see if they are interested and ready to proceed on pilgrimage to Saudi Arabia. Potential pilgrims have been asked to confirm same by Friday 12 July 2019. Arrangements are being made by Hajj operators under the supervision of the ICC to secure adequate accommodation facilities in Mecca and Medina in buildings of acceptable standards.

Furthermore, the dates of two additional flights have been confirmed with departure on 29 and 31 of July to address the problem of accommodation. The price of air ticket per

person has decreased from Rs40,109 to Rs33,324 inclusive of taxes and all applicable charges.

Thank you.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time -

- (a) *The Finance (Miscellaneous Provisions) Bill (No. XVI of 2019)*
- (b) *The Business Facilitation (Miscellaneous Provisions) Bill (No. XVII of 2019)*

(3.10 p.m.)

MOTION

CHAGOS ARCHIPELAGO & DIEGO GARCIA - CONSTITUENCY - INCLUSION

The Prime Minister: Madam Speaker, I beg leave to move the motion standing in my name on the Order Paper, namely –

“This Assembly is of the opinion that, pursuant to section 39 of the Constitution, the Chagos Archipelago, including Diego Garcia, shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine.”

Madam Speaker, this Motion provides for the inclusion of the Chagos Archipelago including Diego Garcia in such one of the constituencies of Mauritius as the Electoral Boundaries Commission may determine.

Madam Speaker, as the House is aware, on 25 of February 2019, the International Court of Justice delivered its advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The International Court of Justice found that the decolonisation process of Mauritius was not lawfully completed when it acceded to Independence in 1968 in view of the unlawful excision of the Chagos Archipelago from the territory of Mauritius. It concluded that the UK is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible and that all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonisation of Mauritius.

The House is also aware that, on 22 of May 2019, the United Nations General Assembly, adopted by an overwhelming majority of 116 votes to 6, a draft Resolution which was tabled by Senegal on behalf of African States, Members of the United Nations to give effect to the advisory opinion of the International Court of Justice.

In the Resolution which it adopted, the General Assembly has, *inter alia*, affirmed that the Chagos Archipelago forms an integral part of the territory of Mauritius and that the continued administration of the Chagos Archipelago, by the United Kingdom constitutes a wrongful act, entailing the international responsibility of that State.

The General Assembly has, therefore, demanded that the United Kingdom withdraws its colonial administration from the Chagos Archipelago unconditionally, within a period of not more than six months thereby enabling Mauritius to complete the decolonisation of its territory.

The General Assembly has further called upon the United Nations and all its specialised agencies as well as all other international, regional and intergovernmental organisations including those established by treaty to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius and to support the decolonisation of Mauritius as rapidly as possible.

The General Assembly has also called upon the United Kingdom to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals including those of Chagossian origin in the Chagos Archipelago and to pose no impediment or obstacle to such resettlement.

Madam Speaker, it follows from the United Nations General Assembly Resolution that, under the rules and principles of international law, Mauritius is the sole State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones. As such, the United Kingdom is an illegal colonial occupant and has no right to take any action in respect of the Chagos Archipelago.

Madam Speaker, I need not recall that all the former inhabitants of the Chagos Archipelago were forcibly and shamefully removed by the United Kingdom from the Archipelago in the wake of its unlawful excision from Mauritius in blatant violation of their fundamental human rights. Our citizens of Chagossian origin have since yearned to resettle in the Chagos Archipelago. Government supports their legitimate aspiration to do so and is committed to implementing a programme for resettlement in the Chagos Archipelago.

A special provision of Rs50 m. has been made in the Budget for this fiscal year with a view to, *inter alia*, enabling Government to start preparations for eventual resettlement on some of the islands of the Chagos Archipelago.

In the context of eventual resettlement in the Chagos Archipelago, we need to ensure that our citizens, who will be living in the Chagos Archipelago, can continue to exercise all their rights including their right to vote.

Madam Speaker, Section 39 of the Constitution provides that this Assembly may, by resolution, provide that any island forming part of Mauritius that is not comprised in the Island of Mauritius or Rodrigues shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine and with effect from the next dissolution of Parliament after the passing of any such resolution, this section shall have effect accordingly.

In this regard, it is proposed that the Chagos Archipelago be included in such one of the Constituencies as the Electoral Boundaries Commission may determine. Once this motion is passed by the Assembly, the Electoral Boundaries Commission will be informed accordingly so that the Commission may, pursuant to Section 39 of the Constitution, determine the Constituency in which the Chagos Archipelago shall be included.

With these words, Madam Speaker, I commend the motion to the House.

Mr Roopun rose and seconded.

The Leader of the Opposition (Mr X. L. Duval): Madam Speaker, this Motion is a step in the right direction and we will support the Motion although I must say, at the outset, that it does not seem to have had a full support of the Chagossian community. I will come to that a bit later. I think it is good to remind the House that the Chagos Archipelago is not merely a territory; it is also a place where thousands of people, Chagossians expect to live one day, hope to go back there one day. So, it is a territorial issue, but more importantly for us, it is also a human issue and that must never, Madam Speaker, be forgotten.

So, if that is the case, as I have seen in the Press, that the Chagossian community are not supportive of the way that this Motion has been worded, then either lack of discussion or lack of explanation must be the cause for this disagreement, but I will come to that, perhaps in a moment.

Of course, Madam Speaker, it is symbolic; this Motion is totally symbolic. To my knowledge, we do not have any or very few, at least, Mauritians who live in the Chagos and

who would be voting at some point in some General Elections. So, it is symbolic, it is stating a fact that we are putting into effect our belief, our statement that Chagos is 100% part of our territory, Madam Speaker.

But one thing I need to point out, at the outset, is there may be some unintended consequences of including the Chagos in one of our electoral constituencies, because I mentioned some time ago in the House, I think, section 42 of our Constitution does give the right to every Commonwealth citizen who resides over two years in Mauritius and the Chagos is Mauritius, it will now be in one of the constituencies. These Commonwealth citizens are after two years of residing and provided, I think, they are there on 01 January of that particular year, will be entitled to register and vote in Mauritius.

So, it is probably an unintended, adverse consequence of including the Chagos in our electoral constituency that we will allow these Commonwealth citizens - I don't know how many they are there - to vote in Mauritius. I don't think it is a theoretical point, because I don't think any of them would wish to vote in Mauritius, but I think, our interpretation of the law, anyway, of the Constitution is that they would be allowed to vote in Mauritius.

So, the inclusion of the Chagos in whichever constituency would not mean that any Mauritian would vote, because they are none there, or very few. But who knows! It might mean that theoretically, at least, foreigners from Commonwealth countries could vote in our place there.

Now, one point I also wanted to raise is that the Motion that we have today mentions quite clearly that we are talking about Chagos, including Diego Garcia. When we went to the United Nations, it was Chagos and the words 'including Diego Garcia' were removed from that Motion.

All the time, years gone by, whether at the African Union, whether in a Non-Aligned Movement, whenever Motions were presented or moves were made by Mauritius concerning the Chagos, the words 'Chagos, including Diego Garcia' were always included, 100%. It was taken out when we went recently to the United Nations. Why? I presume because Government has acknowledged publicly that they have no intention of kicking the Americans out, even if that were possible, from the base and that the base would remain the base under Mauritian citizenship.

So, again, the question is: if in years ahead, we have a resettlement of the island, we resettle in one of the islands, but the base would be there and my point remains that the base

would have Commonwealth citizens who would be allowed to vote in Mauritius. That is in the future; what we expect to see.

But, anyway, Madam Speaker, I am happy, from what I understand, that the inclusion of Chagos in one of the constituencies will not be made in the 10-yearly report that is expected from the Electoral Boundaries Commission, any day now. Hopefully, it will come in July. I understand it will be in a special report by the Electoral Boundaries Commission. This, I am happy with, because it has been the case in the past that these 10-yearly reports are kept by the Government of the day, by the Prime Minister of the day and never taken to Parliament for approval. So, what would happen in this case, would be this particular amendment to the constituencies of Mauritius would be included in that same report which may or may not be taken and approved by Parliament.

So, I understand, that it will be a special report. The Electoral Boundaries Commission will, in next few weeks, hopefully, send its long awaited report. I hope that it will take into account everything that has been said about the issues of constituencies, constituency delimitations in Mauritius. But that will be separate from the special report on Chagos which, hopefully, will come and be approved in the House without much disagreement or disapproval.

Madam Speaker, when we talk about Chagos being included in one of the constituencies - we will talk about that in a moment - what about St. Brandon? Why not St. Brandon? Why is it being excluded? I think that if we were to take the idea of having all our islands, it is a bit weird that we take Agalega, now Chagos and not St. Brandon. I know that there are not many people in St. Brandon who would live there all the time, but there are people, fishermen, etc., who reside quite lengthily, for months and months on end at St. Brandon and you could expect that they will be there, whether it is at the end of the year, whenever the elections will be, there will be people in St. Brandon at that time, and I cannot see why we would have a Motion to include Chagos where there are no Mauritians and ignore St. Brandon where there are Mauritians. So, I would request that this Motion also includes the St. Brandon Archipelago.

Madam Speaker, as to where - I will talk about this separate constituency in a moment - the Chagos Archipelago should be included, in which constituency, if that is what the Assembly decides, well, there is a question of following the case of Agalega, where it is in Constituency No. 3, I don't think it is good - with due respect to my colleagues hon. Abbas

Mamode and the other Members for that Constituency - it is appropriate to have Agalega even represented by persons in Constituency No. 3.

Constituency No. 3 is an urban constituency; it is not a constituency which deals with islands. I think, Madam Speaker - and this is the case I am going to make for Chagos - that we should follow what Banwell stated back in 1966 when he came to Mauritius. I think it was paragraph 59 where Banwell actually wanted the islands to be regrouped and Rodrigues, to include - I don't think he mentioned Chagos - St. Brandon and Agalega, etc.

So, my suggestion to the Electoral Boundaries Commission would be to have these islands regrouped under the MPs from Rodrigues, because I have had the occasion, for instance - I was working with Minister Von-Mally - to visit Agalega and St. Brandon together with Minister Von-Mally at the time, and he showed a lot of knowledge and interest about issues relating to small islands. All these small islands face same sorts of issues which Constituency No. 3 will not face. We are talking about climate change; we are talking of the rising of sea level; we are talking about vulnerabilities, Madam Speaker, and even cultural similarities.

So, for me, inclusion in one of the urban constituencies in Mauritius would not be the best thing, but inclusion, perhaps regrouping the islands would see a better representation and better knowledge of the issues affecting our outer islands. As I have mentioned, Madam Speaker, I cannot see why St. Brandon is excluded from our electoral boundaries.

And, of course, now, Madam Speaker, comes the question of - what I understand has been requested - whether, in fact, Chagos should not be an electoral constituency in itself. I have heard talk, of course, by Chagossians, whether it should not be an electoral constituency by itself. Of course, if you look at section 39 of the Constitution, that would be a case where the Electoral Boundaries Commission would be entitled, in my view, to have a separate constituency because the Constitution does mention that a constituency needs not be equal in size to others when you take into account means of communication - obviously, it is very far away - geographical features, it is an island or group of islands far from us, and administrative areas also. Three out of four of the conditions that permit the Electoral Boundaries Commission to have a constituency of different size are actually set out in that section 39 of the Constitution. Of course, section 39 does allow the sort of variations that we have in Mauritius in terms of size of the constituency. But funnily enough, for the Chagos, it would, I think, fit the Bill very nicely.

Madam Speaker, before I finish, I want to say a few things. The hon. Prime Minister talked about 1965. It will be remembered, it is part of history that the PMSD resigned from the then Government upon the excision of the Chagos Islands from the territory of Mauritius. There was a whole debate and the Labour Party, the PMSD was there, and the PMSD under Jules Koeing, Gaëtan Duval left the Government in protest at that time. So, our credentials, Madam Speaker, in terms our willingness, our will to re-introduce, our fight, firstly, to stop Chagos from being excised and our will to have it reinstated are not to be disputed, Madam Speaker. I remind the House that when I was Deputy Prime Minister, in November 2016, I took the trouble of meeting the Leader of the Opposition of the UK, Jeremy Corbyn, and on the agenda for that meeting at the House of Commons was, of course, Chagos. He was very knowledgeable about Chagos, he was very interested and it did not take a lot of convincing for me and he was, of course, then very willing to help Mauritius to regain its sovereignty. But just to show that our attitude has not changed from when we were in Government to when we are in Opposition. In September 2017, as Leader of the Opposition, Jeremy Corbyn invited me to lunch in the House of Commons. Again, on the agenda, was the issue of Chagos and, to me, at least, if you look at the political landscape in the UK, our best chance of getting some satisfaction out of the UK Government remains with the eventual election of Jeremy Corbyn as Prime Minister. Now, we will see what happens; elections are unpredictable Madam Speaker, as we all know.

By ending, Madam Speaker, I will say that - just to remind everyone in Mauritius; there has been a bit of euphoria, it has died down a little bit - UN General Assembly Resolutions are not binding. They are not binding; they are recommendations that are made. There are no enforcement mechanisms that the UN General Assembly has to make someone abide by its recommendations. The UN Security Council is different; if it is under Chapter VII, etc., it will be different. It can take action, etc. But UN General Assembly does not have any enforcement mechanism. Now, there are famous resolutions that have been passed by the UN, particularly on Palestine since 1947, I believe, which have still not been implemented. We have won a moral victory, legal points have been made, but we are still probably a long way towards getting back our sovereignty and, to my mind, abled diplomacy is the best solution forward and, obviously, Government has to tread carefully, I think. Diplomacy is diplomacy and it has to be diplomatic in the way that we approach the issue. We are after all dealing with two large powers, the UK, one of our major trading partners, and the US. Nobody has to say anything about the power of the US, and both do not recognise the UN

Resolution. Therefore, Government has to pursue its objective of recovering the Chagos Islands, but also must ensure that the actions that we take do not entail any retaliatory action that will harm Mauritius in the meantime. This is, of course, I think, important. It is real politic that has to be taken into account.

Madam Speaker, I will end to say that I pay tribute to the Chagossians, all of them - some of them are in this House - who have all along fought for the recovery - if that is the word - of the Chagos and the reinsertion of Chagos into the Mauritian territory. And, of course I will say again that whatever the Government did and the Government is doing, not all of it, but whatever Government did, at least, has had the support of the PMSD and of the whole Opposition, and it ought to remain, and it is important it remains a national issue for the whole of us.

Thank you very much.

Madam Speaker: Hon. Sinatambou!

(3.35 p.m.)

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Thank you Madam Speaker.

Madam Speaker, 13 June 2013 was a Thursday, a sunny day with a blue spotless sky, but I aroused the anger of the Opposition because on that day I raised six issues regarding the Chagos Archipelago. I am saying that today because this afternoon, this motion is the logical continuum to the six points I raised on that day. Indeed, I had explained to the House, on that 13 June, all the various sequences of our diplomatic and other action leading to this afternoon. We all now know the United Nations General Assembly Resolution, the first one, which was won by 94 votes against 15. We all now know of the second resolution which won the day with 116 votes against 6 and despite all the friendship I have for the hon. Leader of the Opposition, I would insist that today this motion is not a symbolic motion. This motion actually gives the right step. It is the right step in view of Resolution 73/295 of 22 May 2019 from the United Nations General Assembly.

Indeed, the UN General Assembly affirmed in accordance with the advisory opinion of the International Court of Justice that the Chagos Archipelago forms an integral part of the territory of Mauritius. This was not a suggestion, this was an affirmation by 116 countries against 6, that the Chagos Archipelago forms an integral part of the territory of Mauritius. Accordingly, it is indeed the right thing to do by the hon. Prime Minister, Minister of Finance

and Economic Development to say that we must now, pursuant to Section 39 of the Constitution refer the matter to the Electoral Supervisory Commission to actually ensure that the Chagos Archipelago, including Diego Garcia should be part of one of the Constituencies of Mauritius. And from that perspective, I would say that another point of disagreement I will have with the hon. Leader of the Opposition is about St Brandon. St. Brandon has already been part and parcel of our decolonisation process. If, today, we dilute our case by saying that we should also look at St Brandon while looking at the Chagos Archipelago, we would be doing a disservice to all the steps that we have been taking under this Government.

Indeed, what is the case that we have today? The case we have is that another affirmation of the UN General Assembly Resolution 73/295 is the following one: It is that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago - and four very strong words - as rapidly as possible.

So, for now, we must not dwell on anything else, but the Chagos Archipelago. And I will say, Madam Speaker, I mention this famous Thursday 13 June, because there was so much anger on the other side of the House when I showed that they had been given an opportunity on six occasions, before this House, to show their appreciation for the patriotic move that this Government had actually made regarding the Chagos Archipelago. But, it was to very little success, because the majority of the Opposition still did not show any appreciation. I do hope, Madam Speaker, that, today, this afternoon, as we have nearly 20 Members on the other side, I do hope that they will take the same line as the hon. Leader of the Opposition to support this motion unanimously. Because I believe that anyone who does not show appreciation for the struggle that has been actually gone into for the last four and a half years, bringing the type of result that we have brought, this would be simply unpatriotic.

Another thing which I would like to say at this stage, Madam Speaker, is that, it is said in French, *la victoire a beaucoup de pères, la défaite est orpheline*. How many times did we not hear opponents to the Government saying that we did not know how to negotiate, we would not get votes in the UN, that whatever wording was, was wrong? I appreciate that today, at least, I could hear the hon. Leader of the Opposition stating that, yes, this motion is in order. I am convinced that this is the right way to go and I believe that this is what everyone in this House should do this afternoon.

I would like to take just a few minutes from the time of the House to actually explain why we must not actually underestimate the value of the advisory opinion of the International

Court of Justice. I have taken some time to find a very good doctrinal work from – a very nice name – Theresa Mar, who is a graduate from the University of Cambridge and who wrote about the contributions of the advisory opinions of International Court of Justice (ICJ) to the development of International Law. Because it is when we see the way the advisory opinions of the ICJ are actually applied, how they bring progression in the development of international law that we will see how today's motion is exactly what should be done, in order to have what we have done, becoming law under international principles.

And, indeed, what this graduate from the University of Cambridge had to say is that, due to their *erga omnes* character, and the high authority of the International Court of Justice, advisory opinions can strongly influence the understanding of rules of international law. And what is also very good is that she explained that the advisory opinion is an instance which is used in order to obtain guidance for the body making the request as regards its future activities and the corresponding restraint in applying an advisory procedure to settle international disputes. This is exactly what has happened. The General Assembly has referred questions for the advisory opinion of the International Court of Justice and it has now received guidance as regards its future activities. And it is in this light that we must now look at the Resolution of the General Assembly of 22 May because, unequivocally, the General Assembly demands that the United Kingdom withdraws unconditionally from the Chagos Archipelago within a period of no more than six months. The body has now received the advisory opinion of the International Court of Justice, and this opinion, now, provides the General Assembly with a guidance it requires as regards its future activities, and what it has done here is to demand, it is not a request, it is not an invitation, it is a demand.

Furthermore, the United Nations General Assembly has called upon all Member States to cooperate in order to ensure the completion of the decolonisation of Mauritius as rapidly as possible. So, in the guidance that it has received as regards its future activities, it has now called upon the League of Nations to ensure that the completion of our decolonisation occurs as rapidly as possible. How – I won't say stupid – incoherent it would have been for Mauritius not through the motion of the hon. Prime Minister, Minister of Finance and Economic Development, if we were not ourselves to make of the Chagos Archipelago part of one of the Constituencies of this country. That would be totally incomprehensible.

In addition, Madam Speaker, I think it would be good to see and note that in that particular resolution of 22 May 2019, the United Nations General Assembly did something

even perhaps more important. It called upon all its specialised agencies to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius. All the specialised agencies of the United Nations have now been called upon by the main body, that is, the United Nations General Assembly to recognise that the Chagos Archipelago forms an integral part of our territory plus they have also now been called upon to support the decolonisation of Mauritius as rapidly as possible, plus they have been called upon, Madam Speaker, to refrain from impeding that process. And how should they do that? The United Nations General Assembly has been as strong as I could ever have imagined, Madam Speaker. It says that it calls upon all the UN specialised agencies to refrain from impeding the process of decolonisation of Mauritius by ensuring that they do not recognise or give effect to any measure taken by or on behalf of the British Indian Ocean Territory. That is not symbolical with all due respect I have for the hon. Leader of the Opposition. This is a strong statement, I believe, a stronger statement that the UN could have given in the recognition of our sovereignty and I believe that when I hear either the British or the United States stating that they recognise only British sovereignty, to me this is in clear breach of the UN General Assembly Resolution and I believe that taking this type of approach will, for them, at some stage, sooner or later, become an untenable position.

Now, I believe that what we are doing today is also happening at the opportune time – opportune time because the United Nations General Assembly has, in its resolution of 22 May 2019 requested the Secretary General of the United Nations to submit a report on the implementation of that resolution, including any action taken by the United Kingdom and other member States. That is why I just stated that the position of the United Kingdom and of the United States to a lesser extent, will become untenable sooner or later, because there is going to be a report from the Secretary General of the United Nations regarding the measures taken for the implementation of the resolution which recognises the sovereignty of Mauritius as regards the Chagos Archipelago, which is why we must show consistence with our stand.

This Motion today, Madam Speaker, is actually certainly not symbolical. It is a necessary prerequisite in order to be in a position sooner or later to enforce our rights as recognised not only by the International Court of Justice but also by the United Nations General Assembly. It is very important that we actually ensure that the Chagos Archipelago issue is not diluted by any other matter so that the whole world can see that we are coherent in our act, that we mean what we say and that we will walk the talk. It would have been, in my opinion, a big mistake if Government had not actually through this Motion brought the

hon. Prime Minister, Minister of Finance and Economic Development come with this assertion of our sovereign rights, because we all know since especially we are one of the only four countries in the southern hemisphere to qualify a full democracy, we all know that the exercise of democracy is through the exercise of political rights, and how to actually assert the political righteousness of our assertions as a nation, if not by making the Chagos Archipelago part of a constituency of this country. I believe that we should ensure, on all sides of the House, that enough is enough, let that famous syndrome that I keep speaking about the *narien pas bon* syndrome lose the day. Let us work together in order to ensure that we can actually gain back the Chagos Archipelago! Let us not start saying, you know, we are not doing the right thing or we haven't been consulted. It is about the exercise of the sovereignty of this country. I really hope that everyone will actually vote in favour of this Motion and with these words, I can only congratulate the hon. Prime Minister, Minister of Finance and Economic Development for having brought this Motion today before this House at an opportune time prior to the Secretary General of the UN having to make his report on the steps taken for implementing the resolution taken by the General Assembly on 22 May of this year.

I thank you, Madam Speaker.

Madam Speaker: Hon. Bérenger!

(3.55 p.m.)

Mr P. Bérenger (Third Member for Stanley & Rose Hill): Madam Speaker, being given that, as at present, there are, on the Chagos Archipelago, no inhabitants, no Mauritian inhabitants and specifically Mauritians of Chagossian origin, being given therefore that these days, unfortunately, there are no such inhabitants on the Chagos Archipelago, this Motion that is presented today and, of course, we will approve, has great *valeur symbolique* apart from other things. Great *valeur symbolique*, especially for the future, not even today. But I'm sure that this Motion also wishes to be an expression of support – support to the Chagossians, support for the struggle for the Chagos Archipelago to be returned to Mauritius.

We have absolutely no problem to vote this Motion. On the contrary, we shall, as far as the MMM is concerned, never miss any opportunity to express our support to the Chagossian community and to the struggle to have the Chagos returned to the sovereignty of Mauritius.

I will not repeat what I said recently. The MMM has been the party that brought up the whole Chagos issue. The Chagos sovereignty issue was brought up by the MMM. This is on record. And since we did that, we have never missed an opportunity to express concretely our support for the Chagos Archipelago to be returned to the sovereignty of Mauritius and we have never missed an opportunity. We were the first party to support the Chagossian community, *dans la rue*, concretely and we are proud of that. We were the party that brought up that issue years ago. and we were always supporting the sovereignty issue struggle and we were the first party to support the Chagossians so we certainly have no lessons to receive from anybody and that is why we are very happy to express through this motion once more our support to the Chagossian community and to the struggle, whatever form it takes, for the return of the sovereignty of Mauritius over the Chagos Archipelago.

History is history. I have to express my disagreement with what the hon. Leader of the Opposition has just said on what took place in 1965. I'll do that coolly but history is history. I am sure the hon. Leader of the Opposition believes in what he has just said, but he is wrong. Historical facts are historical facts. It is wrong to say that in 1965 the PMSD left Government because of the excision. He is completely wrong. Facts are facts. It is easy to check. On the contrary, the PMSD held a press conference to say that they have no disagreement on that issue. They had a disagreement including the conditions of the excision, but not the excision itself. They held a press conference to say that. They held a press conference to say that they have no quarrel with the base issue as well. So, I am saying that just to correct the record. I'll not go more on that issue, but it has to be corrected. History is history.

Let me come back to the motion. It is very sad that before the hon. Prime Minister brought this motion, the Chagossian community was not consulted, very sad. I know that as a fact. I won't say why but I know that as a fact and also I have not had time to read *Le Mauricien*. It is now that I get *Le Mauricien* and I understand that the Chagos troop has confirmed that, they have expressed their sadness as this having taken place. Okay. I hope that, in the meantime, such consultation has taken place. Later on when I'll come to this motion, I see that the 'Groupe Réfugiés Chagos' is proposing something different from integration into one of the Constituencies. We will have to study very carefully what the 'Groupe Réfugiés Chagos' is now proposing, but anyway the Motion has concrete great political - *valeur de symbole* – value and an expression of support and whatever the 'Groupe Réfugiés Chagos' is proposing, we will study very carefully and we will discuss with them,

but we vote this motion. We vote this motion because it has great political *valeur symbolique* and an expression of support also. For these reasons, as I said, although we deplore the fact that there was no consultation before the hon. Prime Minister came forward with this Motion.

There is Agalega precedent. The Motion says, as the Constitution provides, to leave it to the Electoral Boundaries Commission to put the Chagos Archipelago, the inhabitants – they are not there today, they will be there tomorrow or the day after tomorrow – in one of the Constituencies. There is one precedent and I think we have always to learn from history. We have always to go to the past, to history and to precedence. There is only one precedent, that is why I am aware, I am sure, where an island, in this case an archipelago, was integrated in one of the Constituencies. It was on the 08 of December 1998. A Motion was presented on the 08 of December 1998 by the then Prime Minister for the Electoral Boundaries Commission to consider which Constituency Agalega islands would be included in. Of course, we don't know the exact reasons why finally the Electoral Boundaries Commission included Agalega in Constituency No. 3, but we can guess because it was the smallest in terms of number of electors, also closeness to the harbour, to the sea, but also probably because there was already in those days a Chagossian community in that Constituency. So, there were people of Agalega in that Constituency. Probably these are the reasons, we don't know. I have complete confidence in the Electoral Boundaries Commission. I am sure they did their work properly, but *le bilan* having included Agalega in Constituency number three, *le bilan n'est pas glorieux*. I read what the then Prime Minister, Dr. Navin Ramgoolam, said and later on, what Sir Anerood Jugnauth said. In 2000, Sir Anerood Jugnauth said: no problem, we will provide so that not every week they may be able to visit their Constituency. It was not a success under Ramgoolam, it was not a success under Sir Anerood and it is not a success under the present Government, for Members of this Constituency. An official letter from the elected Member to have the opportunity to visit which is part of his Constituency to this day, from what I understand, remains unacknowledged. The Prime Minister's Office has not even acknowledged the letter let alone give an answer: yes, we will do our best for you to be able to visit your Constituency and so on. So, *le bilan n'est pas glorieux* in terms of visits.

Now, the motion is for the Chagos Archipelago to be included in a Constituency, but, in the meantime, there have been requests for a Council for an eventual repopulated Chagos Archipelago. I have to remind the House that this is how things started in Rodrigues. Rodrigues also started with an appointed Council and then we progress on and on until now, we have a fully autonomous elected Regional Assembly which is a model in itself. So,

whether the long term solution is integrating the Chagos in a Constituency, I am not sure. As I said, it is only today that I have a look. I did not have time unfortunately, I apologise, to study the proposals of the 'Groupe Réfugiés Chagos', but it seems that they want something specific for the eventually repopulated Chagos. That will not prevent us from voting this motion as a symbolic gesture. As an expression of support, we will vote it, but we will also pay very close attention to what the 'Groupe Réfugiés Chagos' is proposing which is different.

I am sad because if there had been proper consultations before the Motion was presented, we would not be where we are, that is, a motion that we have to vote to express our support and for its symbolic value and political value, but we will have to study carefully what the 'Groupe Réfugiés Chagos' is proposing and we will see in the future. Let us leave it to the future, let us study carefully what le 'Group Réfugiés Chagos' is proposing and we will have to return to that. We vote this Motion today; we will have to return to the whole issue being given, as I said that, that, unfortunately, there were no consultations before the Motion was presented, and today, the group, I do not honestly give much attention to what some people of Chagossian origin, especially in the UK are saying. Our UK friends are good at manipulating people also. The group representing the Chagossians is le 'Groupe Réfugiés Chagos'. Therefore, we have to pay very close attention to what they are proposing now, even if we vote this Motion. This Motion is to integrate the eventually repopulated Chagos Archipelago in a Constituency. Would it be Constituency No. 1, as has been mentioned or Constituency No. 3 with the Agaléga precedent?

When the then Prime Minister, Dr. Ramgoolam, presented the Motion on 08 December, 1998, he said: we should not try to anticipate the decision at which the Commission will arrive. Fair enough! But the Chagossians have the right to express themselves; we have the right, as patriots, to express ourselves also. Although under the Constitution, it will be up to the Electoral Boundaries Commission to decide finally.

The issue is a bit *irréal*. We know that the Constitution of Mauritius provides, under section 39, that every ten years the Electoral Boundaries Commission has to come forward with a proposal *pour redélimiter* the 20 constituencies of Mauritius, and we all know also that the Electoral Boundaries Commission is completing its work these days. So, that is ongoing. They are, from what I understand, finalising their proposal, their report.

In 1998, already it was the same situation. In 1998, the report from the Electoral Boundaries Commission was two years late and was expected in a very near future. Exactly the situation we are in today. *Ce n'est pas possible que l'Electoral Boundaries Commission ne prenne pas en considération la redélimitation quand elle va considérer cette Motion.* Inevitably, it will have to do that. It will be a tricky job which is to be given priority consideration, placing, at this stage, an unpopulated Chagos Archipelago in a constituency and then at a time when the 20 constituencies are being *redessinés*.

I suggest we vote this Motion, as I said, as an expression of support, but also for its political and symbolic value. We study carefully what le '*Groupe Réfugiés Chagos*' is now proposing with all the respect that it requires and we leave it to the Electoral Boundaries Commission. They are wise enough to see how they will proceed to consider the two things at once. That is the re-delimitation of the 20 electoral boundaries plus the eventual inclusion of the Chagos Archipelago in one of the constituency. I think we should leave it to the electoral Boundaries Commission. Inevitably, they will have to consider these two issues at the same time.

Thank you, Madam Speaker.

(04:13 p.m.)

The Minister of Tourism (Mr A. Gayan): Thank you, Madam Speaker. Madam Speaker, if we are here today, it is because of the contribution of the Rt. hon. Minister Mentor in the struggle he has had for Mauritius to regain its sovereignty over the Chagos Archipelago. I think he deserves our tribute and the gratitude of the Mauritian nation for that.

I would also like to commend the hon. Prime Minister for coming with this Motion to the House because it is a natural development of what has taken place recently. In the month of February, we had the Advisory Opinion of the International Court of Justice. I think it is good that we remind everybody about what the Court found. It was an Advisory Opinion, but the Court still, in its paragraph 177, said the following, and I quote –

“177. The Court having found that the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination, it follows that the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State.”

It goes on to say in the next paragraph –

“178. Accordingly, the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.

Madam Speaker, that was the initial event that has triggered everything that is happening today. Then, we had the resolution adopted at the United Nations General Assembly with 116 votes in favour, 6 against and abstentions, and that resolution of the General Assembly is one that is very important because it calls on all States to do certain things and it calls also the United Kingdom to vacate the territory by a certain time.

It is in the light of those two developments that we are here in the House today to say that since the Chagos Archipelago will return to the sovereignty of Mauritius, it has to be placed somewhere in a constituency, and this is what the Motion is doing. I am happy that we have, in the House today, listening to the debate, the representatives of the Chagossian community, Olivier Bancoult and his team. I am happy they are here because they need to know why we are here and what happened for us to be here. Madam Speaker, it is very important, hon. Bérenger spoke about history. I think it is important for us to recall some of the events that led to the detachment of the Archipelago before we got our independence.

On 14 December 1960, there was a resolution adopted by the General Assembly, Resolution 1514 which resolved the following, there are lots of other things, but the important part is in paragraph 6, and I quote –

“6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

Paragraph 7 -

“All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States.”

That was in 1960. No one voted against that resolution. There were some abstentions, but the abstentions were in respect of a non-possibility of implementing that declaration at that particular point in time. The United Kingdom did not vote against that Resolution.

In 1964, there had been discussions between the United Kingdom and the United States with regard to the use of some of the islands of the Chagos Archipelago and also some of the islands of the Seychelles for the purpose of a Military facility, as it was called then. Then, on 29 June 1964, the then Governor of Mauritius, Mr John Rennie, discussed with the then Premier of Mauritius, Sir Seewoosagur, the idea of detaching the Chagos Archipelago from Mauritius and the United Kingdom knew at all material times that it was against the declaration which I have just quoted. They had no right to dismantle the colony partially or in any other way. Under the then Premier, Sir Seewoosagur Ramgoolam said to John Rennie, the Governor, that he was not opposed to providing the facilities, but he indicated that he preferred a long-term lease rather than detachment. And then, there were negotiations with the Governor and the Council of Ministers then, because we were not yet independent. And then, on 20 July 1965, the Governor of Mauritius informed the Colonial Office that the Council of Ministers opposed the detachment because of the negative public reaction that it would receive in Mauritius and the preference was for a lease.

But then, Madam Speaker, we had the Constitutional Conference. On 22 September 1965, the Premier was in London and he had an appointment with the Prime Minister of the United Kingdom. On 22 September 1965, a note was prepared by the Private Secretary to the Prime Minister of the UK, Sir Oliver Wright and the Prime Minister was Sir Harold Wilson, and the note read as follows - it is very enlightening for us to understand how history was made and why we are here today discussing the detachment of the Archipelago - and I quote - "Sir Seewoosagur Ramgoolam is coming to see you at 10 o'clock tomorrow morning. The object is to frighten him with hope, hope that he might get independence, fright less he might not unless he is sensible about the detachment of the Chagos Archipelago. I attach a brief prepared by the Colonial Office with which the Ministry of Defence and the Foreign Office are on the whole content. The key sentence in the brief is the last sentence and it is on page 3.' And that sentence, Madam Speaker, shows that the United Kingdom knew that what they were doing was against customary international law and against the Charter of the United Nations. And I quote: "The Prime Minister – referring to Sir Harold Wilson – may, therefore, wish to make some oblique reference to the fact that Her Majesty's Government have the legal right to detach Chagos by Order in Council without Mauritius consent, but this would be a grave step."

So, they knew what they were doing, they were fully aware that what they were doing was against customary international law, the Declaration of the United Nations General

Assembly, the opinion of lawyers, of jurists, the *opino juris* as it was part of international law. On the next day, that is, on 23 September, there was the meeting between the Prime Minister Wilson and the Premier Ramgoolam. The record of that meeting is as follows. The Prime Minister Wilson said to Sir Seewoosagur Ramgoolam: "In theory, there were a number of possibilities. The Premier and his colleague could return to Mauritius either with independence or without it. On the defence point, Diego Garcia could either be detached by Order in Council or with the agreement of the Premier and his colleagues. So, the best solution of all might be independence and detachment by agreement although he could not, of course, commit the Colonial Secretary on this point." And, of course, there were discussions one way or the other and we all know that finally the detachment took place. It was against the law. Mauritius got its independence and we did not know at the time of independence and also, a few years after independence, what we know today because all the relevant documents were classified. It was after the documents were declassified that we came to know about the enormous atrocities that were committed against the Chagossian people. This why the Prime Minister speaks about something that is akin to a crime against humanity by the displacement of people from their natural habitat.

It is the declassified papers that gave the full story of what had happened during those critical times. In fact, even before 1965, there had already been visits by the United States navy to the Chagos Archipelago to identify the islands where they intended to put up the facility.

In 1965, when the document was signed with regard to the defence facility, there were rights that were reserved for Mauritius, mineral rights, fishing, and other rights like overflight, but these were never given to or enjoyed by Mauritius. And today, we find ourselves in a stronger position because we have the moral authority of the international community. I think we need to also pay tribute to the unconditional support that we have had from the African Union and from countries like India, Saudi Arabia and other countries, that have been by our side because our quest for justice is a proper one, and this is why the majority that we got at the UN General Assembly was astonishing. Not many people thought that we could get that kind of a majority, and we did. But this is the beginning of another struggle

The United Kingdom and the United States claim to be the champions of the rule of law. They miss no opportunity to say that they are the great defenders of the rule of law. In fact, recently, there was a demonstration in Hong Kong. And what did the UK Foreign

Secretary, Jeremy Hunt, say about what China was supposed to be doing in Hong Kong? That they are not observing the rule of law. So, when it suits them, the rule of law is very important. But we must insist, we may be a small island State, although we have a lot of economic space over the maritime zones, because we have the assurance that the rule of law will prevail. There was a time, Madam Speaker, when people used to say: might is right. Might is no longer right. Right is right, and this is what we have to insist upon.

The Rt. hon. Minister Mentor has said it in this House as well. At the time that they were discussing this dismemberment of the Chagos Archipelago, the reasoning that was used was that it was for the defence of the West. Now, it is good for us to remember what were the historical conditions at that time. There was the Soviet Union on one side and then there was the USA, there were the two superpowers. Not all the colonies had yet obtained independence. The two superpowers were facing each other and then they had the policy of each increasing their respective spheres of influence those days. They did not want to have the Indian Ocean as a zone of peace, not the two superpowers, but India did. Between the two superpowers, they had the policy of MAD, i. e., mutual assured destruction. There was the balance of terror, each one was looking at the other confronting each other with nuclear weapons while expanding the zones of influence at the same time. It was in those conditions that the defence facility on Chagos for the West was considered. But, are those reasons still valid today, in 2019? When the rules of warfare have changed totally, technology has totally changed the way wars are conducted, with cyber warfare, with drones, all sorts of technologies, is that reasoning valid? So, this is why, Madam Speaker, we need to send the signal to the international community that we are serious about this particular thing to recover our sovereignty.

We need to have one Constituency where we can tell the Chagossians that this is part of where you will be considered to be able to vote and the Electoral Boundaries Commission will do its own work. I hear that there have been no consultation, but this is the beginning of a process. The process is not over, the process will continue and we are always open to consult and to discuss with anyone. So, that is why, Madam Speaker, I believe that this motion is very important, not only for our territorial integrity to be united again, but also because there is nothing more sacred for any country than respect for its unity and for its territorial integrity. This is a step towards the complete decolonisation of Mauritius and we trust that the International Community will be by our side. This is just another example of how we are going to exercise our sovereignty with regard to Chagos Archipelago.

I thank you, Madam Speaker.

Madam Speaker: Hon. Shakeel Mohamed!

(4.29 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Madam Speaker, let me from the very outset say that on the side of the Labour Party, we will vote for this Motion and we are in full support of this Motion that has been brought forward by the hon. Prime Minister.

As hon. Bérenger has said himself, it reminds us of a motion that was brought forward in 1998, the principle at least, of having an island referred to. That was Agalega, where Prime Minister Dr. Ramgoolam brought the Bill and the Leader of the Opposition, then hon. Bérenger, intervened on the motion, hon. Ms Minerve also spoke - I looked at the debate - and, late hon. H. Duval also addressed the House on this particular motion.

In those days, Madam Speaker, there was consensus, and it is also something which is clear, here, today, that there is consensus on all sides of the House with regard to the principle behind this Motion and the importance of this Motion that is brought by the Prime Minister.

Now, we talk about independence every time. I, myself, was born in 1968 after independence, and every time when we heard of Mauritius independence, and we, as children, stood, as the children of today stand in respect in front of our flag, *le quadricolore*, on 12 March; we stand in respect and we sing the National Anthem. But every time when we were at primary school, I do recall like many of us - some of us would - that we were taught about the importance of sovereignty, we were taught about the importance of independence, we were taught about how it was important to us to get back Chagos. From those days, ever since I was at primary school, I heard about the importance of getting back Chagos, and that the Americans - we were told in those days - and the British are unlawfully occupying our territory. This is how, when we were children, we learnt about Chagos, and as we grew up, we learnt about all historical facts, what happened, indeed, what treachery was played, how things were forced. We also learnt about how history was rewritten or how this blame game, at some stage of history, happened, as to who was responsible or who was not. Let me put it that way: emotion ran high. It is not for me today, and for any one of us - I hope - to come and show the world at large that we are divided. We are a united nation; Mauritius, as a Republic, when it comes to this particular agenda, and we have no right to show the world at large, the British, who surely would like to know what is being said in this Assembly. The

British would like to know what is the position of the Opposition and Government, and the British would revel to know if we are divided, and they would smile. But we are not divided on this, let us reassure the people of this country, and let us reassure those who are watching us.

But it is important to try to come back to the issue of the Chagossians. At one point in history, we learnt about hon. Gayan when he talked in what way they tried to force something down the throat, if I may put it that way, forcibly of premier Ramgoolam, and I call that treachery.

At some point in time, let us also pay homage, as hon. Bérenger put it, that the MMM had been at the helm of this struggle to recall the importance of the rights of the Chagossians. I was myself, as a lawyer, reading the Constitution, and when I looked at the amendment brought about, if I am not mistaken, in 1992, where Chagos and Diego Garcia were both included in section 111 of the Constitution, it was when the MMM was in Government in 1982...

(Interruptions)

And that was, indeed - as rightly said by my friend, hon. Dr. Boolell - a defining moment. Those issues are of utmost importance that cannot be forgotten and should not be cast aside as unimportant events of history. Because without what happened in the past, the future would not have existed; without what happened in the past, all the struggle from, as I said, the treachery, the struggle of the MMM, the Labour Party each and every time being in a position to make people remember our position, our State, our sovereignty rights in all international fora; the position adopted by the Rt. hon. Sir Anerood Jugnauth himself as Prime Minister, reminding everyone, each and every time, when he was Prime Minister from 1982, 1983 onwards until 1995. Each opportunity he had, he reminded the world at large that we are a sovereign nation and Chagos belongs to us. He also did that. So did Prime Minister Ramgoolam, so did Prime Minister Bérenger, so did Prime Minister Pravind Jugnauth. And all of this is of importance, and all of us, together, we cannot in any way come and criticise how patriotic we are. We are all patriots. Maybe, we would have political differences, but we cannot come and say that we do not love our country.

So, to come back to the issues, without in any way reducing the importance of the contribution of all Prime Ministers and all Cabinet Members and all the people from Chagos and all the people connected to the Chagossians who have fought for this cause, I think,

without reducing those contributions of the Mauritian politicians, but the main issue is the tragedy that has been imposed on the Chagossians. I guess we have read about it, we have been told about it. We have heard about *le témoignage poignant* at the International Court of Justice on how people were removed forcibly from that island. We, therefore, feel the pain, but we will never know the pain they have gone through. So, they not only went through the pain in the late 60s, but they and their children, and their grandchildren and all those descendants of the Chagossians are constantly and consistently being put through that pain every single moment of their life and of our Mauritian history, and it will not be over until - I hope - we all can claim back physically Chagos and all the territories, including Diego Garcia. And then, again, how will we be able to make them forget the pain? That is something we can only pray that it can happen.

Let me come to the issue of myself as a student of law in the United Kingdom. Yes, hon. Gayan is right, and all lawyers here who have read law in the United Kingdom will recall, when we studied law in the United Kingdom, we were taught about the rule of law, we were taught about natural justice, and when we have come back to Mauritius in order to practice our profession, today, we turn around and we look at what the United Kingdom states and what the United Kingdom's reaction to the findings of the International Court of Justice and to the Resolution of the General Assembly, this shocks us. It shocks us.

And today, I was reading the position of the United Kingdom, if I may be allowed to quote the position of the United Kingdom, it states here –

“In this important part of the world, the joint United Kingdom and United States Defence Facility on the British Indian Ocean Territory plays a vital role in our efforts to keep our allies and friends, including Mauritius in the region and beyond safe and secure. On the one hand, you have undoubtedly and what cannot in any way be contested, (...)”.

That is now engraved in stone, if I may use those words, those phrases to express what I am saying –

“(...) that Mauritius is a sovereign State and has sovereignty over Chagos.”

That is undeniable and cannot, in any way, be contested. On the one hand, you have this State sovereignty, on the one hand, you have self-determination and decolonisation as fundamental principles, but the State sovereignty is supported by an international body such as the General

Assembly of the United Nations and findings of the International Court of Justice. That is what we have in our hand, the truth and nothing else but the truth.

On the other, you have a nation that comes forward, the United Kingdom, and the United States of America talking about military position and military presence and their geostrategic interests. How can they try to start comprehending - and this is what I cannot comprehend? How can we start comparing, on the one hand, sovereignty issues as opposed to their presence there for military reasons? What has given those two nations the right to be there as supposedly the police of the world to protect us? At least, it should have been supported and justified by international law, but it is not even justified by international law. So, Britain, Madam Speaker, continues to adopt the very same stance it has adopted ever since the detachment of Chagos and ever since the pain that was inflicted on the innocent people of Chagos. It continues to adopt - and I do not believe it is an insult but an opinion of mine - a very straightforward colonialism mentality, which it continues in spite of the fact that the world has changed.

Let me refer very briefly to what hon. Gayan was saying. Yes, the world has changed. In those days, when they took forcibly the territory of Chagos - the Berlin Wall is no longer in existence. Can you imagine? We have conquered space. We have made advances in medical science, there have been lots of other discoveries in science, the USSR no longer exists, and still what has not changed is the stance that is adopted by the United Kingdom.

Madam Speaker, I would like here to refer also to the International Court of Justice, important paragraphs of its findings. And I here refer, with your permission, even though I do not want to read lengthily about the findings of the International Court of Justice, but very briefly I will just quote, and I think it is very important to go there. It is at paragraph 172, and I quote –

“The Court observes that when the Council of Ministers agreed in principle to the detachment from Mauritius of the Chagos Archipelago, Mauritius was a colony under the authority of the United Kingdom.”

And at paragraph 172, it goes on to say –

“In the Court’s view, it is not possible to talk of an international agreement when one of the parties to it, Mauritius, which is said to have ceded the territory to the United Kingdom, was under the authority of the latter.”

And finally paragraph 174 –

“The Court concludes that as a result of the Chagos Archipelago’s unlawful detachment and its incorporation into a new colony known as the BIOT, the process of decolonisation of Mauritius was not lawfully completed when Mauritius acceded to Independence in 1968.”

Not only does that set things right in history, but it is compelling as a finding for us on this issue to work as one nation, and there is no excuse to that.

Now, I am of the view that hon. Sinatambou maybe was obviously happy. Let me just limit it to that. He was happy as a Member of Government and as a Mauritian that we have achieved what we have achieved and Mauritius has come so far as regards Chagos. And let me just say that his happiness has made him say certain things that do not necessarily show unity, but most probably that was not his intention. At least, at the end of his speech, he did request that we all work as one people. At least, I will concentrate on what unites us, and the commonality between our speeches is what is important. The rest is not important.

Madam Speaker, I would like to also remind - let me say this through you, Madam Speaker, to the hon. Prime Minister - that there are certain things that have been said in the Press that I am saddened by; saddened by what the British High Commission has done by cancelling at the last moment an event to celebrate the birthday of Her Majesty the Queen. The reason that was put forward for that was, supposedly, that *ils étaient offusqués ou scandalisés par le discours qui a été prononcé par l'honorable Premier ministre*. This is nothing they should remember as to the pain and the treachery subjected to the people from Chagos. If we have gone through all this and the Chagossians have had to be subjected to such treatment for more than 50 years, the few words of the hon. Prime Minister is just a little expression of the pain that the nation has suffered. So, therefore, it is quite sad that the British High Commission has taken that position in spite of the International Court of Justice finding and in spite of the General Assembly’s resolution.

I have also come across another statement that I found in the Press. It has been reported that his Excellency, the Ambassador of the United States has clearly stated to the Press, on the same day that the hon. Prime Minister was present at McCarthy House in Floreal to celebrate the American Independence, not in his speech, I take that, but he had stated to a journalist afterwards, when questioned about the issues of Chagos, that it is not in their intention at all to have discussions with Mauritius with regard to Chagos. That is also a sad event. A sad event because it comes from a friendly State; a sad event when, very often,

we hear about Americans and we hear about the revolution and we hear about the rule of law and we hear about the land of the free and all the civil liberties in that land. And the fact that he has made such a comment - I hope this has also been a comment that he will not repeat, and that he will consider the importance to have good faith and to sit down with those in charge of the issues, be it the Prime Minister of the Republic of Mauritius and officials from the United States of America because good sense has to prevail.

Therefore, even if the United States of America and the United Kingdom keep on sticking to their stand, I am convinced that if we are to stick together and outside in the United States of America and in the United Kingdom, when they look at us and listen to us on this issue, the message is clear: we are one. Now, when it comes to - allow me to say that - the creation of a new constituency altogether. I am an elected Member of Constituency No. 3, Madam Speaker; it is my second mandate for Constituency No. 3. I, together with my hon. friends who are elected Members of that particular Constituency, Constituency No.3, also represent people from Agalega. If I am to ask all Members of Constituency No.3 whether they have had the opportunity of going to Agalega to represent, to see *leurs mandants*, to meet them and to address the issues they have to discuss with us, the answer is no. It is only once - and hon. Ameer Meea will not, in any way, deny that but he will agree with me - that I, myself, when I was Minister of Labour, found an opportunity of going to Agalega because there were some labour and industrial relation issues. The Ministry of Labour then chartered a flight and we went up to Agalega, and hon. Ameer Meea was on the flight at the request of the former Prime Minister, Dr. Ramgoolam, that he also comes with us there because it was not an issue of party politics. It was an issue of he represented the Constituency, albeit for the MMM. So, he had to have the opportunity of visiting. We did not have enough space to take hon. Cehl Meeah who was another elected Member. It is not that he was heavy or anything, but the aircraft, the Dornier, did not permit that he comes along and he was not very happy about that. Maybe, next time we are in Government, we will repay him that voyage.

Now, what I wanted to suggest is that it is all important to have this Motion today. But it is also a reminder that, ever since 1998, just like our Friends from Rodrigues who represent Rodrigues and who are here and who have the opportunity of travelling back and forth to Rodrigues, every week, us, as Members of Parliament of Agalega, should also have the opportunity of visiting our constituents in Agalega, not in every week but, at least, on a regular basis. The fact that we are not able to visit our constituents at all is something that really hurts the essence of our democracy. It is something that we have to really pay attention

to because when I say we have to act as a responsible nation, we have to be able to show also the world at large but, first, to show ourselves that when we come up with motions, when we believe in the motions and we vote for motions such as this one, such as the one that was voted in 1998, it cannot only be simply black ink on white paper; it has to have some meaning. Therefore, if we are to believe that we have the right to have Agalega in one Constituency and later on Chagos as a Constituency or in the shape and form that will make the Chagossians happy, it has to be that the representatives, whoever they are - and we wish them luck; we wish them God's protection - should also be able to have the facility given to them as our Friends from Rodrigues, to come to the National Assembly and to go to their Constituency. We hope, one day, we will see the day when Chagossians will set foot there and will be able to fly the flag of Mauritius. But one call I will have for all friends from Chagos, the British in history have been found to be excellent at many things and another thing which they are really good at is to divide and rule, and they are so good at that. Now, they are so good at that that a lot of us have even learned from them. When we say we have a Westminsterian system of Parliament, we have learned a lot of *défauts* from the British as Prime Minister Mahathir said when he was interviewed once by a BBC interviewer, a journalist.

But here, I see that there is danger ahead, and let it not be said that we did not say that there may be dangers ahead in the form of the British coming forward and trying to divide the Chagossians as to where they would like to pay allegiance to; whether it is to the Republic of Mauritius or to United Kingdom. Let us be very careful that there is not a referendum, one day, where Chagossians and their *descendants* will be asked to vote, to choose, because this is something which the British could easily do. But we, as a nation, should stand firm, and it is only if we stand firm on this particular issue that we can succeed. So, once again let me say that we stand for this Motion and we will vote for the Motion. Thank you very much.

Madam Speaker: Hon. Rutnah!

(4.53 p.m.)

Mr P. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. This is a historic motion brought by the hon. Prime Minister in the House, Madam Speaker. Thanks to this motion, today this House is united. Today, there is no Opposition that exists in this House and in this country. Today, we are united as one people, as one nation and why are we united? Because we have a cause to fight. It is historical

because, today, we are giving effect in our Parliament. The new jurisprudence that international law has created in so far as sovereignty is concerned; the Ruling given by the International Court of Justice, it is historic because the Chagos island, itself, has a rich and remarkable history since time immemorial. Even before the 16th Century, we know from history that the Maldivian fishermen use to sail in the Indian Ocean and sometimes get stranded in the Chagos Island and then there were being rescued and brought back to Maldives. Between the 16th Century and the 19th Century, it was the Portuguese who roamed around those islands and Portuguese seafarers named the Chagos Island as the Bassas de Chagas.

The Chagos islands were planted with coconuts though there were plenty of fish in the sea. The French, after Napoleon lost the war in 1840s, ceded those islands to the British and those islands were administered, were governed from Mauritius. Then we know what happened pre-independence. All the constitutional meetings that were taking place in Lancaster Gate, I will not dwell into what my very able and learned Friend, hon. Gayan had said about the historical event that took place in London, the exchanges that took place as between the Leaders then. But they struggle of the Chagossian people since they were uprooted, exiled; some to Seychelles, some to Mauritius, some elsewhere and in transit some even passed away in very tragic circumstances. Only last week we witnessed or it was probably this week, that the hon. Prime Minister went to Rodrigues to commemorate the death of those Chagossians who were in transit and who passed away tragically.

Madam Speaker, the struggle of the Chagossian people first went to the Court in UK in 1999. When in 1999, their struggle reached the UK Court, the UK Court considered their plight and ruled that, in fact, there was a bridge of the principle of Magna Carta that no man shall be exiled except by a jury of his peers. Then, in 2000, the British High Court ruled that the Chagossian people have a right to return to their island. In 2004, the legality of the Royal Orders banning anyone to set foot in the Chagossian Island was challenged and, in 2006, the High Court ruled that the Royal Order was illegal.

In 2008, the UK Government appealed against the decision of the High Court, and the Court of Appeal held that the treatment of the Chagossian people was unlawful, an abuse of power. The UK Government then appealed to the House of Lords by a majority of 3:2. The Government's appeal was allowed. Then, the Chagossian people did not just sat, they took up their struggle to the European Courts of Human Rights, and at the European Courts of Human Rights, it was held that the treatment of the Chagossians was callous and shameful. But,

unfortunately, despite the fact that there was a finding of callousness and shamefulness, there was a ruling in favour of the UK Government.

Madam Speaker, then forth we know the struggle into which Sir Anerood Jugnauth embarked himself and went up to the United Nations to make representations. Furthermore, Sir Anerood Jugnauth had to wear his wig and his gown, with his celt to go and represent the people of Chagos together with other counsels in order to make the case that the decolonisation of Mauritius should complete.

Madam Speaker, the people of Chagos were simply dumped on the docks of Mauritius and Seychelles. We have to be grateful to a great man who sits in the House of Commons. The Crawley MP Henry Smith who brought a Bill recently in the House of Commons and, in his concluding remarks, if I may quote, from Crawley News 24 – and probably this is what those who are listening to me from the British High Commission should ponder upon.

The Crawley MP concluded his speech in the House of Commons by saying –

“Around the world, our great nation is known for its values, including the traditional sense of British fair play. I am a patriot and I love my country. We do have a proud history and, I believe, a bright future.

But our nation’s treatment of the Chagossian people is a blight on our country’s conscience - one that we can start to put right by helping these Britons all to become British Overseas Territories citizens.”

And then he goes on to say: “I commend this Bill”.

Now, at least, we know that some people in the House of Commons are making representations, although I don’t agree with what he said about them becoming Overseas British Citizen. But, at least, we know that some people have got the power and the will to make representation on behalf of the Chagossian people in the House of Commons.

Madam Speaker, what is the last bit that should tilt the balance in favour of the Chagossian people from what the British have done together with the US, is that, at paragraph 174 of the ruling of the International Court of Justice, the Court concludes that –

“The Court concludes that, as a result of the Chagos Archipelago’s unlawful detachment and its incorporation into a new colony, known as the BIOT, the process

of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968.”

And then, in the same document, at paragraph 178 –

“Accordingly, the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.

Madam Speaker, the right to self-determination is sacrosanct and this is why, today, that the people of Mauritius is united so as to ensure that the Chagossian people get the right to go back to their country, to their island where they come from one day. And that’s why the hon. Prime Minister during the presentation of the Budget has made a provision of Rs50 m. in order to assist the Chagossian people to resettle back to their island. When we look at history as a whole, a lot has been said about the role of the PMSD by the hon. Bérenger, but also the hon. X.L. Duval, Leader of the Opposition who has said his stand about what PMSD’s role was in 1965. But, perhaps, if we could recall that, in November 1982, there was a Parliamentary Committee set up in order to bring light to what happened in relation to Chagos and then it transpired that, in fact, Jules Koenig was, at the time, for the scission of the Chagos Island from Mauritius, and that Diego Garcia could be used as a base for military activities. And also, we have to bear in mind that one of the leading figures of the Labour Party then, in 1965, Bickramsing Ramlallah – as then, he was hon. Bickramsing Ramlallah – refused to be part of the delegation on Chagos and there were lots of things said about why he refused to do so.

Finally, we are now today in 2019, we are discussing about Chagos in our Parliament as a united nation to support the Chagossian people to go and to resettle so that they earn the respect that they have lost since they were exiled.

The British and the Americans should realise now that the time has come where they should make a decision based on the principles of international law and the principle of self-determination.

Madam Speaker, we all fully support this motion today and we are all going to vote.

And, yes, the sun will rise. The sun will rise *karé karé* for the people of Chagos in the near foreseeable future.

Thank you, Madam Speaker.

(17.08 p.m.)

Mr J. Leopold (Second Member for Rodrigues): Madam Speaker, thank you. I just wanted to participate in this debate on the motion brought by the hon. Prime Minister, because I think the history of the Chagossians is linked with Rodrigues where they were displaced from the native islands. There were two persons who died on the MV Mauritius while they were displacing from Chagos to Mauritius and they went to Rodrigues to bury the two dead persons.

While they were displacing from Chagos to Mauritius and they went to Rodrigues to bury the two dead persons.

Madam Speaker, though we have gained independence from our colonizer in 1968 which is itself a process of decolonisation, but I don't think that Mauritius gained independence or got decolonised because of the problems following the aftermath of the Second World War by the colonizer.

I do believe that we gained independence because of local self-determination of the Mauritian nation. That was the wind of change, the wish of the people although at that time, that is, post-World War II, there was, after 1945, a profound change in relationship between local people and the colonized power, but still I do believe that the force of local self-determination, it is that force which pushed the colonial power to go through the process of decolonisation leading to the independence of Mauritius. The fact that it happens with no messiness and with such fluidity without violent confrontation denotes the ability of the islanders, that is, the Mauritian people to look after the other islands, to look after the political, economic and cultural development of the territory of Mauritius. But, Madam Speaker, decolonisation is not just being freed from being dependent. It also refers to the transfer of sovereignty from the colonizer to the colonized. So, it means that this process is not complete.

The Chagos Islands are still under the administration of the United Kingdom and successive statements in occurrence Sir Anerood Jugnauth have always reminded the UK that so to complete the decolonisation of Mauritius, the State of Mauritius needs to have full administrative power over all of its territories. There have been several representations by our own determined Statesman to the UK but without satisfaction.

Madam Speaker, Mauritius has always negotiated in the way it should be by silent diplomacy, peaceful and will continue to be that way, because the UK does not seem to be listening to the demand of the process of complete decolonisation. The State of Mauritius with the determination of the actual Prime Minister has had to seek or lodge the case to the UN though we know that the Chagos Islands are being occupied by the UK illegally.

So, Madam Speaker, the UN Court of Justice has given its ruling and UK must leave because the occupation is illegal, the way they acted was illegal and they should have not displaced the islanders of the Chagos Islands. I am therefore giving my full support to the hon. Prime Minister in the process of the completion of decolonisation and I invite the UK Government to come round table to reach whatever agreement may be as long as the resettlement of the displaced islanders get done and the Republic of Mauritius gains full administrative power over its sovereignty.

It is no secret that the State of Mauritius will be able to look after its people with respect to the specificities of the islanders, I am sure that the resettlement will be done in a way where the islanders will find themselves comfortable. I really hope that UK reconsiders its position on that matter.

Avec sa politique des îles of the Republic of Mauritius, I know that the administration of the island of Chagos will not be a problem and I know that all necessary support will be given to them so as they can take their land, organise their land and live happily as Mauritian nation in peace and liberty. That's why, Madam Speaker, I am supporting this motion because of the abovementioned reasons and I don't think it will be a problem to add Chagos to anyone of the constituencies in Mauritius, especially those constituencies which we have three candidates who are allowed to stand for election. Why not? A Chagossian can stand for election here and as long as the administration of Chagos falls under a Ministry and with the consent of the Chagossian people to have a decentralised administration, I don't see that is an issue whether it is an urban constituency or a rural constituency and that is my participation in this debate, Madam Speaker.

I thank you for your kind attention.

Madam Speaker: I suspend the sitting for half an hour.

At 5.14 p.m., the sitting was suspended.

On resuming at 5.51 p.m. with Madam Speaker in the Chair.

Mr A. Ganoo (First Member for Savanne & Black River): Madame la présidente, dans son livre 'l'an prochain à Diégo Garcia', Jean Claude de l'Estrac disait, je le cite –

«La saga de nos frères et sœurs îlois depuis leur déplacement de l'archipel des Chagos, en 1965, sera écrite en lettres d'or dans l'histoire d'un peuple qui, malgré de très grandes souffrances et un traitement humiliant, n'a jamais accepté de courber l'échine et a toujours gardé la tête haute dans sa lutte pour la justice... »

En effet, Madame la présidente, l'histoire du peuple chagossien est une histoire d'humiliations de déceptions, de pressions et de persécutions mais aussi de courage et de résilience.

Cette motion devant la Chambre s'appuie sur le contenu de l'article 39 de notre Constitution qui, comme nous a rappelé le Premier ministre, autorise l'Assemblée par voie de résolution de décider qu'une île qui fait partie de notre territoire peut être incluse dans une de nos vingt circonscriptions dont le choix revient à l'Electoral Boundaries Commission de décider.

Cette résolution présentée devant la Chambre aujourd'hui, au-delà de sa valeur juridique et constitutionnelle, Madame la présidente, représente l'aboutissement d'un combat mené par tout un peuple et incarne aussi l'espoir d'un retour à leurs racines.

Ce combat n'est malheureusement pas unique. Plusieurs peuples, pour en citer quelques-uns, ont eu à la suite des guerres ou des mainmises de notre Etat ont été contraints de quitter leurs terres et de vivre en exil. Nous nous rappelons tous. La seconde guerre mondiale nous a donnés les exemples de telles pratiques quand des tyrans de tout acabit avaient expulsé des peuples pour pouvoir disposer de leurs terres pour des autres raisons stratégiques ou économiques.

C'est pourquoi la Déclaration universelle des droits de l'homme de 1948 a inscrit comme inaliénable les droits des peuples à se maintenir sur leur territoire et à l'autodétermination. Le combat du peuple chagossien, Madame la présidente, est un exemple pour beaucoup d'autres populations.

En 1982, dans le sillage de la victoire du gouvernement MMM/PSM et la constitution d'un nouveau gouvernement dirigé à l'époque par Sir Anerood Jugnauth, le gouvernement d'alors avait amendé l'*Interpretation and General Clauses Act* concernant la définition du mot 'State of Mauritius' ou 'Mauritius'. Il se trouve qu'à cette époque, qu'à ce moment, le Chagos Archipelago qui inclut Diégo Garcia n'était pas inclus dans cette définition.

Le gouvernement d'alors constitué du Premier ministre, Sir Anerood Jugnauth, de Paul Béranger et des autres dirigeants, avait alors décidé de corriger cette anomalie. Le Premier ministre disait dans son discours que l'archipel était territoire mauricien et que pour affirmer notre souveraineté sur cet archipel, il était indispensable que la définition de 'Mauritius' devait, d'une manière claire, inclure les archipels des Chagos. Le projet de loi fut voté par la Chambre et pour la première fois, il était inscrit dans notre loi que le Chagos Archipelago including Diego Garcia avait été inclus dans la définition de Mauritius.

Puis, subséquemment en 1991, Madame la présidente, le 09 décembre 1991, des amendements constitutionnels furent introduits devant la Chambre pour permettre à l'île Maurice d'accéder au statut de la république. Ce projet de loi, comme nous le rappelons tous, avait pour but d'éliminer les vestiges du colonialisme. La loi ouvrait une étape importante dans le processus de décolonisation. J'étais alors moi-même Attorney General et j'avais eu la chance d'intervenir pendant le débat. Ce projet de loi en 1991 nous donna l'occasion d'offrir encore une fois une meilleure définition de l'État mauricien. En effet, 'State of Mauritius' fut défini dans ce projet de loi comme incluant Tromelin et aussi les Chagos Archipelago, *including* Diego Garcia.

La démarche, Madame la présidente, de l'État mauricien de définir clairement et sans ambiguïté l'État mauricien en ces deux occasions est une démarche juridique et conforme au droit international.

It demonstrated clearly the will of the State of Mauritius to assert its sovereignty over the Chagos Archipelago. Undoubtedly, the introduction of Chagos Archipelago including Diego Garcia in the definition of our territory has contributed in our different and successful campaigns that different Governments have led during the past decades and the victories we won in front of the United Nations General Assembly and before the International Court of Justice.

Nous avons aujourd'hui, Madame la présidente, à remercier tous ceux qui avaient initié non seulement ces gestes patriotiques et historiques en octroyant cette nouvelle définition à l'État Mauricien, mais il s'agissait aussi d'une démarche pour signifier à l'opinion internationale que l'État Mauricien ne reculera jamais et que nous nous battons sans relâche pour que l'unité territoriale de notre État soit réalisée. La nouvelle définition de l'État Mauricien proposée en 1982 par le nouveau gouvernement fut suivie après quelques jours par une Motion de l'honorable Premier ministre d'alors pour la mise sur pied d'un

Select Committee qui allait examiner toute la question du dossier de l'excision de l'archipel des Chagos afin de recueillir tous les témoignages et documents pour faire la lumière sur ce triste et sinistre évènement.

J'étais alors président de l'Assemblée, j'avais présidé les débats et cette démarche et la passion des intervenants lors de ces débats démontra en 1982, Madame la présidente, qu'une nouvelle voix de l'île Maurice voulait se faire entendre et qu'il n'était plus question de qui que ce soit de marcher sur nos pieds et perpétuer cette injustice vis-à-vis de nos frères Chagossiens et l'État mauricien allait dorénavant se battre pour conquérir son intégrité territoriale et revendiquer sa dignité nationale.

Aujourd'hui, l'unanimité qui se manifeste dans cette Chambre autour de cette Motion nous permet, Madame la présidente, que cette unité va nous entraîner encore en tant qu'élu de regarder dans la même direction et de relever les défis qui nous attendent sur ce dossier. Il nous reste encore d'autres batailles diplomatiques avant la victoire finale, Madame la présidente, un égard particulièrement à la position du gouvernement britannique, même après leur *crushing defeat* comme avait si bien dit le Guardian devant l'assemblée générale des Nations Unies. Il nous faudra continuer à intensifier nos lobi internationaux avec les pays amis et autres organisations internationales et mobiliser l'opinion publique, Madame la présidente.

Je faisais référence à l'attitude du gouvernement britannique, Madame la présidente. Nous savons tous quelle a été leur réaction malgré l'avis consultatif favorable de la Cour internationale de justice. Malgré le *crystal clear verdict*, malgré ce *landmark judgment*, nous nous rappelons tous, Madame la présidente, les commentaires émanant de Sir Alan Duncan, *State Secretary*, qui avait dit immédiatement après – *we have no doubt about our sovereignty over the Chagos*.

Donc, il continuait à réaffirmer que pour eux, il n'y avait aucun doute de la souveraineté de la Grande Bretagne sur l'archipel des Chagos. Quel affront, Madame la présidente, à l'état de droit ! Quel affront aux continents Africains et quel affront aux Nations Unies. Plus tard, quelques semaines après, nous avons pris connaissance de la mise en garde, cette fois ci de M. Jeremy Hunt, *Foreign Secretary*, le 27 avril de cette année-ci. Je crois le Premier ministre avait fait une déclaration à cet effet sur M. Jeremy Hunt. C'était permis de dire, Madame la présidente, les relations entre Maurice et les Royaumes Unies connaîtront une détérioration si le gouvernement va de l'avant avec son projet de déposer une

résolution devant l'assemblée générale des Nations Unies pour la mise en œuvre de l'avis consultatif, Madame la présidente. Quel cynisme !

C'est pourquoi, dans ce sens, la Motion d'aujourd'hui remet toute sa valeur et sa portée juridique, historique et politique. Elle est le signal le plus fort que notre État aurait pu lancé à l'opinion internationale et aux Britanniques que notre intégrité territoriale et notre souveraineté ne sont pas à brader. Et remercions aujourd'hui tous ces combattants héroïques, ces frères et sœurs Chagossiens, ces hommes et femmes, Madame la présidente, que beaucoup d'entre nous ont eu l'honneur de connaître pour ce combat inlassable.

Je viens brièvement sur la Motion, Madame la présidente. Je fais les commentaires sur cette Motion parce que nous avons tous appris ce qui a été rapporté dans 'le Mauricien' d'aujourd'hui concernant les réserves exprimées par les dirigeants de nos frères et sœurs Chagossiens sur la proposition de la Motion d'aujourd'hui.

Il faut nous rappeler d'abord that presently there is an Act of Parliament, the Chagossians Welfare Fund, the Act 21 of 1999, which was set up in that year and whose objective is to advance and promote the welfare of the members of the Chagossians community and their descendants in Mauritius.

Another objective of this Chagossian Welfare Fund, Madam Speaker, is to develop programmes and projects for the total integration of the members of the Chagossian community and their descendants into the island of Mauritius.

Ce Welfare Fund est dirigé par un board constituted of different representatives from different Ministries but also of 7 representatives of the Chagossian community, and this is the structure representative of the community today. Elections for the choice of the seven members are held every two years and these are free and fair elections, if I may use that term, conducted under the aegis of the Electoral Supervisory Commission.

There is no doubt that probably this welfare fund has lived its time and with everything that has taken place, with the evolution of the situation, especially in the light of the recent developments of the rulings and what happened in *l'Assemblée Générale des Nations Unies, tout ce qui a eu lieu comme développement, comme évolution ces dernières années, Madame la présidente*, probably the Government, in collaboration with our Chagossian brothers and sisters will have to revisit the structures representing this community.

Now, the Motion today proposes to integrate the Chagossians in a constituency where they will form part of that constituency. The Motion reads as follows –

« This Assembly is of opinion that, pursuant to section 39 of the Constitution, the Chagos Archipelago, including Giego Garcia, shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine. »

Et nous apprenons, Madame la présidente, qu'il y a eu des sérieuses réserves à la proposition de rattacher nos frères et sœurs Chagossiens à une circonscription sans consultation.

Therefore, the proposal has been made, if what we have read is correct, that the Chagossian community is requesting that a one member constituency be allotted to the community. A one member constituency and which will, therefore, result in 22 constituencies.

Madam Speaker: Hon. Ganoo, can you give me one minute, please? Please, resume your seat for one minute!

I believe that debates cannot be held on the premise of what is published in newspapers, but, as has rightly pointed out by hon. Bérenger, he has mentioned this, but he said that he is going to study and then come with proposals or whatever. But to hold a complete debate on the proposals of what has been published in newspapers, I do not think this is a right premise for debate in this House. Thank you.

Mr Ganoo: Okay, but what I wanted to say, to end up on this point, is that Tite-Live avait dit '*la bonne foi appelle la bonne foi*'. And I am sure, Madam Speaker, with proper consultations, the right compromise will be reached between Government and the Chagossian community.

Now, the problem also is the Constitution says, Madam Speaker, that the Electoral Boundaries Commission - the island forming part which is not comprised in the Island of Mauritius shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine and this with effect of the next dissolution of Parliament.

What I want to say here, Madam Speaker, as we can see, the Constitution does not give the possibility for the Boundaries Commission to make any consultations with any other body or with any other person or with any organisation, but let us hope that the Electoral Boundaries Commission will make the right choice although, as I say, there is no obligation

on the Electoral Boundaries Commission to conduct any consultation with any other authority or with any other person, Madam Speaker.

Ce que nous souhaitons, Madame la présidente, c'est que nous soyons tous là pour voter unanimement cette motion. C'était un ciel bleu et c'est dommage, j'espère que ce ne sera pas un gros problème, c'est l'apparition d'un nuage gris sur un ciel bleu clair, Madame la présidente. Et, c'est pourquoi nous souhaitons tous, aujourd'hui, que ce problème soit réglé dans le compromis et que nous soyons tous raisonnables et nous continuons ensemble, Madame la présidente, de faire de notre mieux, unanimement au-dessus de nos intérêts politiques, pour ce combat qui a trop duré.

Je vous remercie, Madame la présidente.

(6.12 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): Thank you, Madam Speaker. Madam Speaker, following the achievements of our Government on Chagos Archipelago, so far, I think that this motion *a toute sa raison d'être*.

It is important to have this motion in the House today and it is good also to see that we have consensus on this important motion. On my part, I welcome and fully support the motion brought by the hon. Prime Minister, pursuant to section 39 of the Constitution that Chagos Archipelago, including Diego Garcia, be part of one of the constituencies as the Electoral Boundaries Commission may determine.

Madam Speaker, the motion is in the House today because above all, the determination and commitment of the Rt. hon. Mentor Minister and also because of the resilience and perseverance of the Chagossian community throughout. They are in this august Assembly this afternoon. I think it is good to highlight their effort.

The objective of this motion, Madam Speaker, is to complete the decolonisation process of the Chagos Archipelago and also to fully assert the sovereignty of the Republic of Mauritius over the island. It has been unfinished work as at now. So, through this motion, Madam Speaker, we are ensuring that the Chagos Archipelago plays its rightful role in the democratic and electoral set-up of our Republic. Therefore, once the Chagossians eventually resettle on the Archipelago, they will be registered as electors of the Republic of Mauritius

and, therefore, consequently, they will be able to exercise their right to vote. The Chagossian community will now be able to participate in the electoral process of our country.

Madam Speaker, this motion is perfectly legitimate, I must say, for two main reasons. One reason has already been highlighted by hon. Shakeel Mohamed. Our Constitution, section 111 provides that the Republic of Mauritius shall include the Chagos Archipelago and Diego Garcia.

It is good also to mention - I think, hon. Ganoo has already mentioned this point - so, it is good to reiterate it. So, section 2 of the Interpretation and General Clauses Act 1974 which is the principle legislation concerned with the interpretation of statute in Mauritius defines the State of Mauritius as such. So, State of Mauritius or Mauritius includes the Island of Mauritius, Rodrigues, Agalega also.

So, the existence of these two provisions in our statute clearly shows that legally speaking, it has always been the intention of the legislature to keep the Chagos Archipelago as an integral part of the territory of the Republic of Mauritius and, as rightly stated by our Prime Minister, so, this motion flows from two international victories for the Republic of Mauritius.

Madam Speaker, these two victories are the result of the sustained, I must say, determination and commitment of the Rt. hon. Mentor Minister and also our Prime Minister. So, they have always endeavoured to put an end to this longstanding struggle. So, through this motion, our Prime Minister is once again laying the foundation for the return of the Chagossians to the Chagos Archipelago.

So, Madam Speaker, I will conclude by saying that this motion is, indeed, very important. We, on this side of the House, are doing the right thing. We are acting responsibly. So, the motion brought by our Prime Minister today is fully justified and is a *sine qua non* for the Republic of Mauritius to assert its sovereignty over the Chagos Archipelago.

So, once again, Madam Speaker, congratulation to our hon. Prime Minister and also to all Members of the House, because, as I have said, it is a very important motion and it is good that we have consensus.

Thank you.

Madam Speaker: Hon. Mrs Selvon!

(6.17 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, Madame la présidente. Madame la présidente, j'accueille favorablement et je voterai pour la motion du Premier ministre, surtout que depuis mon élection et dans plusieurs discours déjà, dans cette assemblée, j'ai été très énergique dans mon soutien d'une rétrocession de Chagos à la République de Maurice.

Tout d'abord, je me souviens que dans les années 90, un éditorial du Mauricien réclamait que ces îles soient incluses dans notre Constitution par le gouvernement MMM/MSM d'alors, dirigé par Sir Anerood Jugnauth. Chose faite peu après par l'honorable Sir Anerood Jugnauth et l'honorable Paul Bérenger au moyen d'un amendement de l'article 111 intitulé en l'anglais *Interpretation* auquel fut ajouté, et je cite –

“Mauritius includes –

- (a) the islands of Mauritius, Rodrigues, Agaléga, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprise in the state of Mauritius;
- (b) the territorial sea and the airspace above the territorial sea and islands specified in paragraph (a);
- (c) the continental shelf, and
- (d) such places or areas as may be designated by regulations made by the Prime Minister rights over which are or may be exercisable by Mauritius.”

Ainsi, Madame la présidente, je comprends que le Premier ministre préfère attendre la rétrocession pour faire les *Regulations* sous l'alinéa 111 (4) (b) un devoir important quand cette rétrocession deviendrait réalité à terme. Mais l'inclusion des Chagossiens dans une circonscription électorale distincte est problématique, non seulement avant une rétrocession mais aussi si et quand l'archipel nous serait rendu.

Madame la présidente, je m'explique ici. Légalement pour créer cette circonscription si et quand le moment viendra, on pourrait facilement y transférer les noms des Chagossiens déjà enregistrés comme électeurs à Maurice, mais les difficultés surviendront si nous voulons inclure les Chagossiens outremer. La raison en est que les Chagossiens vivant aux Seychelles et en Angleterre, contrairement à ceux vivant à Maurice, devront aussi être enregistré comme électeurs alors que nous ne savons pas s'ils voudront choisir la nationalité Mauricienne voire même changer d'attitude du fait qu'en Angleterre un groupe est même contre la rétrocession

à Maurice. Je recommande donc au Premier ministre de venir avec un plan complet surtout pour une réinstallation des Chagossiens dans leur île.

Madame la présidente, j'ai compilé les réactions des groupes des Chagossiens à travers le monde et publié comme suit sur le site web Chagossiens, *chagossupport.org.uk* et que je cite maintenant – Chagos Refugees Group -

« Chagos Refugees Group cofounder and leader Olivier Bancoult spoke to defimedia – welcoming a historic victory. Having worked with the Mauritian Government as he challenged the UK Government over its control to the Chagos Islands, he added that it was time for the UK Government to now show a little fair play and allow the Chagossians to return to Chagos. »

Grande-Bretagne - Chagos Islanders Movement. Chagos Islanders Movement's chair spoke to Aljazeera as part of the networks report on the UN vote. She laments the lack of support Chagossians were offered after their deportation. Speaking on Twitter, Miss Charlot added that she also felt neither USA, UK or Mauritius safeguarded our interest. The Chagos Islanders Movement, Twitter account added that Chagossians should be able to choose their own destiny as the indigenous people of the island.

Grande-Bretagne Diego Garcia and Chagos Islands Council, Allen Vincatassin, leader of the Diego Garcia and Chagos Islands Council, gave an interview to the UK's Channel 4 News on the day of the UN vote. Speaking to Jon Snow, he howled his view that the Chagos islands should remain under UK control. He also stated through that, the UK Government needed to urgently look again at its policy on allowing Chagossians to return home, citing the 2016 Foreign Office Commission KPMG Report which stated Chagossians resettlement of the islands could be feasible.

Grande-Bretagne Chagos Refugees Group in the UK - Sabrina Jean, chair of Chagos Refugees Group in the UK, spoke at length to the BBC's Newshour Programme. Chagos is the first feature on the programme which also included comments from Chagos Islands All-Party Parliamentary Group coordinator, David Snoxell. Ms Jean welcomed the vote as a good thing for the Chagossian community and urged the Mauritian Government to work together closely with the Chagossian community as the battle to return continues. Mr Snoxell remarked that the vote was a victory for Mauritius, Chagossians rule of law and particularly human rights. Ms Jean also spoke to RT Global News Media, giving a reaction to the verdict.

Chagossians Committee Seychelles. Chagossians Committee Seychelles, chair by Mr Pierre Prosper, gave a further perspective, representing those Chagossians exiled to the Seychelles. When speaking to Seychelles News Agency, Mr Prosper stated that he felt any resettled Chagossians community under Mauritian Government control needed to have maximum possible self-Government. He adds that: 'We will further ask the Mauritian Government in their negotiations with the UK to talk about fair compensation for all Chagossians and especially for those disposed in Seychelles who have never received any form of compensation.'

Grande-Bretagne enquête de la BBC à Crawley, BBC World published an article recording the options of a selection of Chagossians in and around the Crawley area to the UN vote. This included third generation Chagossians, facing immigration difficulties in the UK and native born Chagossians still fighting for the right to return.

Madame la présidente, comme on peut le voir, les Chagossiens sont très divisés. Leur revendication allant de l'autodétermination au *Self-Government*, au refus de la rétrocession a Maurice en passant par l'autonomie et une compensation payable par Maurice, accusé d'une grande part de responsabilité dans leur déportation et leur malheur.

To conclude, Madam Speaker, it is up to the Electoral Boundaries Commission to determine which constituency to include the Chagos Archipelago, including Diego Garcia. Chagossians in Mauritius are mostly in Port Louis, and anywhere they live here in Mauritius, they vote already. The Bill is about all Chagossians in the world, not only Chagossians in Mauritius. They are dispersed in three countries and the problems is how and where to register them and if all will accept to register.

Thank you, Madam Speaker.

Madam Speaker: Hon. Wong Yen Cheong !

(6.25 p.m.)

The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong): Madam Speaker, it is indeed a great pleasure and honour for me to contribute to this Debate. The Motion presented by the Prime Minister is to make the Chagos Archipelago, including Diego Garcia to be connected to one of the Constituencies of the Republic of Mauritius.

As a patriot, I can enumerate thousands of reasons to justify my position on this Motion, because after all the Chagossians deserve respect, attention, and compassion. Respect for what they have undergone and when they were evicted from their homeland by the United Kingdom. Since then, they have been prevented by the British to return to the Chagos Archipelago. Attention to these men and women who have left everything behind, their origin, history, way of living, culture, belief, pride and their past, compassion to those Chagossians, who despite their moral injuries and harassment, have made history through determination and willingness to step in on the Chagos soil and start afresh.

Madam Speaker, today it is again a matter of sovereignty as it has been the case during the last 50 years. Before they were expelled from their homeland, the Chagossians were living in peace and harmony as one community and sharing the same tradition. With the process of *dépeuplement des Chagossiens*, all these fundamentals were being eroded, thus constituting a real threat to the upholding and sharing of values and traditions to future generations. Complete decolonisation from the British Government is a long process which started since the Chagossians have been rudely deprived of their comfort and happiness. I mean *leur joie de vivre*.

But, as true patriots, we must recognise the contribution of everyone, be it the politicians of different parties, social leaders, Government officials, lawyers, political observers, journalists, colonists or organisations claiming for the right for the Chagossians to return home as also the right of Mauritius for its territorial sovereignty over the Chagos Archipelago, including Diego Garcia.

Since Mauritius became independent, successive Prime Ministers, each with his own style and priority, have undertaken international campaigns and legal battle to claim the territorial sovereignty of Mauritius over Chagos Archipelago including Diego Garcia.

Madam Speaker, today, it is a historic moment. The battle to shed light and hope to Chagossians is being led by people from different political and social arena. In February 2019, the Judges of the International Court of Justice stated in an Advisory Opinion that UK “is under an obligation to bring an end its administration of the Chagos Archipelago as rapidly as possible”. Three months later, in May 2019, the UN General Assembly, after debates, adopted a resolution affirming that the Chagos Archipelago, which has been occupied by the United Kingdom for more than 15 years, “forms an integral part of the territory of Mauritius”.

Madam Speaker, today, it is a matter of integrating Chagos Archipelago as one of the constituencies of the Republic of Mauritius and at the same time, allowing Chagossians to return home and settle back safely. By integrating Chagos Archipelago in one of the constituencies of Mauritius, it is a humble gesture of solidarity to restore the dignity of the Chagossians.

Today, it's an opportunity for us to pay homage to Sir Anerood Jugnauth, the Rt. hon. Minister Mentor, Minister of Defence, Minister of Rodrigues for his unflinching support to the Chagossian community and for restoring the territorial sovereignty of Mauritius. In September 2018, under the leadership of Sir Anerood Jugnauth, Mauritius took part in the public hearing at the International Court of Justice in the context of the request for an Advisory Opinion of the legal consequences on the separation of Chagos Archipelago from Mauritius in 1965. On this occasion, we feel proud, as a nation, that Sir Anerood Jugnauth has again been highly valued for his conviction to challenge powerful country like United Kingdom.

Madam Speaker, most of the evicted Chagossians and their families as well as the new generations are living in Constituency No. 1. Therefore, there is no constituency that could host the Chagos Archipelago for electoral process other than the Constituency No.1, Grand River Nord West and Port Louis West.

Madam Speaker, this motion allows Members of the House to speak with one voice as it matters about our fellowmen, the forcibly exiled Chagossians and we are part of their solution. It is also an opportunity for us to put on record the courage and determination of leaders of the main organisation who have struggled hard to return to the Archipelago. Just to name a few, our good friend, Mr Olivier Bancoult, Leader of the Group *Refugiés Chagos* and late Fernand Mandarin, who have both a common objective, the return of the Chagossian community *sur leur terre ancestrale*. We have joined efforts to achieve part of their dreams, a visit on their homeland, Chagos.

In 2006, putting aside all their differences, both Olivier Bancoult and Fernand Mandarin, together with a group of Chagossians, as one entity, accompanied by the Mauritian and British officials were embarked on a ship for a visit to the three islands of the Chagos Archipelago.

Madame la présidente, s'il y a mot qui peut caractériser la lutte des Chagossiens pour leur retour sur leur terre ancestrale, c'est bien la détermination. Dès le départ, la

détermination avec une bonne dose de persévérance a toujours animé les différents groupes qui se sont succédé dans cette lutte pour le retour des Chagos et de Diego Garcia au sien de la République de l'Ile Maurice. La situation n'a jamais été facile pour nos frères et sœurs Chagossiens. Suite à leur déportation entre 1971 et 1973, ils ont vécu dans des conditions de vie typiquement semblables à celles des déportés, livrés à eux-mêmes, et pour beaucoup, sans ressources, ni logements décentes. Avec le temps, beaucoup d'amertume et de frustration se sont accumulés.

Malgré les différentes démarches sur la scène internationale, aujourd'hui, je suis heureux de constater que nos sœurs et nos frères Chagossiens ont compris que, comme eux, nous aussi, nous avons été victimes d'une manipulation honteuse des britanniques, parce que le 8 novembre 1965, la puissante colonie de l'époque décida de démembrer ce qu'on appelait '*The British Indian Ocean Territory, the BIOT*'.

L'histoire retiendra que tout comme les îles Rodrigues, Agaléga, Tromelin et St Brandon, Diego Garcia, les Chagos ont toujours fait partie du territoire de la République de l'Ile Maurice. Les faits historiques les démontrent, telle que la section 52 de lettres patentes de 1885, définit la colonie de Maurice comme 'l'Ile Maurice et ses dépendances'. La section 1 du *Mauritius Legislative Council, Order in Council 1947* et la section 2(1) du *Mauritius Constitution Order in Council 1958* définirent la colonie de Maurice comme 'L'Ile Maurice, y compris les petites îlesvoisines et les dépendances de Maurice'. La section 90 (1) du *Mauritius Constitution Order 1964*, qui était en vigueur jusqu'au détachement de l'archipel des Chagos en 1965, définit Maurice comme 'L'Ile Maurice et les dépendants de Maurice'.

Je peux dire avec fierté que je fais partie de ce gouvernement qui a su réunir toutes les conditions pour que la décolonisation complète de notre République soit possible. Personne n'avait ou n'a eu son mot à dire. La puissance coloniale Britannique était le seul maître à bord et décida unilatéralement.

Oui, Madame la présidente, le Premier ministre, l'honorable Pravind Jugnauth, a eu raison de parler de cette tragédie à l'encontre des habitants de Diego Garcia et des Chagos comme un crime contre l'humanité. Le déracinement des chagossiens sur leur terre par les Britanniques s'est déroulé à l'encontre des droits de l'homme et en violation des lois internationales, rien que pour permettre à ces alliés, les Etats Unies, d'installer une base militaire sur Diego Garcia.

En fait, Madame la présidente, le pouvoir coloniale de l'époque n'a démontré aucune pitié, ni aucune sensibilité humaine à l'égard de nos frères et sœurs Chagossiens. Combien de familles ont été séparées de façon tragique par ce déracinement? Combien de personnes sont mortes sur le *Norvaer*, ce bateau cargo, qui fut utilisé pour accélérer les procédures de déportation des Chagossiens dès 1971, lorsque les américains avaient commencé la construction de leur base militaire?

Madame la présidente, une importante communauté chagossienne vit, aujourd'hui, dans ma circonscription. Du reste, le quartier général du Groupe Réfugiés Chagos de mon ami, Oliver Bancoult, se trouve à Pointe aux Sables. Lors des rencontres que j'ai eues avec cette communauté ces dernières années, certains témoignages de cette déportation donnent froid au dos. Je peux vous dire que 50 ans après, cette tragédie hante toujours les enfants et les petits enfants des Mauriciens qui ont des parents d'origine chagossienne, et ont laissé des séquelles profondes au sein de cette communauté. Harry Truman, 33^{ème} Président des Etats Unies, avait dit ceci, je cite –

« Le devoir des grands Etats est de servir et non de dominer le monde. »

Madame la présidente, la situation de nos frères et sœurs de Diego Garcia, des Chagos n'est pas un cas unique dans l'histoire récente de spoliations et de violence faites aux minorités. Le déplacement des populations indigènes en Afrique, en Amérique et en Asie comporte beaucoup de similitudes avec de ce que s'est passé il y a 50 ans avec les Chagossiens. A titre d'exemple, la population Innus du Nord Québec, la population Roms en Europe, les populations nomades du Sahara Occidentale, il y a aussi des indiens d'Amérique qui luttent depuis des siècles pour leur autodétermination après avoir été massacrés. En Argentine, au Chili, au Venezuela, au Panama ou au Nicaragua, les ultimes descendants des premiers habitants continuent de se battre âprement pour tenter de sauver ce qui reste de leur identité. En Australie, le gouvernement, à travers le Premier ministre, est allé jusqu'à demander pardon au peuple aborigène.

Madame la présidente, après l'avis consultatif de la Cour Internationale de Justice le 25 février 2019 et les deux votes de l'Assemblée Générale des Nations Unies, notamment, le 22 juin 2017 et le 22 mai de cette année, cela démontre clairement que ce gouvernement lutte pour une décolonisation totale de son territoire et n'hésite pas à mettre des moyens pour y parvenir.

La motion du Premier ministre que nous sommes appelés à voter, je sais qu'il existe un consensus général des deux côtés de la Chambre sur la question qui va dans ce sens. La charte des Nations Unies est claire sur ce point, et je cite –

«Toute tentative visant à détruire partiellement ou totalement l'unité nationale et l'intégrité territoriale d'un pays est incompatible avec les buts et les principes de la Charte des Nations Unies.»

Madame la présidente, cette motion est un autre pas important pour l'intégration totale des Chagossiens au sien de la société mauricienne. Dans le même sens, le gouvernement, à travers le ministère des Arts et de la culture, a déjà entamé le processus depuis 2017 pour que le Séga Tambour Chagos soit inscrit comme patrimoine culturel immatériel auprès de l'UNESCO. Nous espérons tous qu'en novembre prochain la bonne nouvelle tombera comme ce fut le cas au séga tambour de Rodrigues et le Geet Gawai de Maurice. Dans ce même ordre d'idée, la décision a été prise pour nommer le deuxième A-330 néo que la compagnie nationale d'aviation a acquis récemment le Chagos Archipelago. Une autre démarche pour s'assurer l'intégration totale de nos frères et sœurs Chagossiens dans la République de l'île Maurice.

Je peux aussi mentionner une stèle qui a été dévoilée à Rodrigues le week-end dernier en mémoire de deux Chagossiens morts lors de ce terrible voyage en 1965 et enterrés au cimetière Anse aux Anglais. La présence de Premier ministre sur le sol Rodrigues démontre son engagement personnel auprès de la communauté chagossienne.

Madame la présidente, nos frères et sœurs du Chagos ont aussi trouvé la place au sein du sport mauricien. Deux footballeurs et un basketteur originaires du Chagos sont dans le Club Maurice pour le dixième Jeux des îles de l'Océan Indien. Dimanche j'aurai le plaisir d'être aux côtés d'Olivier Bancoult et son équipe lors du passage de la Flamme des Jeux dans ma circonscription.

Madame la présidente, nos frères et sœurs du Chagos ont beaucoup souffert, tant sur le plan personnel, psychologique et sociétal. Le retour sur leurs îles ne sera qu'une démarche salubre et un profond sens de justice à leur égard. Il faut aussi rendre justice à ceux et celles qui ont mené ce combat et, qui, en cours de route, ont quitté ce monde. Je pense, ici, à Lizette Talate, Charlesia Alexis, Rita Bancoult, Fernand Mandarin, entre autres.

Madame la présidente, our move today in this august Assembly is to demonstrate that Chagos Archipelago is part of our territory, part of the Republic and part of our socio-

economic fabrics. All Chagossians share the same Mauritian identity as our brothers and sisters from Rodrigues and Agalega.

Madame la présidente, I support this motion and I thank you for your attention.

Madam Speaker: Hon. François!

Mr F. François (First Member for Rodrigues): Thank you, Madam Speaker, for giving me the opportunity to join the debate on this very historical and important motion presented by the hon. Prime Minister, that –

“This Assembly is of the opinion that, pursuant to section 39 of the Constitution, the Chagos Archipelago, including Diego Garcia, shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine.”

Madam Speaker, let me start by quoting a few lines of our National Anthem, and I quote –

“Oh Motherland of Mine,
Around Thee We Gather,
As One People,
As One Nation, in Peace, Justice and Liberty”

Let us remind ourselves also that, as per our Constitution, the State of Mauritius includes the Islands of Mauritius: Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius.

Today, the international image of our republic is exponentially changing, following the massive votes in favour of our Republic to complete our decolonisation process as regard to Chagos Archipelago at the UN General Assembly on 22 May 2019.

It is internationally confirmed that Chagos Archipelago forms part of our national sovereignty. At the same time, since the United Nations pressed on UK, as pointed out by the hon. Prime Minister, and I quote –

“To cooperate with Mauritius to facilitate the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago and to pose no impediment to such efforts.”

Madam Speaker, this is a powerful international backing. Thus, de facto, this gives us, especially the Chagossian brothers and sisters, the Right of Domicile and the Right of Vote. And very importantly, the President of UN General Assembly, María Fernanda Espinosa Garcés from Ecuador, said something very important, and I quote –

“It is crucial that the 193 member organ sends a strong signal that “we are a Parliament of all humanity”.

Extreme, this is fundamental. We are a Parliament of all humanity. He further added that –

“at the current rate, it will take 108 years to close the global gender gap, and 202 years to achieve economic gender parity.”

Madam Speaker, the hon. Prime Minister is absolutely right to expedite matters and to be highly pro-active to present this motion so that it does not take us another 50, 75 or 100 years for Chagos Archipelago to start the process of Right of Vote, Right of Domicile or Right to Reside, as guaranteed by our Constitution. It is a question of human rights as well. The Right of Domicile, which will then automatically entitle the Chagossians to participate in our National Elections, including the right to stand as a candidate, which at present, Article 39 of Constitution does not define the Chagos Archipelago as a Constituency or attached to a constituency.

Madam Speaker, the proposed amendment to Article 39 of the Constitution is absolutely right, and which stipulates that –

“(1) There shall be 21 Constituencies and accordingly –

(a) the Island of Mauritius shall be divided into 20 constituencies.”

And we all know that, but -

“(b) Rodrigues shall form one Constituency.”

Very important! Madam Speaker, surely the State of Mauritius is composed of people of different cultures and our Constitution recognises that diversity as well as the principle of territorial integrity. The future of Chagossian people today is also bringing much more light to the embedded concept of multiculturalism in our Republic.

Madam Speaker, Chagos Archipelago is part of our territory and the future of our Republic will highly depend on the solidarity of all the islands forming part of the State of Mauritius. *La solidarité des îles: Rodrigues, Agalega, Chagos, Moris*. This is where the

present motion requires our Collective Action and Support over the sovereignty of our Republic, be it from mainland Mauritius as I said, from autonomous Rodrigues Island, from Agalega and St Brandon as well. We are engaging today through this constitutional amendment of Article 39 of our Constitution, that our Republic in a sustainable way is creating a model of perseverance and determination in resolving inter-state disputes and guaranteeing our country's sovereignty and heritage.

Madam speaker, this is a big step ahead and when we compare us to the conflicts that existed, I will cite an example, between Finland and Sweden in the early 1917 over the Aland Island, which took an International dimension, when it was brought before the League of Nations in Geneva. The Aland Islands which, the League of Nation as the result of the conflict, at the time, when Finland was gaining its independency, decided that Alands Island should be autonomous under the Finnish sovereignty.

Madam speaker, what is most interesting, is that some restrictions were introduced for Alanders, for example, on purchasing real estate and who could vote and so on. In comparison, the present constitutional amendment to Article 39 will strengthen our non-divisive Republic, as our democracy is in motion.

Today, I am feeling the same kind of emotion, of what, we the people of autonomous Rodrigues experienced, when Sir Anerood Jugnauth and hon. Paul Bérenger presented the constitutional amendment for the Rodrigues Autonomy on 21 November 2001, also referenced by hon. Bérenger during his speech, and was voted here unanimously.

And as Rodrigues has been reasonably cited today, from both sides of the House, let me remind the house again, history will recall that, this very august Assembly, voted unanimously for the autonomy of Rodrigues within the Republic of Mauritius, by inserting CHAPTER VIA OF THE CONSTITUTION – THE RODRIGUES REGIONAL ASSEMBLY, through Articles 75A to 75E of our Constitution.

The Leader of the Opposition made reference to the Leader of MR Party in Rodrigues with regard to Outer islands. Let me remind the House that hon. Serge Clair, Leader of OPR Party, was the first Rodriguan to become Minister for Rodrigues and Outer Islands, that is, Agalega, St Brandon and others, in 1982, under the Priministership of Sir Anerood Jugnauth, and also there were former Ministers from OPR Party, namely late France Félicité and Benoit Jolicoeur both from OPR Party, which implies the OPR great experience in that regard.

Madam Speaker, these are the sources of my inspirations and state of mind, while participating and supporting this motion by the hon. Prime Minister for the Chagos Archipelago.

In parallel, Rodrigues forms an integral part of this Chagos history, and that was deeply experienced on Sunday last at English Bay Cemetery in Rodrigues, during “*a special prayer in memory of the deceased Chagossians, namely late Roseline Medor and Laurent Ernest, buried in Rodrigues following their Forcible Eviction from the Chagos Archipelago*” organised by the Ministry of Defence and Rodrigues and the Chagossian Welfare Board, in collaboration with the Regional Assembly in the distinguished presence of the Chagossian Leader Olivier Bancoult, the hon. Prime Minister, Pravind Jugnauth, the Chief Commissioner Serge Clair and Bishop Alain Harel.

All those who were present there, Madam Speaker, felt the emotions, the pains of the relatives during the ceremonial, and especially, when the hon. PM positioned himself as a determined Leader to complete the decolonisation process of Mauritius.

The hon. Prime Minister also convincingly mentioned that “*he probably won’t be the captain for the next trip of Mauritian citizens to Chagos, but will be in the front line*”.

Madam Speaker, from my counterpart, I can assure the House, the hon. Prime Minister, our brothers and sisters from Chagos, that as a *Rodriguan Parliamentarian*, I am ready to join each and every one, the Prime Minister, the Chagossian people for this trip, probably not as a ‘*second or marin à bord bateau*’ but as “*A True Patriot*”. “*Nou Aussi Nou pou Alle Chagos*”.

Madam Speaker, however, allow me to cite the Parliament of UK. And what is questionable, is the contention of the UK, as per the recent written answer of the Rt. Hon. Sir Alan Duncan on 09 July, this year, at the House of Commons, to a Written Question, No. 272901, put on 03 July by hon. Catherine West, with regard to British Indian Ocean Territory Sovereignty.

Allow me to quote the question, Madam Speaker –

“to ask the Secretary of State for Foreign and Commonwealth Affairs, with reference to the UN General Assembly Resolution of 22 May 2019 on the Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, if he will support the Chagos Refugees

Group and Mauritian Government in arranging a visit to the Chagos Archipelago for UK-based Chagossians after the six-month time period set out in that Resolution”.

Madam Speaker, just allow me to quote part of the answer of hon. Duncan –

“We were disappointed that this matter was referred to the International Court of Justice (...).

We have no doubt about our sovereignty over BIOT, which has been under continuous British sovereignty since 1814. We are aware of the Mauritian Government's proposal to organise a visit to the British Indian Ocean Territory (BIOT). We urge Mauritius to reconsider. Any unauthorised visit to BIOT will be treated with the utmost seriousness. The UK Government, as the sovereign authority, will continue to progress an expanded programme of UK-arranged visits to the British Indian Ocean Territory for Chagossians.”

Well, I won't make any comment on the attitude of UK, but I leave it for each of us, the Republic, the British. And let us look for a fruitful dialogue between each nation as per UN resolutions and decisions.

Madam Speaker, to conclude, allow me to reiterate, with great humility, that I am very proud to stand here on behalf of the people of Rodrigues, contributing in history making for our Republic, and especially for our Chagossian brothers and sisters. I give my full support of this amendment of Article 39 of our Constitution and I am glad that, today, there is consensus from both sides of the House.

Madam Speaker, with a vision to bring greater richness in our democracy, but in no way to affect our State's full sovereignty, which shall be exercised within the limits of our Constitution, my wish is that in the future years to come, maybe, some of this Parliamentary generation may not see, but through a new generation of Parliamentarians and politicians, our Constitution, will be subject to debate for the autonomy of the Chagos Archipelago with its specificities in response to its geographical, economic, social, and cultural characteristics and also because of the historic aspirations of the people or of the Chagossians.

And I hope it will be probably on the same democratic principle as that granted to Rodrigues in 2001, which is also the 21th Constituency of Mauritius, and for now let's give the necessary powers to the Electoral Boundaries Commission to independently determine what is best for the Constituency of Chagos Archipelago.

Madam Speaker, let this motion also reach the soul of our brothers and sisters who are resting in peace in Chagos Archipelago, in Mauritius, in Rodrigues and also any other places around the world.

Madam Speaker, I wish a brighter future for the Republic of Mauritius, especially the Chagos Archipelago to enjoy the full constitutional rights as per our Constitution. May God Bless the Republic of Mauritius! May God Bless Chagos! I thank you for your kind attention.

Madam Speaker: Hon. Dr. Boolell!

(6.58 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, let me, at the outset, convey our thanks to our brothers and sisters of the Chagossian community and acknowledge their contribution to accelerate the process of decolonisation and to help bringing the sovereignty issue in the forefront of a battle which I would call an epic matter.

Madam Speaker, I don't know whether to say that we are making history, but it is the first time that a motion, which is virtual, has brought the House together and we stand as one people as one nation in our endeavour to fight for what is just, for what is fair, for what we call territorial integrity and I say it is virtual but it is a virtual reality also. And one of those realities is to reconcile the interest of Mauritians of Chagossian origin, our economic interest and safeguarding the sovereignty of the State and how do you go about achieving it?

Thus, Madam Speaker, we need to revisit our political and diplomatic strategy. I earlier mentioned of an epic battle on the legal stand and it is a battle won because of our endeavour and our best purpose to be diligent, to act as one team and to fight in a spirit of nationhood. I recall, Madam Speaker, when I was Minister of Foreign Affairs and we were about to conclude a bilateral investment treaty with the US, the treaty was not concluded simply because our American friends wanted us to bracket or to delete Chagos Archipelago from the definition of our territory and we said, under those circumstances, there would be no trade off and when it comes to our territorial integrity, to our claim of our sovereignty, there is no difference whether we are in Opposition or in Government. We stand united as one people one nation. And it is precisely on that issue that I would want the House to walk down memory lane and recall what was agreed at the Lancaster House Conference. And I will read what were the undertakings endorsed by Britain and which were constituted of four main

strengths which require Britain to provide for navigational and meteorological facilities, emerging landings on the island, fishing rights and exploitation of surrounding waters. Following the commitment of Britain to these undertakings, the Council of Ministers gave “its consent to the detachment of Chagos Archipelago”. Britain, in turn, gave assurances that the Chagos would be returned when the facilities are no longer required. Initially, no mention was made that the islands would be used for defence purposes.

Madam Speaker, we have travelled a long way and we have to pay tribute to successive Governments. This is an issue that cut across political barriers and whether in Opposition or Government, I have stated we have stood united on this issue. But what is before us is a matter that needs to be addressed and how are we going to address it. First, the issue of resettlement, and the issue of resettlement though it appears to be far from our reach, but today it is an issue which is in the forefront. Why do I say that? If we remember the ruling given by the arbitration under UNCLOS with respect to the marine protected area where there was a breach by the British to declare the surrounding of the Chagos Archipelago as a marine protected area and it is good to recall that this arbitral award on the UNCLOS was binding and it was the first stepping stone towards resettlement which was reinforced when the case was brought before the International Court of Justice and I will cite what Professor Sands stated and, of course, the issue was one of decolonisation, of asking the British to be evicted within six months from our territories and Philippe Sands stated at last, the Chagossians have a real chance of going back home. Easier said perhaps but it is a fact.

My appeal to all of us and to our brothers and sisters of the Chagossian Community, Government and Opposition, let me before I come to my appeal to stand united to create the enabling environment, to disburse the necessary funds, to make resettlement become a reality and my appeal to our brothers and sisters Mauritians of Chagossian origin whether at Pointe aux Sables, Cassis or in Crawley, whether they have got dual citizenship, my appeal to them is to make sure that the organic link between Mauritians of Chagossian origin and other Mauritians that this organic link is never severed and make no mistake. The British will not remain idle; the British will, of course, preach what it believes and there will be the divide and rule policy. My fear is that in trying to, be it anyone of us, irrespective of community, they have one purpose of bringing the Chagossian community together and then sell a dream which is a fallen dream, the issue may be one of referendum and we have to tread very cautiously. This is why I say and I appeal to one and all, we have to revisit our diplomatic and our political lobbying strategy.

You may recall when I intervened on the Budget, I made an appeal that we have to leverage on what we have and we can leverage to attract the international community to the causes of the Chagossians and the causes of the Mauritian State, the issue of resettlement, the issue of sovereignty. What did I say? We have to take it upon us and tell the world that we are willing to declare part of our territorial water as the biggest marine protected area. In so doing, we will enlist the support of the international community and we will have the support of likeminded countries. This is an issue which has to be kept alive and it should not be put on the backbone. My second point, Madam Speaker, it is time to enlist the services of a recruited firm to conduct a study in respect of the amount of money that we have foregone since Chagos Archipelago was detached from our territory. A socio-economic study Madam, this is long overdue. It stands to reason and when you read communiqués issued by the Foreign Commonwealth Office, irrespective of Government of the day, the Foreign Commonwealth Office will maintain its stand and it will lobby other countries. It will try to bring in the forefront the issue of security. In trying to bring in the forefront the issue of security, it will try to weaken the momentum that we have gained. That is why my appeal in respect of this motion which is not only virtual but it has to be real. Whether we call it virtual reality, but we have to explain again and again to the world of the treatment that was meted out to our brothers and sisters of Chagos Archipelago. Prior to the preparation of a new Constitution, what was inserted in our Constitution to make the Ilois permanent residents of Mauritius – they were deprived of their status and, in so doing, the British had to correct the gross violation of rights. I will refer to an article which appeared in the so-called BIOT Government and I'll read -

“In the British Territories Overseas Bill, the Chagossians for the first time gave the right of abode in the UK. Again, this concession had more to do with the persistence of Parliamentarians who have supported the Chagossians and mistakes made in the 1960s. Chagossians were given Mauritian citizenship in 1968 when Mauritius gained independence, but officials soon realised that any Chagossians born in the BIOT, after that date, had exclusive attachment to BIOT and could not be disguised as Mauritians.”

So, we have to tread cautiously. You know the British were very crafty. When the chips are down, they start talking of co-management of territories which belong to us. Or else they have in their Constitution which no other country probably in the Commonwealth has. They call it Order in Council. I will refer to the second round of legal action, the High Court of

Appeal House of Lords and it is good to take stock of what the ruling was. In a second major round of legal action, the Chagossians again challenged the legality of the new 2004 Immigration Order. Both the High Court and the Court of Appeal ruled in favour of the Chagossians. The Government petitioned the House of Lords for a ruling whether the courts have the right to overturn an Order in Council. On these narrow grounds, the Lords ruled on 22 October 2008 by 3-2 majority that the new Order in Council was now unlawful. There is one thing that we have to bear in mind and I appeal to the Prime Minister. Pay no heed to what potential Prime Ministers or potential UK Ministers of Foreign Affairs would say, the policies decided by the Foreign Commonwealth Office and they will see to it that the issue of resettlement is postponed for ever and ever. That is why I will come back to our lobbying strategy. We need to have new strategies. We have to redefine those strategies, Madam Speaker. Today, we have a sizeable Chagossian population and they are exercising their rights as full-fledged Mauritian citizens. They have a right to vote and for those who are eligible, they have a right to cast a vote. I can understand the proposal made by our friends from the Chagossian community. I can understand that they have legitimate ambition, but my prayer, and I hope, to God that I do not see any one of them wearing the plume hat of Britain. They are Mauritians. We are together in that fight. We stand as one nation and there is no difference between Mauritian of Chagossian origin or any citizen of the Republic of Mauritius. I pray that we stand together because we have one, an epic battle, but the war is yet to be won. From information which I have, now the US has started to give thought to this fight. I am not saying that, as an export oriented country, our life is going to be made difficult, but we need reliable partners. We need light-minded countries. We need to convey the message loud and clear to all our friends in the international community as to the merits of resettlement, as to what happened to our brothers and sisters from the Chagossian community. I understand the – call it – inflamed statement made by the Prime Minister at the UNG, but he was right. There had been gross violation of human rights. You know, as I said, the British are sharp and they know how to turn things round. It is good to recall, Madam Speaker, that on the issue –

“... with the proclamation of Chagos as BIOT at the time, the inhabitants were declared aliens following their Mauritian citizenship, the British considered themselves juridically warranted to put them in a boat and dump them where they were supposed to legally belong to.”

It was the biggest crime against humanity. But then -

“Had the Ilois been of the same stock as the Falklanders and the Gibraltarians i.e. Caucasians, the British sense of justice would have dictated a course inspired by humanitarianism.”

I am quoting extracts from a book written by Sir Satcam Boolell who also was a former Minister of Foreign Affairs.

Madam Speaker, this matter cannot be treated lightly. As I said, our lobbying strategy has to be constantly reviewed and reinvented, but that does not stop us from entering into dialogue with the British. Within a couple of months, the six months will be over; the notice given to them by the International Court of Justice. As to whether they are going to comply or not is a matter which time will tell, but we all know that the writings are on the wall. So, we constantly have to lobby, be it at the Non-Aligned Movement, at the level of the African Union, in all forum, our voices have to be heard, Madam Speaker. I say and I make an appeal to the hon. Prime Minister, but at the same time, we should not humiliate a trade partner nor should we be humiliated. I was a little bit disappointed when certain leaflets were circulated to passengers travelling on the inaugural flight on a plane bearing the name of Chagos Archipelago. I am saying it with a sense of justice, without fear or prejudice and I know what I am saying.

(Interruptions)

Madam Speaker: Hon. Dr. Boolell, please, I do not think this is an occasion to debate this point right now. I have given enough latitude to all hon. Members to go on the history, I have allowed hon. Members to widen the debate but to a certain limit. But I think that hon. Members should now come to the point of this Motion.

Dr. Boolell: Madam Speaker, I bow to your ruling, but the debate has been widened for good reasons. But I will come back to better senses according to you. Now, the Motion, as I say, is a virtual Motion, but there are substantial realities that we need to face. Now, I will ask one specific question. I know there is no problem of logistic because most of the voters live in Mauritius, and we know that the community, the sizeable number of them live in Pointe aux Sables and in Cassis. What I want to know, Madam Speaker, I think the question has been asked. I have been told that there have been several interactive sessions with our brothers and sisters from the Chagossian Community, I would like the hon. Prime Minister to say what has been the outcome of those negotiations and what were the issues that were raised. Secondly, we are fully supportive of the Motion of the Prime Minister, but I

would like to know whether the advice of Mr Philippe Sands was sought and what was the advice tendered. Thirdly, Madam Speaker, whether there was any dialogue, whether Government entered into any dialogue with the Electoral Boundaries Commission although, of course, the Electoral Boundaries Commission would not bow to any pressure being borne upon them. They are fully independent, they will act independently, but it is good to know whether views were expressed by the Electoral Boundaries Commission.

Let me conclude by saying that this is an issue which merits to be studied very thoroughly. It is an issue that we cannot take lightly. The issue is one of sovereignty and resettlement. I am not saying that we are going to sell dreams, but make no mistake. There will be firewall erected and maybe barriers erected. Now, how to penetrate and to bring out those barriers will depend largely upon our lobbying strategy, how we redefine our strategy. I can only wish all of us well and on this issue there is no difference. There can only be special and differential treatment which has to be meted out to our brothers and sisters of the Chagossian community. But, at the end of the day, I want them to remember and remember always that they are Mauritians of Chagossian origin, full-fledged Mauritians who have the moral obligation and authority to exercise rights as citizens of the Republic of Mauritius.

Thank you very much.

(7.23 p.m.)

Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien): Merci, Madame la présidente. L'île Maurice s'est unie derrière le Premier ministre pour reconquérir notre territoire. Les interventions des uns et des autres nous ont offert une belle rétrospective du combat pour l'archipel des Chagos. Ces récapitulatifs et la chronologie des événements qui ont abouti aux votes retentissants du 22 mai dernier, ne doivent pas nous faire oublier les défis à venir.

Nous avons toujours cru dans le bienfondé de notre lutte pour la revendication de nos droits de souveraineté sur l'archipel des Chagos, et nous sommes parvenus à faire reconnaître la légitimité de cette lutte pour la décolonisation complète de la République de Maurice par 116 pays, membres de l'Assemblée Générale des Nations Unies.

Fort de cet appui, il nous faut battre le fer quand il est chaud et ne pas nous reposer sur nos lauriers. Les faits passés nous ont montré que nous ne pouvons nous contenter d'attendre le bon vouloir de l'ancienne puissance coloniale.

Pour rappel, pendant près de quatre décennies, il n'y a pas eu, pour ainsi dire, de la part du Royaume-Uni de réelles tentatives pour faire progresser le dossier autour de retour de l'archipel des Chagos à Maurice et ce en dépit de nombreuses représentations et démarches de notre pays. Quoi qu'en disent les soi-disant experts, à qui les médias semblent préférer donner la parole, les gouvernements successifs ont tenté à maintes reprises, mais en vain, de résoudre la question avec le Royaume-Uni de manière diplomatique.

Les Britanniques se sont obstinés à prétendre que les Chagos ne seront rendus à Maurice que lorsque l'archipel ne servirait plus à des fins de défense. Par-dessus le marché, le Royaume Uni a usé de moyens dilatoires tels que la création, en 2010, d'une aire marine protégée autour de l'archipel des Chagos et la prorogation, en 2016, pour une période additionnelle de 20 ans, de l'accord de 1966 avec les Etats-Unis. Par conséquent, notre République n'a eu d'autres choix que de soulever la question devant plusieurs instances internationales avec les retombées que nous connaissons.

Madam Speaker, we were hoping that with the Advisory Opinion from the International Court of Justice and the UN Resolution supporting that Advisory Opinion and ruling that UK decolonisation of Mauritius as unlawful would encourage the UK to engage in meaningful and positive discussions with us. Instead, the stance taken by the country of Magna Carta is one of disregard towards human rights, law and justice.

Moreover, our Government has even acknowledged the existence of the military base on Diego Garcia, reassuring both the UK and the United States on Mauritius, being committed to the Rule of Law, the maintenance of international peace and security, accepting the operation of the base in accordance with international law.

Despite our numerous efforts to seek diplomatic resolution since the UK is now under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, we have met with snubs and rhetoric reminiscent of attitude of colonial superiority. But we, as a nation, are determined to see through the completion of the decolonisation of Mauritius.

Deal or no deal, Madam Speaker, as a responsible Government, we must stand ready for what British commentators have themselves termed as CHEXIT.

Madame la présidente, le calendrier pour la réalisation complète du processus de décolonisation de Maurice est attendu pour novembre, 2019. Il est impératif dès lors de nous

préparer pour ce grand moment historique. Les fonds pour couvrir les dépenses d'un éventuel plan de réinstallation sur quelques-unes des îles de l'archipel des Chagos ont déjà été votés.

Nous comptons aussi démarrer les discussions avec les Maldives pour pouvoir accéder à une délimitation des frontières maritimes avec l'archipel des Chagos. La présentation de cette motion pour l'inclusion des Chagos dans une des circonscriptions de la République de l'Île Maurice est dans le droit fil du combat et de l'engagement de ce gouvernement pour l'intégrité territoriale de notre pays et ce, en conformité avec les principes bien établis du droit international.

En inscrivant noir sur blanc, la place de l'archipel des Chagos au sein de la République, nous rappelons à tous ceux qui l'ont oublié surtout, que les Chagossiens font partie de la population mauricienne. Nous démontrons également notre engagement à soutenir la réinstallation des Mauriciens, en particulier, ceux d'origine chagossienne dans l'Archipel, toujours selon les principes établis du droit international.

Les Chagossiens le savent, c'est le gouvernement mauricien qui assurera la réinstallation des Chagossiens dans le respect de leur dignité et des droits humains. Maurice soutient le droit de retour dans l'Archipel, contrairement à la position, les lois et décisions judiciaires britanniques. A l'opposé du Royaume-Uni qui n'a pas cru bon de chercher à connaître la volonté de la population des îles Chagos, nous croyons en l'expression libre et authentique de leur volonté.

En présentant cette motion, nous affirmons notre respect de la déclaration universelle des droits de l'homme, en particulier, l'article 21 qui dit, je cite – «Toute personne a le droit de prendre part à la direction des affaires publiques de son pays, soit directement, soit par l'intermédiaire de représentants librement choisis.»

Madame la présidente, l'Assemblée (Nationale) des Nations Unies a proclamé la période 2011-20 la 'Troisième Décennie internationale de l'élimination du colonialisme' et dans une de ses résolutions y relative, à savoir 71/122 du 6 décembre 2016, a demandé, je cite « L'application immédiate et intégrale de la Déclaration sur l'octroi de l'Indépendance aux pays et aux peuples coloniaux.»

Avec les diverses interventions des deux côtés de la Chambre, nous nous apercevons qu'il y a consensus autour de la motion du Premier ministre. Ne laissons pas ces résolutions des Nations Unies rester lettre morte. Saisissons la balle au bond pour réaliser rapidement la décolonisation de notre pays. Nous devons montrer notre conviction et notre détermination

en nous préparant résolument à prendre possession de notre archipel et mettre un terme à cette occupation coloniale, illégale au plus vite et cela, conformément au droit international.

Pour conclure, Madame la présidente, les résultats obtenus dans notre lutte pour l'intégrité de notre territoire ne doivent pas nous faire oublier toutes les personnes qui ont fait preuve de ténacité dans leur volonté de faire respecter leurs droits et la justice. Je pense, ici, aux Chagossiens, eux-mêmes, qui se sont battus pendant des années pour le droit de retourner sur leur lieu de naissance, à ceux et celles qui, maintenant, ont plus de 70 ans et qui ont été empêchés systématiquement de retourner chez eux, sur leur île natale.

La République de Maurice ne doit pas en outre oublier les différents partis politiques, associations et tout individu qui ont mis en œuvre des initiatives et entamé des démarches pour mettre fin à la situation illicite de colonisation de l'archipel des Chagos, ainsi que les fonctionnaires, les hommes de loi, dont le travail a fait progresser le combat.

Soyons reconnaissants envers l'Union Africaine et les Etats africains, la République de l'Inde, le mouvement des pays non-alignés, les pays de plusieurs régions du monde qui ont contribué à la présentation réussie des résolutions à l'Assemblée Générale des Nations Unies et à l'appui de notre cause à la Cour International de Justice.

Et bien sûr, nous gardons en mémoire le ministre Mentor et le Premier ministre, qui ont poursuivi avec persévérance ce combat de décolonisation. L'histoire retiendra!

Merci, Madame la présidente.

Madam Speaker: Hon. Dayal!

(7.33 p.m.)

Mr. R. Dayal (First Member for Flacq and Bon Accueil): Madam Speaker, the commendable motion of the hon. Prime Minister that, I quote -

“This Assembly is of the opinion that, pursuant to section 39 of the Constitution, the Chagos Archipelago, including Diego Garcia, shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine.”

Has to be patriotically and unflinchingly supported by one and all as befits the Republic of Mauritius, as a sovereign and democratic State, enshrined within the framework of the democratic principles of good governance, for the people and by the people of the land.

I must stress that I am duly democratically mandated through the ballot box as the first return candidate of Constituency No. 9 in the 2014 General Elections, with an overwhelming majority of some 60%, to do justice to our motherland. I am also duty-bound, as a loyal citizen of the Republic of Mauritius as the first Commission Major Officer of post-independence Mauritius, the member of the Cadet School in the United Kingdom for which Mauritius is, indeed, grateful. Mauritius would be more grateful if we get our sovereign rights.

And after having taken the oath of allegiance, as far back as in 1972, as a congress citizen to protect the territorial sanctity of my motherland after graduating a south College at Camberley, UK, in 1985, I visited the Headquarters of BIOT with the authority of the then Prime Minister, Sir Anerood Jugnauth, and I had access to classified and non-classified documents. I must say that I even wrote a paper, entitled 'The why and where force of the Military Build-up in Indian Ocean'. In those days, I must say, we had gambled diplomacy, and what is happening in the State of now would never have happened then, but we have a diplomacy of the human factor now. I value gratefully the Major Police capacity-building, sponsored by UK, India, France and the US, for maintaining the rule of law in Mauritius. But it's their turn now to maintain the rule of law. More importantly...

Madam Speaker: Please, hon. Member! I would kindly request you to be to the point. I have just said that I had given some latitude to all hon. Members to express themselves because this is a very passionate debate. But I would kindly request you to come to the point, please.

Mr Dayal: I bow by your ruling, Madam Speaker. Thank you.

More importantly, the protection of fundamental rights and freedoms of the individual citizens as spelt out in Chapter 2 of our Constitution, the supreme law of our motherland.

Madam Speaker, the rights of the Chagossians as citizens in the Republic of Mauritius, are underlined in Part I. They are -

- the right to life, liberty, security of the person and the protection of the law;
- freedom of conscience, of expression, of assembly and association, and freedom to establish schools,
- the right to protection for the privacy of the home and from deprivation of property without compensation;

- protection of right to life, protection of right to personal liberty, protection from slavery and forced labour,
- protection of inhuman treatment, inhuman treatment which they were subjected to;
- protection from deprivation of property, they were deprived of their property;
- protection from privacy of home and other properties;
- provision to secure protection of law;
- protection of freedom of conscience;
- protection of freedom of expression;
- protection of freedom of assembly and association;
- protection of freedom to establish tools;
- protection of freedom of movement, and
- protection on discrimination.

And this is what the Government of Lepep is triggering and paving the way for democratically.

The Chagos Archipelago, because of its geographic locations and colonial rule, has always been geographically part and parcel of the Republic of Mauritius in terms of territorial integrity, its excision, unlawfully, prior to Mauritius acceding independence as a British Colony, flouting the United Nations General Assembly Resolution No. 15 of 14 December 1960, that is, prior to independence, the special Committee on decolonisation committee of 24 to monitor the implementation of Resolution 1514. Lancaster House agreement between the representatives of the colony of Mauritius and regarding the detachment of Chagos Archipelago, I reiterate that, agreement between the United States of America and the United Kingdom concerning the availability of the BIOT for defence purposes, adoption by General Assembly for the provision on integrity of non-self-governing territories, independence of Mauritius, forcible removal of the population of the Chagos Archipelago, request by Mauritius for BIOT to be disbanded under territory restored to it, creation of a marine protected area around the Chagos Archipelago by the United Kingdom which we challenge and we had what we wanted to have in terms of our sovereignty rights. Challenge to the creation of a marine protected area by Mauritius before an arbitral tribunal and decisional tribunal in the favour of Mauritius.

The International Court of Justice was to the adoption of the General Assembly Resolution 71/292 requesting for an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The International Court of Justice and this is in public domain, after listening to the case of the United Kingdom and Mauritius, unequivocally stated to all concerned by way of a written unanimous findings on 20 February 2019 that it had the jurisdiction to give the advisory opinion requested by 12 votes to 2 and decided to comply with the request on the advisory opinion, and here I must say, Madam Speaker, that the consequences under international law arising from the continued administration by United Kingdom of the Chagos Archipelago is compelling Mauritius to take the stand that it is taking through its Prime Minister.

At paragraph 175, I quote –

“Having established that the process of decolonization of Mauritius was not lawfully completed in 1968 (...)”

The ICJ –

“examined the consequences, under the international law, arising from the United Kingdom’s continued administration of the Chagos Archipelago (...)”

Paragraph 176 –

“Several participants in the proceedings (...)”

It’s good to note that, Madam Speaker.

“before the Court had argued that the United Kingdom’s continued administration of the Chagos Archipelago had consequences under international law not only for the United Kingdom itself, but (...) other States and international organizations. The consequences mentioned include the requirement of the United Kingdom to put an immediate end to its administration of the Chagos Archipelago and return it to Mauritius.”

This has not been done and it is likely that they are not going to trigger the process to do so. This is why we are talking firm action on this basis at the Government.

“Some participants have gone further, advocating that the United Kingdom must make good the injury suffered by Mauritius. Others have considered that the former administering power must co-operate with Mauritius regarding the

resettlement on the Chagos Archipelago of the nationals of the latter, in particular, those of the Chagossian origin.”

Paragraph 177, the ICJ –

“(…) found that the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination (…)”

And we want the democratic process to be on and this Motion of our Prime Minister goes in the right direction.

“(…) it follows that the United Kingdom’s continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of the State (…)”

178, I quote –

“Accordingly, the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.”

And Mauritius has already apprised the United Nations about it.

180 –

“Since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right (…)”

More so –

“As recalled in the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (…)”

Our Prime Minister has took the pain to go to UK and talked to his counterpart because we have friendly relationships with the United Kingdom.

“Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter

regarding the implementation of the principle” (General Assembly resolution 2625 (XXV)).”

181 –

“As regards the resettlement on the Chagos Archipelago of Mauritian nationals, including those of Chagossian origin, this is an issue relating to the protection of the human rights (...)”

We all know that United Kingdom, the EU and the US, they all go for human rights. When we take decisions in this country as a Government.

“(...) of those concerned, which should be addressed by the General Assembly during the completion of the decolonization of Mauritius.”

Thus, today’s Motion is timely, Madam Speaker.

“In response to Question (b) of the General Assembly (...)”

I’m referring to paragraph 182 –

“(...) relating to the consequences under international law that arise from the continuous administration by the United Kingdom of the Chagos Archipelago, the Court concludes that the United Kingdom has an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, and that all Member States must co-operate with the United Nations to complete the decolonization of Mauritius.”

And we already have the co-operation of many States because we have a noble cause indeed, Madam Speaker.

To summarise, Madam Speaker, it has been a historical struggle under the leadership of Sir Anerood Jugnauth, our Mentor Minister, all throughout with steadfast resolve to reunite our land and ensure territorial sanctity. Now that we have in our favour the Declaration of the International Court Justice in The Hague in terms of our sovereignty over the Chagos Archipelago, it is legitimately and legally appropriate for justice to prevail and for the Government of Lepep to respond to the exigencies of the day for democracy to prevail.

Thus, this Motion of Pravind Kumar Jugnauth, Prime Minister, is boldly legitimate and follows the course of natural justice. This Government by investing initially a sum of Rs50 m. in the resettlement of the Chagossian citizens to ensure sustainable development, it

has not been done with the purpose only to go there, it has been done to ensure sustainable development all throughout its territory for the general welfare of all Mauritians in the wake of climate change, sea-level rise and adverse meteorological phenomenon. Satellite pictures show already erosion of the beaches thereat.

Mauritius as a responsible and active member of the United Nations, the African Union, SADC, non-allied movement and the group of 77 is earnestly fostering peace and stability to prevail. We are not there to crusade for war, we want to go for peace. Peace for everyone. The Republic of Mauritius is for the Indian Ocean to be a nuclear-free zone. But we are not against the United States military base in Diego Garcia for ensuring peace and stability in the region more so with maritime piracy, drug trafficking and we have seen the latest one, cross border crime and terrorism.

Our resolve to judge the maritime pirates in Mauritius is a tangible testimony of our commitment to uphold the rule of law. I must say, nevertheless, as a democratic Republic in the Committee of Nations worldwide, it has a genuine and legitimate economic quest to benefit from the utilisation of part of its territory as a military base with all the inherent risks and vulnerabilities, because having a base thereat has got risks and vulnerabilities. More so, it has the potential and indispensable men and material resources to provide goods and services to sustain the military in the Diego Garcia base. It is a fact that before the International Court of Justice in Hague with the judgement, many countries like Singapore and the Philippines, because of allied forces base thereat benefitted economically with contractual agreement, now the US Diego Garcia military base is declared to be in the territory of the Republic of Mauritius by an overriding majority of nations worldwide.

What is unacceptable by any democratic standard, Mauritius neither benefits from the lease of Diego Garcia by the British, nor from the men and material resources coupled with goods and services used to run the US base in Diego Garcia. When I met my good friend, Olivier Bancoult, in the 1990's, I told that he is going to win his case. And when I came back I told him we are together as a Nation winning that case again.

Madam Speaker, the greatness of democratic States is all the time measured by the stand in the affairs of men to make the world a better place by fostering peace, justice and the principles of fairness that is tangible by wielding their might against the right of the vulnerable small island developing States like Mauritius. Not because of their choice, we did choose to be vulnerable. It was imposed on us because of the doings of those who do not

respect international rule of law. Now, let this advisory opinion pave the way for justice to prevail.

Thank you, Madam Speaker.

Madam Speaker: Hon. Barbier!

(7.51 p.m.)

Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West): Thank you Madam Speaker. Madam Speaker, there is no doubt that, on both and parts of this House, we all welcome this Motion of the Prime Minister to the effect that the Chagos Archipelago and Diego Garcia be included in one of the constituencies of the Republic of Mauritius. I have no doubt that we were to have unanimous vote on that issue and I think most of the Members of the House are of the same *avis que moi à l'exception peut-être de l'honorable Sinatambou qui s'est fait un devoir de répéter, re-répéter pour faire appel à l'Opposition pour voter cette motion. Mais il n'y avait pas lieu.*

Madam Speaker, in voting such a Motion, we are again confirming in our action, actions which have been prevailed at different stages of our story since decades now. Actions which express again today that we, as a Mauritian Nation, do exercise fully our sovereignty on the Chagos Archipelago and Diego Garcia. This has been and is continuing to be, in fact, a long fight. We are, in fact, witnessing since long the fight of the Chagossian Community. We have been sharing with them their sorrows, their tears, their cries and all their economic and social struggles for all these decades. Together with them, politicians, individuals and the civil society who have supported them along in different ways and means as we can depending the situation we held, the responsibility we held at a certain point in time at the level of the administration of this country.

I have no doubt that, as representatives of all the population, whether we are in Opposition or in Government, we have to stay unite and talk of one voice about the issue of Diego Garcia to claim our sovereignty on this part of our territory. We surely do not have and will not have, maybe residents on this part of our territory on the Chagos Island before the next coming general election, but it is good that we continue to stay unite and voice out together as a nation for the right and just national play that we are fighting altogether.

Madam Speaker, the UK Government which since centuries - and here my good friends Rutnah and Bobby Hurreeram also mentioned about the signing of the Magna Carta - has been an example as far as King John in 1215. The Magna Carta or the Great Charter

which was the first in its type to set the footprint which is a base of what today is our Human Rights Chart which we have, part of the Great Chart and still part of the Declaration of Human Rights which came in 1958 after the Second World War. The Great Chart established among others this important document, 800 years back ago; established the principle that everyone is subject to law, even the King or the Queen, and guarantee the right of individuals, the right of justice and the right of fair trial and so many others. This same England which stated the roots of Human Rights, 800 years later now is refusing to respect decision of International Court and UN Resolution. What a shame, if you allow me Madam Speaker. It is astonishing what is becoming this Government of England today. Today, for military and supposed defence policy, English Government is destroying what was the pride since so many years back.

Leur ancêtres, qui ont mis à jour ce document si important pour l'humanité, doivent se retourner dans leur tombes, Madame la présidente. Oui Madame la présidente, ceux qui ont écrit la grande Charte 80 ans de cela sont en train de se retourner dans leur tombes. J'espère que, comme on a fait pour mettre en place le gouvernement régionale de Rodrigues, comme on a fait pour Agaléga and maintenant pour les Chagos, l'île Maurice dans son ensemble continue à travailler à tous les niveaux pour élargir encore et encore notre espace démocratique. Nous avons le devoir d'exercer une constance dans tout ce qui touche à l'élargissement de notre démocratie. Il y a encore du chemin à faire certes mais restons fixés sur nos principes fondamentaux, et je profite de cette occasion pour dire un grand bravo à nos amis chagossiens pour leur combat inlassable et aussi à tous ceux qui d'une façon ou d'une autre ont participé et participent encore dans ce combat qui n'est certes pas encore terminé. Je dis merci Madame la présidente.

Madam Speaker : Hon. Toussaint!

(7.58 p.m.)

The Minister of Youth and Sports (Mr S. Toussaint): *Thank you, Madam Speaker.* Madame la présidente, une dizaine d'années de cela, j'étais en train d'écouter une émission à la radio et c'était notre ami, Monsieur Olivier Bancoult qui racontait son histoire. Et que nous savons tous très bien comment il s'est retrouvé avec sa famille ici à l'île Maurice en venant trouver les soins pour sa famille et comment il n'a pas pu ensuite retourner sur son île.

Dix ans de cela, Madame la présidente, c'était les larmes aux yeux que j'ai écouté cette histoire et beaucoup d'émotion. Quelques années après, c'est toujours avec beaucoup

d'émotion que je me tiens dans cette Chambre pour donner ma voix à cette honorable motion en faveur de l'archipel des Chagos, apportée par notre Premier ministre, l'honorable Pravind Kumar Jugnauth. Merci honorable Premier ministre.

L'histoire des Chagossians écrite à travers le monde, se retrouve sur plusieurs sites Internet qui raconte justement cette déportation. Comment les animaux, par exemple, ont été gazés. *To get rid of them*. Comment les Britanniques, sur un site j'ai vu, qui disait il n'y avait personne là-bas, il y avait quelques Tarzans. Voilà comment ils ont osé traiter nos frères et nos sœurs Chagossians. Mais, Madame la présidente, *God is great* et aujourd'hui nous avons la République de Maurice a eu deux belles victoires et dans quelques mois, j'espère nous allons pouvoir mettre la grande machinerie en manche pour aller retourner sur les Chagos.

Madame la présidente, gouverner c'est prévoir, c'est ce que fait aujourd'hui, à travers cette motion, le gouvernement, l'État Mauricien et cela fait une suite logique après la victoire à la cour internationale de justice aux Nations Unies et aussi au budget que notre Premier ministre a mis à la disposition, donc R 50 millions pour préparer ce retour. Donc, la suite logique maintenant c'est bien sûr inclure l'Archipel des Chagos, incluant Diego Garcia dans une des circonscriptions de l'île. Je laisserai bien sûr l'*Electoral Boundaries Commission* faire son travail de façon très scientifique et de façon très technique. Et cette motion qui certainement fait écho à travers le monde, est un signal fort au Royaume-Uni et j'espère que cette motion, à travers les différents échos qu'elle va recevoir, fera appel au monde entier pour déjà faire comprendre et connaître l'histoire de nos frères et de nos sœurs des Chagos et avoir encore plus de soutien de différents pays, de d'autres pays du monde pour nous aider à mettre encore plus de pression sur le Royaume-Uni de sorte à ce qu'il respecte le jugement de la cour et aussi ce que les Nations Unies ont décidé.

Je ne serai pas très long, Madame la présidente, parce que pour moi l'essentiel c'est justement le fait que le Premier ministre emmenait cette motion afin d'inclure les Chagos et Diego Garcia dans une des circonscriptions.

Madam Speaker: Vous avez bien raison!

Mr Toussaint: Et le point le plus important donc c'est cela et c'est surtout à travers tous ce que nous sommes en train de débattre et à travers notre accord aujourd'hui, comme tout le monde l'a dit, que le monde nous regarde et que nous puissions donner exemple et que nous puissions dire au monde entier : venez nous soutenir parce que aujourd'hui c'est la mère patrie, c'est la République de Maurice qui demande son dû. Ce n'est pas tel ou tel parti, ce

n'est pas telle ou telle communauté mais c'est la mère patrie qui réclame son dû vis-à-vis de la Grande-Bretagne.

Madame la présidente, je souhaiterais dire aussi que c'est une lutte extraordinaire qu'ont menée nos amis des Chagos. Des années et des années, plus d'un demi-siècle de lutte, il y a beaucoup qui aurait certainement lâché en cours de route mais ils ont tenu et aujourd'hui nous sommes là où nous en sommes. Bravo à Monsieur Bancolt et à toute son équipe et nous avons aussi la présence ce soir de Madame Aline Allat qui prend la relève de sa mère.

Madam Speaker: Hon. Minister, I am sorry you can refer to them, but you cannot address yourself to strangers who are in the gallery.

Mr Toussaint: *Sorry, Madam Speaker.* Donc, je disais que je rends hommage à Monsieur Bancoult et toute son équipe ainsi que Madame Aline Allat, fille de Madame Allat. Donc, elle a repris le flambeau elle aussi et cela montre que c'est un combat de génération en génération, que la lutte continue et que les parents ont su transmettre à leurs enfants ce flambeau pour la lutte pour retrouver notre territoire. Et en parlant de flambeau, donc moi aussi je me joindrai certainement à l'honorable Wong Yen Cheong dimanche pour accompagner nos frères et sœurs des Chagos qui vont participer à la grande tournée de la flamme des jeux des îles. Et aussi, je me joins à l'honorable Wong pour dire que pour les jeux des îles, nous avons la grande République qui est représentée, l'île Maurice, les Mauriciens, nos amis de Rodrigues et ceux venant d'origine Agaléenne et bien sûr aussi des athlètes ayant pour origine Chagossienne.

Je termine ici, Madame la présidente, en disant que nous donnerons aussi l'occasion à une équipe d'origine Chagossienne de venir présenter, lors d'une des soirées culturelles, pendant les jeux des îles, le fameux séga Chagos et profiter de ce moment pour raconter l'histoire des Chagos aux autres îles qui vont venir comme invités dans le cadre des jeux.

Merci beaucoup pour votre attention, Madame la présidente. Vive la République de Maurice.

Madam Speaker: Hon. Bodha!

(8.06 p.m.)

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): Madam Speaker, a

lot has been said. Many orators on both sides of the House have taken part in this very important historical day. We have spoken with one voice. We have spoken as one people. We have spoken as one nation. But I would like to add my voice to this Motion. When the case was heard at the International Court of Justice at La Hague, of course, the case was put by brilliant lawyers. We have to pay tribute to them, but there also the symbolical and very powerful, I would say, words of Sir Anerood Jugnauth who put on this gown to address the panel of judges. But together with it, was one video of a few minutes of Madam Elizé, who in a few minutes, succeeded in describing with all the powerful words, this terrible journey from the Chagos. They were a people who were, in fact, living in paradise. They did not know about money. They were working up to 11 o'clock and they went fishing. Saturdays and Sundays, they were rejoicing; they have their church, they have their graveyards. And all of a sudden, in 1973, the last batch, because there were about 252 people, they were brought together and they were to board a ship called the Nordvaer for the trip to Mauritius. But what was terrible, Madam Speaker, was that the ship was made to leave at night for them not to see the islands receding in the distance. And what happened on board that ship? That ship was carrying Guano, birds shit, for years and the women were inside the ship, the men were on the deck. During that trip, I think, two among the travellers committed suicide; they threw themselves in the rough waters. And there has been something terrible, this shock, this trauma of being uprooted, and this is what the hon. Prime Minister described, that it is akin to a crime against humanity.

Madam Speaker, we have to understand what really happened. In the 1965, we had about more than 2,000 people who had been in the Chagos Archipelago for generations and generations, because they came in the 18th Century, and they live there in Diego Garcia, Peros Banhos and Salomon; they were having 64 islands. And in 1965, when we had this decision of the United Kingdom to lease the Archipelago to the Americans, those who were here, the Bancoult family for example, they were told that they could not board the ship anymore to go back to the Archipelago. And then starts this, what Nelson Mandela has called the Chagossians, *les Palestiniens de l'Océan Indien*. I have always asked myself why is it that they were in Baie du Tombeau, Cassis and Pointe aux Sables. Why did not they go to Rivière Noire, for example, to have a place which was more or less like what the extraordinary Archipelago was there. And this ship, Nordvaer, when it lands here in the Port, they did not want to get out of the ship, and after four days, and when they were forced to get out of the ship, do you know where they were taken, Madam Speaker? They were taken to

EDC houses near the Cemetery of Bois Marchand. Those houses had been left there, derelict over years - because the Mauritians did not want to go there, and some were rearing goats and other animals in those houses - and they were brought from the Port to that place. And then, what happened, they said they did not want to stay there and they came to Roche Bois, to Cassis and to Pointe aux Sables. Why? Because when their brothers and sisters were coming to spend some time in Mauritius or to have medical treatment, they were hiring rooms there. There was one lady called Shanti and another one from whom they were hiring those rooms for one month/two months before going back to Chagos Archipelago. This is to explain, Madam Speaker, that it is a struggle of 50 years.

Now, what did the British do? The British violated the UN Resolution – my friend spoke about it – and they lied at the United Nations, by saying that there was nobody there, but some ‘Tarzans’ and the men of Fridays, some plantation workers and that there was never anybody who was born there. There was something else, Madam Speaker. There is also something we have to understand. Why did the Americans chose Chagos? It is because after the Second World War, the Americans decided they had one strategy, that the best way to control a whole region was not to be on the mainland, but to be on an island. That’s how they had a lease on Guam with the Philippines, with Okinawa in Japan, and when they came to the Indian Ocean, which they wanted to control, they said they should find a place where they can set up a base, and when they were looking at the map, they said this is the place, that is, the Chagos Archipelago.

When the British were asked –

“So, the territory belongs to you?

- They said: Yes.

Do we have people there?

- They said: No, there is nobody there. You have some plantation workers.”

The Americans asked one thing from the British, that the Archipelago must be swept and sanitised. These were the words which were used: ‘swept and sanitised’. Then, they will come in with all their installations. Then, you have the Lancaster house. I would not go about that, but I would like to say that, as regard to the Lancaster Conference, there was Prime Minister Wilson, who said, either Diego Garcia are detached by an Order in Council.

My friends have been talking about Magna Carta, the Rule of Law and the British system because they have to respect the international Rule of Law. But the British have something which we call the Order in Council which overrides all their system, and this Order in Council can be done by the Queen, and this is how the BIOT was created by an Order in Council; there is no Act of Parliament for the creation of the BIOT. The second time that the British were going to use the Order in Council was to be in June 2004. This is the day when you have the European elections for the European Parliament. And you know what they do? Well, everybody is engaged in voting for the European Parliament, the greatest day of democracy for Brussels. They go to the Queen and they come with an Order in Council, which will annul all the judgements of the High Court and the other Courts which had given Olivier Bancoult the possibility of the right to return. So, the British have always functioned in that way.

I will now come back to last week, in Parliament, where hon. Patrick Grady who is from the Scottish National Party made a motion –

“That this House has considered the UN General Assembly Resolution on the future of the Chagos Archipelago.”

He develops his motion, and he says that today Britain is left with two options and that, first of all, I quote –

“The choice for the Minister - he is talking of the Minister of the Commonwealth Affairs - and the UK Government is either to take the bold but obvious step of complying with the UN resolution or to face further embarrassment and isolation on the world stage.

The UK can show that it is serious about the rules-based order and that by submitting itself to the conclusions of the rules-based order. It can show that it wants to be a good neighbour and to deal effectively and appropriately with its colonial legacy, or it can continue to promote splendid isolation and British exceptionalism. It can act as if rules are for other people and that might is somehow right, but that is a dangerous path to go down. It weakens Britain and undermines perhaps fatally any credibility the UK Government might want in tackling other great international and diplomatic issues of our time. Mother Britannia can no longer get away with waiving the rules.”

Instead of riding the waves.

Now, Madam Speaker, the question is what we are doing, and I would like to congratulate the hon. Prime Minister for bringing this motion, because this motion is bold and symbolical.

Qu'est-ce que nous sommes en train de faire, Madame la présidente ? J'ai écrit une phrase que je vais vous lire –

« Nous sommes en train de cristalliser dans la loi les frontières de notre République et rétablir juridiquement son intégrité territoriale. »

That is, we have now the l'intégrité, nous sommes en train de rétablir, de crystaliser l'intégrité territoriale en incluant Diego Garcia et les Chagos de 64 îles dans notre territoire national et, en même temps, donnant à nos frères et à nos sœurs des Chagos la possibilité donc d'appartenir de plein droit à une circonscription. Quelle sera la circonscription, what is going to be this constituency, we will leave it to the Electoral Boundaries Commission to do that. What I would like to say is that the Prime Minister has, it's a symbolical move, it's a bold move, but, at the same time, there is a practicality of it. There is a budget of Rs50 m. for the resettlement programme and we are working with the brothers and sisters of the Chagossian community to see how this can be done because the British had a first study in the early twenties, at the beginning of the 21st century where the report said that resettlement in the Archipelago is going to be very, very expensive, we can't do that. Then, they came with another one which says that it can be done. We are going to work with our brothers and sisters for the resettlement and I am very happy also to see the passion, the emotion of my colleague from Rodrigues when he talks about the 2001 constitutional vote in this Assembly giving to Rodrigues its autonomy where hon. Bérenger and Sir Anerood Jugnauth made a passional appeal and it was a bold constitutional move, but then I remember hon. Paul Bérenger was the Minister of Finance and for the first time the Budget of Rodrigues had gone beyond Rs1 billion. That was in 2001/2002. Now, it is Rs5 billion. So, it shows that incrementally, this is a symbol, the Rs50 m. are there and tomorrow I know that the Prime Minister and this Government, whenever needed, we will come up with the means. So, we have the symbolical move, we have this move at the level to provide the financial resources, but, at the same time, on the international front, we are asking the UN General Assembly to request the institutions which fall under its purview to apply the Advisory Opinion of the International Court of Justice. This is how we have made a motion at the Indian Ocean Tuna Commission for Britain, the UK to be no longer a member State because it is a coastal member State, to be part of that Commission. This will be heard at the next session of this

Indian Ocean Tuna Commission. So, in fact, our battle is continuing at different levels. This is very powerful. This is very bold for our brothers and sisters here because we want them to feel that they are part and parcel of the Mauritian community because there is something also which has happened. Since this Government has come in, in 2014, we have been speaking with one voice on the issue of sovereignty but also the issue of the welfare of the Chagossian community. This has happened and I would like here to pay tribute to all the political leaders since the seventies who have gone to the streets, who have done the hunger strikes and the bold women because before the arrival of Olivier Bancoult, this struggle was the struggle of women and they spent days and days on hunger strike at the Jardin de la Compagnie and it is an opportunity for us today to pay tribute to all of them, to Lisette Talate, to Charlezia, to the mother of Rita Bancoult. And I think that this is a day of emotion, it is very moving, but at the same time, it is in the law. So, today the Chagossian community will have a full-fledged constituency. I think that hon. Bérenger said that he does not know whether there have been consultations with the community. I know that the ...

(Interruptions)

Madam Speaker: Please, proceed!

(Interruptions)

Mr Bodha: Yes, you said they have not been but I am saying that I have talked to the Prime Minister and I know that the Prime Minister has had consultations. He will reply himself. We have been talking to Olivier Bancoult. We know that there is the possibility that they have a full-fledged assembly which belongs to the community and to that particular territory, but I think personally that it is the first move, we are moving incrementally. It is the sense of belonging today which matters. So, Madam Speaker, I really wanted to say a few words because it is part of our history now, it is part of our struggle and after six months, we will also see what has to be done, what sort of lobbying we have to do. The Prime Minister met Jeremy Corbyn. We have always in the past, I remember, Robin Cook had said when Olivier Bancoult had won his case at the High Court, Robin Cook then the Minister of Foreign Affairs had said: we are not appealing against the judgment which means they are going to respect the judgment, but, unfortunately, he resigned and then the British adopted a very staunch stand with Tony Blair as Prime Minister. So, the question is I believe that the British will continue to have this hard stand because replying to the motion of Patrick Grady, Sir Alan Duncan, that is, the Minister for Europe and the Americas said this –

“The joint UK-US facility on the territory has helped us and our allies to combat some of the most challenging threats to international peace and security, including terrorism, organised crime and piracy.”

So, this is their stand. I think that they will continue this, but I am also convinced that when that time will come, there will be so much pressure, it will be untenable and we will have the possibility to have the solution, that is, to be able to have access to the islands. All the Chagossians, often the old Chagossians what they were doing, they would go to sit on the shore and they would just stay there, stare at the sea, waiting for a mythical ship to come to take them back to the Chagos. But I am sure that the ship is not going to be mythical, it is going to be a real ship and we will board the Archipelago and I would like to thank the Prime Minister for this bold move and we will continue as one people together with the brothers and sisters of Chagos with the struggle because it is a struggle for justice, it is a struggle for truth and it is a struggle to make history as Mauritius has done brilliantly at the United Nations General Assembly. I never thought, on the eve of the vote, of the last Motion presented by the hon. Prime Minister, the ‘Guardian’ said that the support of Britain could be reduced to less than a single digit. It was unbelievable because there was a lot of pressure, a lot of threats but then we ended up with having 116 votes and that was a brilliant victory for all of us. So, we look forward to be able to continue on the front and I know that today we are united and we will be able one day to land on the Diego Garcia Archipelago and the other islands.

Thank you, Madam Speaker.

Madam Speaker: Hon. Armance!

(8.26 p.m.)

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam Speaker. I am not going to be very long. I am going to be very brief today. A lot has been said in the House about the Motion that the Prime Minister is putting today about including Chagos into one of the constituencies in Mauritius. I enjoyed a bit of history from hon. Bodha today. He made it clear how the Chagossian people landed in Mauritius, what happened when they came to Mauritius and the way that they landed in my Constituency, in Pointe aux Sables and also in other regions like Baie du Tombeau and Roche Bois.

I must pay greeting to the presence today, amongst us, of Olivier Bancoult and all his team. I join hon. Rutnah who said that today we are united in the House.

(Interruptions)

For once! I just want to come back on one point that hon. Bodha mentioned regarding consultation. He and hon. Bérenger had some argument about what has been said. I believe that he mentioned today that there has been consultation with the Groupe Réfugiés Chagos, but I believe that the consultation should be extended, because I understand the Groupe Réfugiés Chagos is the leading group fighting for the return of the Chagossians on the island, but there are also other groups of persons that may be good that we have their opinion, it's good that we hear what they have to say.

It does not mean that we have to take everything they are saying into account, but it is good that we take the opinion of each and every one who has the same common fight of having the Chagossians back to Chagos Island.

Madam Speaker, I believe this morning the Leader of the Opposition made it clear about the stand that we, in the PMSD, are having in relation to the motion and maybe I'll just repeat what he said – 'It is a step forward in the right direction'. So, I look forward for further consideration from the Government for the fight again to get the people back, to get our sovereignty back on Chagos island.

We have also pointed out that, today we are debating about the motion to include Chagos and unfortunately, St Brandon has been left over. I think this is going to be another debate, but somewhere, somehow we have to put in our mind that we are regularising today the situation of Chagos and why not do it for all the outer islands, all the islands that belong to Mauritius because we are having this opportunity today to do for the Chagos and we have to look for each and every one. We are talking about St. Brandon. Rodrigues has been done. Agaléga is here. People of Agaléga are still also complaining about the way they are represented, the MPs in Mauritius and no MP in Agaléga. So, maybe at a later stage, somewhere, somehow, we could think about including St. Brandon in the fight to get all the outer islands sorted out. Hon. Gayan, in his speech, mentioned about the beginning of a process and I fully agree with him again.

Today, I am very agreeable to everyone. I think what hon. Hureeram said is also very right when he said *le défi reste à venir*. He is right to say that because we have more to go. We have won in three now, so we have not won the full fight. We still need to deal with the British Government; we still need to deal with the USA. So, the fight is still to go and he is right in saying *les défis restent à venir*.

Madam Speaker, yes, it is a step forward today while we are putting the motion. We were talking about consultations and all and if I quote from today's *Le Mauricien* newspaper what has been said by the leader of the 'Groupe Réfugiés Chagos' is that he wanted to be one Member Constituency.

Madam Speaker: I said earlier hon. Armance that we cannot have debates in this House on the premise of what has been published in newspapers, please.

Mr Armance: I am just saying that if this is the wish of the Chagossian community; if the Chagossian community wants to be one Member Constituency, I understand that we have around 6000 Chagossians living right now in Mauritius, 6000 working in Mauritius and about 363 natives that are still in Mauritius. So, these people live in various Constituencies – Constituencies numbers 1, 3, 4, 5 and some of them, according to a friend of mine, in Constituency number 14 as well.

So, we are debating today to bring them to one particular Constituency and we know there is a report from the (EBC) Electoral Boundaries Commission that is going to be due in a couple of months now. What I would suggest is that if there would be consultations now with the people from Chagos to know exactly how they are going to fit in one Constituency, to give them the chance to give their voice about this integration into one of the Constituencies of Mauritius.

This morning, the Leader of the Opposition mentioned about the PMSD leaving Government back in 1965 and I think hon. Bérenger made his point about it. Maybe I have to remind the House today about history. This is a fact. I am going to quote, Madam, with your permission – this is a manifest that was published on the 10 September 1976 that is called '*une certaine idée de l'île Maurice*'. You will understand now what was the stand of the PMSD and the author is Sir Gaëtan Duval himself. So, he was well placed. He knew very well about history and what he said, if I may quote Madam –

“Point précis à la position du PMSD. Il faut savoir que le parti n'était pas opposé à l'idée d'accorder des facilités militaires aux puissances occidentales à Diego Garcia. Des vues de Jules Koenig sur cette question étaient connues. Les mauriciens avaient fait la guerre aux côtés des alliés soit dans l'armée britannique ou dans les forces des français libres et leur sympathie en cas de guerre est-ouest était à cette époque sans équivoque. Les Mauriciens comme le PMSD étaient pour la plupart du côté de l'ouest. Ce que le PMSD voulait c'était que l'île Maurice conserve sa souveraineté sur

l'île de façon à avoir un atout qui lui permet de discuter avec les puissances de l'ouest des questions essentielles qui pourraient se poser pour notre petit pays.”

Effectivement, madame, à cette époque, Sir Seewoosagur Ramgoolam informed the PMSD that the English Government of the discussion about Chagos Archipelago from the Mauritian territory. Jules Koenig refused. There have been two reasons that were put forward madam.

The first reason: il a refusé catégoriquement parce qu'il ne voulait pas céder un pouce du territoire du Chagos et la deuxième raison c'était parce qu'il y avait l'indépendance, il y aurait un nouveau gouvernement avec la constitution et demanderait à ce que le nouveau gouvernement puisse décider et venir trouver un compromis lorsqu'il s'agit de Chagos. Mais, le PMSD, madame, restera au gouvernement pour poursuivre les discussions constitutionnelles et s'assurer qu'elle inclurait les droits de l'homme. Malheureusement l'archipel des Chagos fut détaché du territoire mauricien au profit des anglais pour quarante millions de roupies dans un fonds de développement et le PMSD se retira du gouvernement. Donc, je pense que ça c'est l'histoire. Ça c'est la vraie histoire qui a été racontée et ça a écrit et publié par Sir Gaëtan Duval. Donc, les paroles s'envolent mais l'écriture reste.

(Interruptions)

Madam Speaker: Hon. Rutnah, please, don't make provocations.

Mr Armance: Madam Speaker, if I may talk briefly about Article 42 of the Constitution of Mauritius where it is about qualification of electors. In this article, Madam, we can clearly read at section 1 subsections (a) and (b) that any Commonwealth citizen residing for more than two years in Mauritius is entitled to be qualified as an elector in Mauritius. To this, Madam, I would like to say that we have to make sure that we are not opening a door for four thousand foreigners that are right now working on Chagos Archipelago.

Madam Speaker: This is not the point, hon. Armance. Please come to the point.

Mr Armance: It is the point. It is the right to vote, Madam. On the same line, hon. François mentioned about the attitude of UK. I believe, in my humble view, that we should also preserve our diplomatic relationship with UK and USA. We have a Ministry of Foreign Affairs, so I think throughout dialogues, throughout communication, we shall come over this attitude that he mentioned and maybe we can settle matters with them, and we can go further in our fight to get our Chagos Archipelago back in the sovereignty of Mauritius. We should not forget about our long years of friendship with this British Government.

Madam, people from Chagos have not only been fighting to return to their island, but they have been fighting for their freedom.

Je terminerai en saluant encore une fois le travail accompli par l'équipe de monsieur Bancoult et le Groupe Réfugiés Chagos et un hommage à monsieur Fernand Mandarin. Certaines personnes de la Chambre ont dit qu'il y a des divergences d'opinion parmi les Chagossiens et c'est un fait. C'est un fait qu'il y a des Chagossiens qui vivent actuellement en Angleterre qui pensent différemment de ceux qui vivent à Maurice. Donc, je pense c'est l'honorable Dr. Boolell qui l'a mentionné qu'il ne faut pas se laisser entrer dans le jeu de *divide and rule*. Donc, j'aimerais bien qu'il y ait plus de consultation entre les différents groupes des Chagossiens pour qu'on puisse avoir un consensus sur la marche à suivre.

Comment ne pas penser à Madame Lisette Talat, celle qui a su unir toutes les Chagossiens. Cette dame s'est battue pour la cause. Même si aujourd'hui, je donne mon soutien à la Motion du Premier ministre, pour inclure Chagos dans une des circonscription, mais je regrette énormément que les Chagos ne soient pas la 22ème circonscription de l'île Maurice. Si c'est le souhait des Chagossiens d'être une constitution à part entière, je demanderai au Premier ministre d'y réfléchir et pourquoi pas bientôt un amendement à la Constitution pour y arriver. A travers vous, Madame la présidente, j'aimerais dire, chers amis Chagossiens, c'est un pas en avant. La lutte continue, j'ai été et je serais toujours à vos côtés.

Merci, Madame la présidente.

(8.39 p.m.)

The Prime Minister: Madam Speaker, let me, first of all, thank all the hon. Members from both sides of the House who took the floor on this historic Motion.

I am, indeed, delighted to see unanimity around this Motion. In any case, we were not expecting anything less than this on such a lofty initiative which seeks to ensure that Mauritian citizens, including those of Chagossian origin who would eventually live in the Chagos Archipelago, can continue to exercise their rights, including their constitutional right to vote.

However, I would like to clarify a few points which were raised by the hon. Leader of the Opposition, by hon. Bérenger and others. It has been alleged that there has been no consultation with our citizens of Chagossian origin. I must say, Madam Speaker, that this Government has always adopted a consultative approach with the Chagossian Community all

throughout the process. I can recall public statements made by some members of the Chagossian community that never before have there been such consultation and collaboration, taking the Chagossian community onboard on all the initiatives that this Government has taken.

The House will recall that during the adoption of the First Resolution, some members of the Chagos community were part of the Mauritian delegation to the United Nations General Assembly. I think, if I am not mistaken, for the first time and subsequently, during the hearings at the International Court of Justice last September, one of the representatives, Mrs Marie Lisby Élizée, made a heart-rending statement to the Court through a video-recording. And lastly, they were very much present when the Advisory Opinion of the International Court of Justice was handed down on 25 February, 2019.

In fact, Madam Speaker, when judgment was being delivered, we could have said that there was no need, even there was no need for anyone of us to be present. Forget about the Chagossians, even for any Member of Government also to be present. Our lawyers were going to be there, anyway, but we made it a point that there would be members of the Chagossian community who would be there, who would be listening to the Advisory Opinion that was being delivered.

Let me confirm that I, personally, met Mr Olivier Bancoult, and I have explained to him this initiative of Government regarding the inclusion of the Chagos Archipelago in one of the constituencies of Mauritius. And during my meeting, I have explained to him what Government is proposing at this stage and I have also informed him that, obviously, he can make any proposals that he may have on the issue to the Electoral Boundaries Commission. Following that meeting, I had a communication from Mr Bancoult for the creation indeed of a separate constituency for citizens of Chagossian origin. As I have said, it will be for the Commission to listen and to take into consideration all the representations that would be made in the course of the exercise.

Now, I did not want to go through the letter that I have received, but since some Members have been mentioning about certain reports, I feel duty bound to say a few things about this letter. What has been proposed by the Chagos Refugees Group? And I quote –

“We hereby propose that the National Assembly creates a constituency for the Chagos people consisting of one Member in the National Assembly. The electorate of the aforementioned constituency should be members of the Chagossian community as

listed in the registry maintained under section 8 of the Chagos Welfare Fund Act until such time as the Chagos Islands are repopulated.”

And it goes on to say that, and I quote –

“We are confident that the National Assembly will not proceed to adjoin the Chagos Archipelago to a mainland constituency without the consent of the Chagossian community.”

Now, the first question: is it feasible? What is being proposed is that there are Mauritian citizens of Chagossian origin who are already registered as electors and what is being proposed is that they would be able, here, in Mauritius, to elect one Member of the National Assembly as their representative. Now, I do not want to go into the merit or demerit of having one person to be elected by the chagossians. That might well be, it will come probably in the future, but as it is, as we are today, as it stands today, this is not possible.

I think, hon. Armance mentioned let us have Chagos Archipelago as one constituency and then, well, we will have probably one elected Member. Let us say we do that. What will happen? Right now, physically, there cannot be any Chagossian living there nor any Mauritian going there. Physically, there would be no – on paper, yes, there would be one member and we will not be able to elect one Member of the National Assembly. What do we do? How would the Electoral Commission function? What will happen when best loser is being nominated? These are not simple issues, as they are matters which are so complex, if we go that route I am saying if we go that route, they are so complex that we have to be very careful.

That is why I say, Sir Anerood Jugnauth has been in constant contact with the Chagos Refugees Group. I, as Prime Minister - and I think they can testify to that - I have always shared information with regard to initiatives that Government is taking, the initiatives that we have taken internationally, the diplomatic initiatives that we have taken. We have also got the Chagossians onboard. I must say that we are proud that this is the first time that we are altogether in this legitimate fight in order to regain possession of the Chagos Archipelago.

(Interruptions)

We are all together! I also pay tribute, Madam Speaker, to Olivier Bancoult and to so many others, of Chagossian origin who have understood that it is both in their interest and in our interest that we are together in this fight. And I am happy that we have been able to travel up

to that far today, together. I think the mood is good and I do appreciate the interventions of all Members. So, no need for me to go back to what was happening before.

Now, hon. Ganoo mentioned: ‘Well, if we had discussed, we could compromise.’ There is no compromise, what the law is, the state of the law today and what we are undertaking, with me, presenting that motion. That is why we consider it our responsibility as a caring Government to take appropriate measures for our citizens. Appropriate meaning measures that are realisable, measures that would give the proper signal also to each and every one in the Republic and to those who are watching us in order to be able to continue to see to it that the rights of the Chagossians, including their right to vote, in case they would be able to go and live in the Chagos Archipelago.

I also wish to confirm that once this motion is passed, the Electoral Boundaries Commission will submit a special report on the inclusion of the Chagos Archipelago in one of the constituencies of Mauritius. It will not be in its 10 yearly report, from what I can gather. Well, I am advised that section 39(1) and 39(2) of the Constitution should be read separately. Of course, I shall leave it to the Electoral Boundaries Commission to determine the best course of action.

Now, the hon. Leader of the Opposition and hon. Armance said: “Well, why not include St Brandon also because there are fishermen who are there.” But, Madam Speaker, I think we must be serious. I think that is not serious. There are fishermen. Of course, there are fishermen. They go there, they fish, they land there for a short stay, temporarily, because they have to do so, just like sometimes there are fishermen and they go in any one of the islands around Mauritius. Well, but that does not mean to say that we have to - what? Those fishermen, Madam Speaker, if they are Mauritians, they are already on the register of the electors here. So, I think that is a bit childish, I would say. So, there is no issue with regard to including St Brandon and including other islands and making all the islands become like a constituency.

Now, regarding the question as to which constituency the Chagos Archipelago should be included. As I stated earlier, this is the constitutional responsibility of the Electoral Boundaries Commission under section 39 of the Constitution. In fact, what this Assembly can only pass as a resolution is to provide that any island forming part of the Republic of Mauritius shall be included in one of the constituencies of Mauritius and the appropriate

constituency is determined solely by the Electoral Boundaries Commission in accordance with section 39 of the Constitution.

Now, I have heard some remarks: “Well, probably Agalega should not have been included in Constituency No. 3.” But, again, that same process was adopted with regard to Agaléga. A motion was tabled, it was adopted unanimously, I believe, in the House, was referred to the Electoral Boundaries Commission. They came up with the inclusion of Agaléga in Constituency No. 3 and it was, therefore, adopted. So, it is a good thing that we cannot, either Parliament or the Executive, we cannot decide on which constituency one island or which part would be included or excluded, otherwise it would have been terrible, I would say. Well, some have cast doubt on the integrity of the Electoral Supervisory Commission, on the Electoral Boundaries Commission. And I do not want to go into that, maybe some other time.

Mais l’honorable Paul Bérenger a dit que, et je crois quelqu’un du PMSD aussi, en ce qui concerne Agaléga - c’est l’honorable Shakeel Mohamed, je crois qui a dit cela - et aussi que le bilan n’est pas glorieux, que les représentants, les députés de la circonscription n’ont pas l’occasion de visiter Agaléga, de visiter leurs mandants. Mais, ce n’est pas seulement sous ce gouvernement. Depuis qu’Agaléga forme partie de la circonscription No. 3, je pose la question: sous différents gouvernement, combien de fois les députés représentant la circonscription y ont été? Combien de fois? Vous avez été régulièrement? Jamais! Il a été une fois peut-être. Une fois, mais pas régulièrement pour aller visiter, comme on est en train de dire. Comme si dans le passé, il y avait des visites régulières, mais, aujourd’hui, ce gouvernement, nous, on ne prend pas compte. Non! *Let us be fair! I agree, Madam Speaker...*

(Interruptions)

Madam Speaker: Order!

The Prime Minister: Madam Speaker, I agree, of course, we have not been able to facilitate the visit of representatives of Constituency No. 3 to Agaléga, I agree, but that has been the case also before. Let me say also, in fact, Madam Speaker, I wanted to visit Agaléga. I wanted to go to Agaléga and to go also to St Brandon, but...

(Interruptions)

Nous alle ensam. Yes, we can go together.

In fact, the hon. Leader of the Opposition has written to me also. And you know why we have not been able to go? Well, of course, the most practical way to do is to go by air, by plane. The problem is that it is risky to go and land by plane because the airstrip is not in perfect condition, not in very good condition. That is the reason. And I think...

(Interruptions)

Madam Speaker: Please!

The Prime Minister: That is why this airstrip is being rebuilt, Madam Speaker. And then, this is also another good opportunity for me to thank the Government of India for the support that is being given in building the new airstrip, building a jetty also in order to facilitate communication with Agalega.

So, Madam Speaker, Section 39(1) of the Constitution provides that there shall be 21 Constituencies. Therefore, as matters stand, the Electoral Boundaries Commission is not empowered to recommend the creation of a new Constituency as the hon. Leader of the Opposition is suggesting. The Electoral Boundaries Commission can only review the boundaries of the existing constituencies. And hon. Dr. Arvind Boolell earlier said that, well, has there been any dialogue with the Electoral Boundaries Commission? I think he does not understand the law. The law as it stands today does not allow us, me, as Prime Minister to have dialogue with the Electoral Boundaries Commission to influence the Electoral Boundaries Commission in one way or the other. That is not possible.

Madam Speaker, now, in regard to the unintended consequences of the inclusion of the Chagos Archipelago in a Constituency of Mauritius, mentioned again by the hon. Leader of the Opposition, let me say that Section 42(1) of the Constitution provides, *inter alia*, that, and I quote –

“a person shall be entitled to be registered as an elector (...)”

and vote in Mauritius, if –

“(a) he is a Commonwealth citizen of not less than 18 years of age, and

(b) he has resided in Mauritius for a period of not less than 2 years (...).”

Therefore, once the Chagos Archipelago is included in a Constituency of Mauritius, any Commonwealth citizen residing there will become entitled to be registered and vote in an election in Mauritius. This is what is being said. Therefore, this is the unintended consequence.

Well, first of all, it is the territory of Mauritius. Anybody being a Commonwealth citizen, not a Mauritian citizen, not a Chagossian, a Commonwealth citizen must have the authorisation of Mauritius, must have the authorisation of the authorities in Mauritius to be able to be there. Now, secondly, Madam Speaker, even let us say by some stretch of imagination we have some of those Commonwealth citizens there, and they say they want to vote because there is an election which is declared in Mauritius, and they say they want to vote, this is the unintended consequence, but if they do so, then, they are confirming the fact that the Chagos Archipelago is a territory of Mauritius, to be able to vote. So, sometimes unintended consequences can be an unintended consequences for the one who is saying that they are unintended.

Madam Speaker, as the International Court of Justice has made it clear in its advisory opinion on 25 February 2019, the Chagos Archipelago is, and has always formed an integral part of the territory of Mauritius. I have emphasized on various occasions our relentless struggle to complete the decolonisation of Mauritius and the right of the Mauritian citizens, including those of Chagossian origin are indissociable. This is important, it is indissociable and Government will fully support the legitimate aspiration of our citizens of Chagossian origin to return to the Chagos Archipelago.

Madam Speaker, let me also say one thing with regard to the United Kingdom. You know they have violated the provisions of the international law, they have been found to be *fautifs* and they have been found to be continuing to violate international law by the stand that they are taking today, and they have the cheek, not the opposition, the UK, they have the cheek to be offended. They are at fault. We have proved to be right, but they are offended and, as if, we should just sit down and '*dire pardon*', as if we are still a subject of a colony.

Madam Speaker, the hon. Leader of the Opposition has rightly stated that resolutions of the United Nations General Assembly are not binding. As a matter of fact, even advisory opinions of the International Court of Justice are also not binding, but in this case, I need to point out to the House that the obligation by the United Kingdom to terminate its legal administration of the Chagos Archipelago emanates from international law. Indeed, the Court, as the highest legal authority in the world, has situated the status of the right to self-determination as it existed in 1965 and has found that, at that time, the right to self-determination was already part of international customary law. The excision of the Chagos Archipelago was, therefore, carried out in violation of international customary law and the continued administration of the Chagos Archipelago by the United Kingdom is a wrongful

act of a continuing character, entailing the international responsibility of the United Kingdom.

Now, hon. Dr. Boolell has said that the United Kingdom is something that he fears can happen, in that they will try to regroup the Chagossians and carry out a referendum. I think on this point, I can understand his fear, because it has been said in this House, they will try all sorts of, I would say, manoeuvres in order to try to divide us, and we have seen now what is happening, I do not want to go into it. Some Members have been mentioning about, again they have started their heritage visit, they have started giving scholarships to some children of Chagossian origin, they are teaching English and so on and so forth.

Now, where I disagree, and I must say this is one thing I am disappointed with hon. Dr. Boolell, when he said that he is disappointed that the leaflet was circulated onboard Air Mauritius aircraft.

Madam Speaker, first of all, we have named one of the new aircrafts Air Mauritius, Chagos Archipelago, and I must say it is a good coincidence that the first inaugural flight was to London. So, on that flight, the Air Mauritius crew has distributed a leaflet. I do not have the leaflet, but I am sure Members must have had a look at it, but especially hon. Dr. Boolell who makes mention of this leaflet. I ask any Member to have a look at that leaflet. What is contained in that leaflet are facts, history, the extracts from the advisory opinion of the International Court of Justice and nothing more than that, just stating and letting the people know what has happened. And you know what the United Kingdom has been telling us, - and this is where I am disappointed with hon. Dr. Boolell - they have sent us a *note verbale* to complain, about so many other things, including my statement at the United Nations, but also - and that I was shocked - that it is unacceptable that this leaflet has been distributed on the aircraft and that it is propaganda.

Madam Speaker, nous reprochons au gouvernement, je dis bien au gouvernement, pas à l'Angleterre, au gouvernement britannique, ce gouvernement, parce que nous avons beaucoup de sympathies, beaucoup de support de la part des britanniques, de la part d'un certain nombre de députés britanniques aussi. Mais ce gouvernement, ils ont protesté. Donc, ils ne respectent pas le *rule of law*, *the principles of natural justice*. *They go against international institutions which they themselves recognise, like the ICJ, like the United Nations*. Ils n'observent même pas une résolution écrasante des Nations Unies, 116 contre 6.

Now, I have to add, unfortunately, I have to add, Madam Speaker, I thought that the British, that the UK Government, they were one of the staunchest champions of freedom of speech, the greatest champions of freedom of speech, and now they are finding that our expression of speech with regard to the Chagos trauma, the Chagossian's trauma, as I said, akin to a crime against humanity, and what we are telling factually, historically, and that can be verified, they find it propaganda. Well, I shall leave it for the world, and it is good that the world should know what is their attitude in spite of the advisory opinion of the ICJ and of the resolution of the United Nations General Assembly. Therefore, I am disappointed with hon. Dr. Boolell being disappointed with us circulating this leaflet.

Madam Speaker, with regard to the comment of the hon. Leader of the Opposition concerning the use of diplomacy, let me say that it is precisely through diplomacy and strategic alliances that we have reached so far. We have been able to secure an overwhelming support for the resolutions at the United Nations General Assembly and, of course, Government will continue to privilege the diplomatic approach, but it must be clear that with the findings of the advisory opinion, as has been reaffirmed by the United Nations General Assembly, we will also have to explore all legal avenues to ensure that our decolonisation is fully completed. And of course, this includes making appropriate statements in international fora and other meetings. You know, we have taken a position at the last meeting of the Indian Ocean Tuna Commission, because UK's Membership in that Commission is because they are a coastal State. But they are no more a coastal State because of the ICJ's advisory opinion on Chagos. Therefore, it is absolutely normal that we do take a stand to object to their membership, which we have done. And you know what they say? They say we are disrupting the working and the proceedings of the Indian Ocean Tuna Commission. Can you believe that? I would expect - I think so many of us have been trained in England, and more so, those who have been trained in law if you are lawyers. I have been trained at British University; I have learned so many things from a British, which we are putting into application also, thanks to the British education. Now, what is it that we have done? We have put up an objection; the matter has been put on the agenda. At no time, the Chair of that meeting - at no time - and we can all check on the record, at no time has it been said that Mauritius is disrupting or disturbing the good running of the meeting. At no time! And here, they come; they just say that, you know, we are disrupting the meeting. I would expect them, if I have put an objection, to counter the objection. You come with counter arguments!

What we have been doing, Madam Speaker, so far? Look at all the measures that we have taken. We have gone through all the processes with regard to the different organisations in order to reach the result that we have achieved so far. This is what we have done; respecting the institutions, abiding each time by the process that is established, putting our arguments forward, fighting our case and not threatening. We have never threatened nor used abusive language. Never! And when I said - let me say, I chose to say that before the United Nations that it was akin to a crime against humanity. I chose to say that. I bear the responsibility, the whole responsibility for having said that because we look at the definition of crime against humanity. And you know, Madam Speaker, uprooting a population from the Chagos Archipelago, and taking them, as hon. Nando Bodha has said, that is another violation of human rights; taking them and just leaving them on the quay in Port Louis. How do you call that? It fits perfectly within the definition of crime against humanity. That is why I say we know what we are saying; we know what are our actions. Our actions are not against the British. Never! Our actions are with regard to a matter of public international order, that is, decolonisation of Mauritius.

Therefore, Madam Speaker, we will continue to engage fully with the Chagos Refugees Group, with our friends with whom, I must say, we have been working very well. Yes, we can have, they can have differences, they can have certain views, we discuss, but, at the end of the day, we align our action so that we are together, we are united and there can be no reasons whatever, including security considerations which can justify the perpetuation of colonisation in this 21st Century.

I am done, Madam Speaker.

The motion was, on question put, agreed to.

Madam Speaker: I suspend the sitting for one and half hours.

At 9.16 p.m., the sitting was suspended.

On resuming at 10.53 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Rampertab!

PUBLIC BILLS

Second Reading

THE CONSTITUTION (AMENDMENT) BILL

(NO. XIII OF 2019)
AND
THE POLITICAL FINANCING BILL
(NO. XIV OF 2019)

Order read for resuming adjourned debate on the Constitution (Amendment) Bill (No. XIII of 2019) & The Political Financing Bill (No. XIV of 2019).

Question again proposed.

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, first and foremost, let me congratulate and thank the hon. Prime Minister and Minister of Finance for coming up with this historical piece of legislation, that is, the Political Financing Bill.

Mr Deputy Speaker, Sir, what is good about Mauritian politics is that we are at par with countries like India, US, UK and France as far as democracy is concerned. Something we all know in this August Assembly is that elections in Mauritius must be democratic and so must be the organisation of elections. 2019 has marked the 133rd year since general elections were first held in Mauritius in 1886. Even before independence, political financing had been widely commented as a grey area which needed to be tackled.

Indeed, Mr Deputy Speaker, Sir, our country had to wait for the Prime Ministership of now hon. Minister Mentor in 1991 to pass amendments around electoral expenses which were aimed at strengthening our democracy.

Mr Deputy Speaker, Sir, 28 years after the first electoral expenses, amendments were passed. It is only today, under the Prime Ministership of hon. Pravind Kumar Jugnauth that we are recreating history. He is the only Prime Minister since 1967 who has created such an opportunity and if the Bill passes the vote in this August Assembly, the very core of our electoral landscape will be transformed.

Mr Deputy Speaker, Sir, since the hon. Prime Minister and Minister of Finance presented the electoral reform proposals to the population on 30 November 2018, he has keenly opened the doors to receive any firm, official criticism or enhancements from other political parties.

Unfortunately, it is disappointing to note that other parties have mostly not made any counter proposals. Instead, they have used the media to notify the public about their disapproval of the proposed reform.

Mr Deputy Speaker, Sir, the Government is open to the diverting opinions from the Opposition parties. However, they should not forget that their role is not always to oppose but to come up with propositions as well.

Mr Deputy Speaker, Sir, what this Government has done is indeed unprecedented. It has shown throughout its mandate, a firm commitment in delivering a comprehensive political financing reform and after numerous consultation and meticulous analysis of all the reports commission over the last 50 years, it has presented a series of proposals which have been carefully packaged in the Political Financing Bill.

Mr Deputy Speaker, Sir, what this Government has not done is that it did not hold false promises to the population, it has not used the State apparatus to suspend the Parliament for many, many 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, Mr Deputy Speaker, Sir, between a former Prime Minister who spent years talking loud without any actions, and our current Prime Minister, whose actions speak louder than words.

Mr Deputy Speaker, Sir, the costs of organising elections are very high, but it is widely known that the cost of campaigning during an election are exorbitant across all countries. For instance, it is reported that the US election in 2016 cost around US Dollars 6 Billion, and that the 2020 election will be significantly higher. So, imagine how the costs of running into elections are rising fast. The very essence underpinning the regulating of political financing is to ensure democratic elections, that is, the result of elections should reflect the decision of the electorate.

Mr Deputy Speaker, Sir, the lack of transparency on the circulation of funds during election, the funding sources and how they are spent create a basic issue, which is that it hinders the informed decision making process of the electorate. According to the Institute for Democracy and Election Assistance, around 32% of countries impose on the amount of money a Party can spend, and almost 47% restrict individual candidate's spending. What this Bill intends to answer are key questions today, namely –

- (i) what this Bill is coming to say in explicit terms;
- (ii) who is eligible to provide financial support;

- (iii) how much support can be obtained;
- (iv) how can it be done in a transparent way;
- (v) how to report donations and financial support, and
- (vi) how to ensure that the accounts are done properly for effective auditing.

Mr Deputy Speaker, Sir, one of the important provisions of this legislation is to increase the power of the Electoral Supervisory Commission as described in Sections 3 and 4. Indeed, the Electoral Supervisory Commission will now be equipped with enhanced powers for more effective supervision, so of political parties and candidates. In Sections 8, 9 and 10, the legislation also defines prohibited and suspicious donations and arms the Electoral Supervisory Commission with long-awaited investigative powers.

Mr Deputy Speaker, Sir, through Section 11, the donations made by companies will now be regularised. Companies will now have to ensure a full disclosure, hence, ensuring total transparency in the process of financing political parties. Unclear financing will be prohibited and the proper channelling of donation will be clearer.

Mr Deputy Speaker, Sir, what this legislation also does, is to ensure that the definition of a registered political party is clear. The political party will also benefit as the legislation lays down all the necessary parameters for good governance to prevail within the Party by ensuring that that accounting records are kept.

Mr Deputy Speaker, Sir, the proposed legislation is a revolutionary one, as it set out clear and coherent parameters with the implementation of good governance principles and is far from being a political weapon for suppressing Opposition Parties as claimed by some. It ensures total transparency of political financing through the disclosure of identities of the private donors and companies, hence, avoiding any perception of obscure financing.

Mr Deputy Speaker, Sir, the hon. Prime Minister has been driven by a sense of consensus since he presented the draft Bill last year. Unfortunately, none of the main Opposition Party submitted any papers with comments or suggestions so far. It is with the same sense of consensus that the public funding of political parties was removed from the proposed legislation.

The general public perception is that taxpayers' fund should not be forced through the political financing legislation to fund political parties, the election expenses management and

their candidates. Instead, the population should be free to support financially any political party they chose to, but under the stricter transparency and disclosure.

Mr Deputy Speaker, Sir, the hon. Prime Minister has also rightly listened to the pulse of the general public who think that, given that the propriety of spending our public fund should be geared towards the funding of key social development and infrastructural projects, such as building hospitals wards and others.

Mr Deputy Speaker, Sir, the Opposition parties should instead focus on getting off their high horses. What our Government has done is to listen to the population as any responsible Prime Minister would have done.

Mr Deputy Speaker, Sir, in 2068, when our country celebrates its 100th Independence Anniversary, our future generation will, of course, be grateful for the achievement by this Government, like the minimum salary, negative income tax, the New Supreme Court Building and the Metro Express. However, one of the institution legacies which will make them proud of our nation will be the electoral reform and political financing system. Again, Mr Deputy Speaker, Sir, the reforms will not be flawless and will have to be continuously adapted. However, the solid and farsighted foundation made by the hon. Prime Minister would stand strong.

History will remember that our Government delivered its solemn promise to present frameworks for electoral system and political funding reforms. Most importantly, history will never forget that if the Opposition does not support this legislation. It would be the second major reform which they will not vote for after the electoral reform, Mr Deputy Speaker, Sir. The Mauritian population is yearning for a change in our political system. Indeed, the younger generation were especially disappointed to see the Electoral Reform Bill not being passed because of the Opposition. Imagine their further disappointment if this Opposition declines to support this Bill as well.

Mr Deputy Speaker, Sir, some in the Opposition have already made it clear that they will not support this legislation. However, no concrete counterproposals are offered to discuss further as we have noted, which cast serious doubt on their intention to bring a proper electoral reform.

Mr Deputy Speaker, Sir, the opportunity presented to us is straightforward. Let us walk across parties to reach a consensus and seal the fate of this country. Let us write history with a single pen. Let us, with one voice, unite as patriots behind the only person

who has demonstrated the clout determination and vision to deliver the political financing reform for our future generation, and he is no more than hon. Pravind Kumar Jugnauth.

Thank you, Mr Deputy Speaker.

The Deputy Speaker: Hon. Mrs Selvon!

(11.06 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, M. le président. M. le président, la loi électorale de 1885 incorporait dans *The Constitution of Mauritius (1885)*, dont je cite, ici, un résumé tiré de l'histoire. Je cite –

« Electoral bribery in any form whatsoever and treating were strictly prohibited and any infringement of that rule would be severely punished. Offers of employment or of any other favour to secure votes were interdicted by Section 27. Even providing food, drink or entertainment to somebody to convince him to vote for a candidate was prohibited by the law (Section 28).

Undue influence in any form whatsoever was considered a violation of the law in Section 29.”

Ces provisions furent maintenues dans le *Representation of the People Act* of 1958, toujours en vigueur dans les articles 45 et 64. Me Ashok Jugnauth fut condamné, cassé comme Parlementaire pour *bribery*. Cette loi et l'amendement de la Constitution proposés ne mentionnent nulle part les délits comme *bribery* et *treating*. Mais étant donné que le Premier ministre annonce, dans une *Explanatory Note*, un amendement, également to *The Representation of the People Act* de 1958, j'espère que les délits précités seront maintenus dans cette loi telles qu'elles sont dans les articles 45 et 64.

En Grande Bretagne, je citerai un document de l'*Electoral Commission* intitulé « *Local Elections in England and Wales – Guidance for Candidates and Agents* » dont l'Article 13 est intitulé « *Maintaining the Integrity of the Election* ». Dans les deux projets de loi, le mot même de *integrity* n'est même pas mentionné et semble inconnu des partis au pouvoir. Cet Article 13 du document de l'*Electoral Commission* anglaise donne une *list of offences* comme dans notre loi de 1958. Les trois premiers délits sont dans l'ordre *bribery, cheating, undue influence*. En plus, la nouvelle loi a été précédée l'année dernière par la nomination, par un leader de parti, le MSM, de son *personal Attorney* au sein de la Commission Électorale. Cela constitue un conflit d'intérêt flagrant d'un petit parti se sentant

lésé et la démocratie bafouée. Par exemple, Lalit où un autre serait tenté *de challenge* en Cour Suprême et jusqu'au *Privy Council* éventuellement. Je citerai ici une opinion d'un parti Lalit, Ram et Lindsay Seegobin, ces dirigeants, des militants très actifs parmi les ouvriers et les classes pauvres.

Je me permets ici, M. le président, de citer une réaction qu'ils m'ont envoyé et dont j'ai traduit l'essentiel. Je cite -

« Le projet de loi ouvre la voie à un régime pour contrôler les partis d'opposition.' Le projet de loi de par sa nature répressive décourage en réalité la participation des citoyens ordinaires à tout parti politique. Le projet de loi réduit l'idée même d'un parti politique, une organisation qui réunit idéalement et librement des personnes partageant les mêmes idées sans aucune ingérence de la part de l'État derrière un programme politique clair pour le changement, en une sorte d'entreprise privée, lucrative comme une société. Les amendes draconiennes allant jusqu'à R 1 million pour faire de reçu ou date limite prouvent que l'exercice de présentation de ce projet de loi est un véritable trompe l'œil. Le projet de loi n'est même pas conçu comme un moyen sérieux de limiter la corruption électorale pendant les campagnes mais simplement comme un contrôle de l'État sur les partis. »

Aux noms de tous les petits partis qui ont peu de moyen par rapport à cette nouvelle loi, financièrement oppressive, je fais un appel au Premier ministre pour qu'en son âme et conscience, il prête attention aux revendications des moins fortunés que lui et son parti.

Je remercie la Chambre de m'avoir écouté. Merci, M. le président.

The Deputy Speaker: Hon. François!

(11.11 p.m.)

Mr F. François (First Member for Rodrigues): Mr Deputy Speaker, Sir, this Constitution (Amendment) Bill (No. XIII of 2019) to provide additional powers and functions to the Electoral Supervisory Commission and the Electoral Commissioner relating to political financing and the Political Financing Bill (No. XIV of 2019) are not only allowing us to amend the Constitution and moving a step forward in our political sphere, but it pauses on us a big challenge to reflect on our core political values in our Republic. When it comes to politics and political campaign expenditures, this will be the line of my intervention on these two Bills.

How delicate it is when our Parliament is trying to wisely balance between ensuring accountability and transparency and allowing political parties to be adequately resourced to carry out their mandate of representing the people. It appears that there will be no consensus on the matter tonight.

Mr Deputy Speaker, Sir, the hon. Prime Minister put it right that there is no universal agreement on system of regulating the funding of political parties or campaigns. But what is proposed suits our local context. Today, our Parliament is kickstarting somewhere to officially recognise and constitutionalise the control of financing of political parties during elections.

This is a benchmark line of demarcation after 51 years of independence to join the international trend and not to be in a position of a laissez-faire democratic society. Now, let me before going any further ask a few questions. Do we agree that our republic remains amongst one of the very few democracies in the world that don't regulate the private funding of political parties? And surely, in the years to come, maybe public funding as today there are more arguments against public funding. What is the true and real cost of an election in our democracy today? Is the cost of politics rising to an unaffordable level, thus leading to the danger that politics are becoming the affairs of the elite and wealthy and that the motivations and incentives of MPs are moving from serving the public to recovering their own investment? Have there been or are there any foreign donations that have or are influencing our faith in our democracy today?

Mr Deputy Speaker, Sir, this Political Financing Bill delivers on the Government's commitment to increase the integrity, transparency and accountability of political financing and donations in our Republic and our democracy. Donations that seek to influence our political system are not only a threat to our electoral system, but also a threat to the public faith in our democracy. I believe in the strictness of introducing this Bill to increase transparency, to reduce the risk of corruption and undue influence and promote compliance with the Representation of the People Act.

Mr Deputy Speaker, Sir, in a different perspective of our democracy, the OPR party in Rodrigues believes that the time for action is now and not in the years to come. OPR believes that we have a great opportunity to prevent the continuous influence of money in our political system. In the same vein, I valued what President Obama said or demonstrated in his fund raising activities for his campaigns to go out to the electorate and raise funds, small

donations from many, many people. President Obama said something and I read somewhere, unknown sources, and I quote –

“I have had to do this, it is very good for the health of democracy and for the parties.”

Mr Deputy Speaker, Sir, OPR party appreciates the importance of greater financial accountability and transparency and we are going to set the example. Clause 26 (b), Part IV of the Bill with regard to maximum amount of election expenses, that amends section 51 (1) (c) (iv) of the Representation of the People Act for the election expenses at a local region, I'll consider the local region election or island region election in Rodrigues, has increased from Rs1,000 to Rs2,000 for a candidate to best implement greater transparency and accountability. Well, there are six regions with two candidates per party.

There is the possibility for a party to align a maximum of twelve regional island candidates as per the law. I think this is more than reasonable to allow a maximum election expenses of Rs4.8 m. for local region assembly elections per party in Rodrigues.

Mr Deputy Speaker, Sir, we don't want in Rodrigues and for Rodrigues to become money politics. Mr Deputy Speaker, Sir, the OPR party in Rodrigues since its creation in 1976 relied solely on its electorate voluntary in kind contributions. Small donations from people that they help us become because they believe in our policies. We are talking about contributions to pay voluntarily their own transport fees to come and support us in our rassemblement – Medine Oralies.

Mr Deputy Speaker, Sir, during our last motorcycle/car rallies, we did not even pay or provide any fuel to the participants. They voluntarily participate in it for the unconditional love for OPR party and for Rodrigues. I can assure you, Mr Deputy Speaker, Sir, that there is no big organisations donations to OPR party or nor do we accept any donations which originate from any proceeds of crimes in Rodrigues.

I have to say it publicly and with due respect to the Commission of Inquiry on Drugs that OPR party has been mudslinging only for political gain. I reiterate publicly and say it again publicly in this very House OPR party is a clean party and if ever someone has dirty hands or is corrupt and is misusing the OPR party without our knowledge, he or she does not have his/her place in the OPR party.

As regards to political financing, OPR is not a money politic party and Serge Clair, despite all odds, has always politically educated us to be exemplary in that direction. OPR relies on the good faith and loyalty of our people and this is one of the fundamental values of

our politics in Rodrigues. We want to shed the precondition of honest and clean election and effective Government. This is where I treasure the OPR party which symbolises purity and honesty from our political behaviour. My message is very clear tonight, Mr Deputy Speaker, Sir, to whoever who wants to hear and receive the message.

You will be surprised, Mr Deputy Speaker, Sir, that myself and it is no shame to tell the House that in 2010 General Election when I was elected on the best loser system, just having lost genuinely the local region number five during the Regional Assembly election. I did not have even – I can say it without shame – ten thousand rupees in my pocket to face the General Election. What was amazing were the many small generous and voluntary actions of our electorate that prevailed. No big money from any persons or from any private companies, none, but we had a respectful campaign. I remember one of the Regional Election, we even engaged in a little loan just to avoid any obligation.

Mr Deputy Speaker, Sir, we believe in political discipline, respectful of political morality and rules that prevent individuals and organisations from poring excessive sums of money into our political campaigns and functionality to secure the election of individual candidates.

History will recall that, in 2010, in Rodrigues, a political party was campaigning against OPR with *balles ek mallettes largent*, God knows where they got it from. I find this absolutely disgusting and immoral from such politics and political system of money bags and money interests. Despite *zott mallettes ek balles largent*, we defeated them with their millions and this is a message for those who think they will come to challenge or concur us in Rodrigues during the next General Election. I challenge them.

Mr Deputy Speaker, Sir, OPR has always campaigned with a slogan '*nou na pa million mai nou ena vision*'. This vision that OPR is gradually transcending into action today.

Mr Deputy Speaker, Sir, today, our political system should not be viewed as accessible to only the people who have money or get access to big money. Aspirants and potential, good and genuine political candidates should not face this opportunity for doing politics because of lack of money. Our democracy should not become a money politics democracy, but should value the quality of a candidate as a politician with the main aim to serve people, serve our society and not to be served. I can predict that the quality of not money politic candidates or politicians will be a determinant factor in the next general election.

Mr Deputy Speaker, Sir, the OPR party has no objection for its political finance disclosure to the Electoral Supervisory Commission or for any donation received, if any, as per the prescribed threshold and in the prescribed form and manner . In all transparency, our political system, I think if this Bill gets voted, we should think about implementing what is called in Canada a political donation database. That, in Canada, allows Canadians to follow donated money from all provinces and territories in one easy tool to search where the money comes from.

Now, let me come to corruption. We all know undue influence, collusion of threats to our society. When money becomes so intrinsically linked with politics, corruption becomes a norm rather than an aberration.

Mr Deputy Speaker, Sir, some politicians, at times, become slaves of money and masters of none while to accumulate more and more money when doing politics which is supposed to serve people. Their interest in becoming a MP becomes less about a desire to contribute to the future direction of the country, but more about the opportunity to benefit from the immunity, from prosecution that may be available to MPs or thinking of influence over the award of public contracts and so on.

Mr Deputy Speaker, the proposed funding thresholds are for good reasons by ensuring that any constituency candidates face each other on a level playing field in order to stop well-funded political parties becoming overly dominant. For the past nine years, I have witnessed in this House many questions from certain MPs pertaining to perception of corruption against Government and other officials. We all have heard about *ti lenvelop en bas la table* from both sides of the House. The accusation of receiving big sums of money during election from Mr X or private companies X or Y.

Mr Deputy Speaker, Sir, at times, when I reflect on our electoral system, the question I always ask myself – do we truly have a clean or fair election in our system. Are we not cautioning what I call the illegitimate, commercialisation of our democracy? Mr Deputy Speaker, Sir, the influence of money in our politics is a legitimate subject for public regulation because it severely undermines not only the health of political parties, rightly pointed out by the hon. Prime Minister, but also the health of our democracy. That is the essence of why we are doing politics in this Chamber.

Mr Deputy Speaker, Sir, in certain countries, where political financing comes from public funds, when election is held, any party or candidate that receives a certain per cent of

the vote can apply for electoral funding. It is paid for by public funding, which is taxpayers' money. The present Government here, in November, did propose State funding, but have not decided to adopt same. I think the debate still remains whether the State shall fund elections in the future.

When I refer to Queensland Parliament in Australia - I was reading the Hansard - I cited MP Pauline Hanson – well, Pauline Hanson, we know – she said that by all means electoral funding, which was introduced to actually stop donations coming in, has helped political parties. She further added that there was no bribery or you were not corrupted by organisations. So, politicians could make decisions that were not based on who gave them donations. That is what Pauline Hanson said. And then, I cited also in South Africa, the State funding raised concerns about how money would be allocated. Actually, in the current system, parties get money based on proportionality, that is, on the basis of their performance in elections. I would not go in the details of 2015, how much ANC they got. But what is interesting is that he says 90% of the money gets allocated, based on how many MPs each party has and so on.

But what is important is this question of proportionality. The proportionality approach is fairly universal, but in South Africa, there is a problem about it. And I understand in a report, the practice of private funding of political parties was challenged in a High Court in 2004. The biggest parties, ANC, African Christian Democratic Party and others, they oppose the Motion in saying that, and arguing, forcing the disclosure of financial backers will intimidate potential donors.

Moreover – this is interesting – the case was suspended after the political parties in question agreed to legislate on the matter rather than force the Judiciary to rule on the matter which was, in their view, the responsibility of Parliament to resolve. Mr Deputy Speaker, Sir, in our case, clause 19(2) of the Bill stipulates that –

“Reports regarding statement of accounts shall be laid before the National Assembly for transparency and accountability.”

I do not know whether this push political parties not to do so. But what I hope is that if we accept these Bills, there will be no dilution of information knowing well the independence of our electoral institution and professionals thereat, especially the Electoral Commissioner and the others for all the good and valuable work they are doing for our democracy and they do deserve our congratulations.

Here, Mr Deputy Speaker, Sir, let me also cite Li Kuan Yew who wrote in his book: From Third World to First: The Singapore Story - 1965 to 2000, and I quote - Li Kuan Yew said one Prime Minister was called Mr ATM, Automatic Teller Machine, because he was renounced for dispensing cash to candidates and voters during elections. Well, my question is: do we have ATM politicians in our Republic?

For the many stories I listened from various quarters all around the public, yes, there are ATM politicians around, and at times highly being influenced from secret book. I like the Singaporean model where the use of money to win elections is avoided. Mr Deputy Speaker, Sir, I conquer to this Bill in order to reduce the cost of politics in our democracy. This will avoid undue influence and corruption as well as political scandals. Our Republic shall put a full stop to developing a culture of money politics. I fully agree with the restriction of ‘baz’, sufficiently canvassed by hon. Gayan and hon. Rutnah, as money politics. I further propose a clean political, environmental practice by banning the use of *oriflamme*, banners, plastic posters and other environmental polluters during elections. Let us do it.

To conclude, Mr Deputy Speaker, Sir, we have to ensure that integrity is absolutely maintained, and this is the purpose of this Constitutional Amendment and this Political Financing Bill. Globally, political party funding is regulated by both regulations and subsidies. The combination of these two defines the effectiveness and purpose of the system in combatting the main challenges of transparency, accountability and equal opportunity.

The OPR Party subscribes to the disclosure of political funding in the form of disclosure requirements, limits on funding from particular sources and overall funding and spending caps as, we believe, inclines an honest politics and not a money political system in our democracy.

I am done. Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Uteem!

(11.35 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, these two Bills have achieved an unprecedented feat, *un exploit*. The unanimous rejection by all political parties of the Opposition, all political parties in and outside Parliament, and yet, Mr Deputy Speaker, Sir, there is consensus that we need to regulate the financing of political parties. More than ever, today, there is the perception that our political system is plagued by what we call money politics.

Now, of course, Mr Deputy Speaker, Sir, there may be absolutely legitimate reasons for a person to finance a political party which shares his ideologies and values. For example, it is perfectly legitimate for a foundation which is fighting to save our beaches, to save the environment, to finance a political party that has on its agenda passing laws to protect the environment. Similarly, it is perfectly legitimate for lobby groups to finance political parties which share common grounds on issues such as abortion, death penalty, immigration policies and economic policies. So, this is the same all over the world. This is perfectly legitimate.

But, unfortunately, Mr Deputy Speaker, Sir, there are also those who finance political parties with a view of getting an advantage or a favour in turn. You scratch my back, I will scratch yours. I finance your campaign and, once you are elected, you give me specific tax concession, tax holidays, VAT exemption, land conversion tax exemption. I finance your campaign and, once you are elected, you give me *pas géométriques*, State land, development permit, exemption from requirement of EIA licence. You intervene so that I can get banking facilities, you intervene so that banks reschedule my loans or write off my loans. I finance your campaign and, once you are elected, you give me millions, if not billions worth of contract even if you have to bypass public procurement rules.

Now, this sounds like outright corruption, Mr Deputy Speaker, Sir. But can we deny its existence? How many times have we not heard that someone is getting contract because he is a *protégé, ti copain, ti copine, un bailleur de fonds*? Similarly, how many times have we not heard someone complaining that he has not obtained a contract, that he is being harassed by the Mauritius Revenue Authority just because he has financed a political party?

So, Mr Deputy Speaker, Sir, even where a political party receives perfectly legal funding, there is a case to regulate funding of political parties. But there is more. Money politics, unfortunately, in Mauritius, goes hand in hand with illicit funding of political parties, people using ill-gotten funds to finance political parties.

Mr Deputy Speaker, Sir, the link between drug traffickers and politics in Mauritius is, unfortunately, nothing. Hon. Rutnah referred to 1982, how people were selling *Le Militant* to raise finance for the MMM. But, unfortunately, not all political parties had the same fate as MMM.

I remember it was August 1983. It was the date of the result of the General Election. I was 11 years old and my father, hon. Cassam Uteem, took me with him to his Constituency on the day of the results. 1983, MMM won 3-0 in Constituency No. 3, Plaine Verte, and all

the three elected candidates got above 82% of votes. Just to tell you how strong MMM was in that Constituency. I was an 11-year old boy, and suddenly I heard a gunshot and then a parade of cars with a notorious drug trafficker sticking out of the window as he passed in front of my father saying: '*Gouvernement dans nous la me*'. These were the days, Mr Deputy Speaker, Sir, where people were carrying *tente remplie d'argent* to finance politicians.

Mr Deputy Speaker, what had to happen happened in December 1985, when the population awoke to find out that four of our Members of the Legislative Assembly had been arrested in Schiphol, Holland, carrying 20 kilos of heroin; the Amsterdam boys. Three years later, in February 1987, the Commission of Inquiry on Drugs chaired by Sir Maurice Rault published its report, damning report, again citing a number of politicians, a number of businessmen; facts to indicate that they were linked with drug traffickers. And it is very telling, Mr Deputy Speaker, Sir, what the report says at page 7, and I quote –

“No political campaign can be run without vast sums of money and only hypocrites deny that, in raising funds, all major political parties accept contribution without pausing to ask if money brought to them smells or not.”

So, that was the *rapport* Rault in 1987. Unfortunately, Mr Deputy Speaker, Sir, 30 years down the road, nothing much has changed.

The Commission of Inquiry on Drug Trafficking chaired by the former Justice, Mr Lam Shang Leen, published its report last year, July 2018. The Commission devoted a whole chapter 16, whether there is any evidence of political influence in the drug trafficking trade; damning report. Damning report about the link between politicians and drug traffickers, not just in Mauritius, but also in Rodrigues.

The Commission of Inquiry mentioned witnesses coming forth and saying that there were bags full of money being put in cars of candidates, that there was a notorious drug trafficker who came and said, apparently, he had financed a political party because all his lawyers belonged to that political party. The Commission of Inquiry recommended at paragraph 18.4 that –

“The Government must urgently look into the funding of the political parties in order to prevent funding by traffickers.”

So, it is a reality, Mr Deputy Speaker, Sir, the link between drug money and politics. This is why we need a law to regulate the financing of political parties. As hon. Members before me have alluded to, it is not the first attempt to try to regulate financing of political parties in

Mauritius. In 2002, under the MMM/MSM Government, there was the Sachs Commission, the Commission on Constitutional and Electoral Reform chaired by Mr Justice Albie Sachs. The Sachs Commission even came up with a draft Bill on the Public Funding of Political Parties. Then, in 2004, there was a Parliamentary Select Committee chaired by the former Attorney General, hon. Emmanuel Leung Shing, which considered the Sachs Report, and they also came up with a draft Bill on Public Funding of Political Parties.

More recently, we have had the Ministerial Committee chaired by the then Deputy Prime Minister, hon. Xavier Duval, which issued a summary of proposals in April 2016. And finally, last year, the Government published its proposals on Financing of Political Parties in November 2018.

Mr Deputy Speaker, Sir, the first object of the Bill is to provide for accountability and transparency with regard to the financing of political parties. Fair enough! Hon. Members have spoken about that. Yes, we need transparency, we need accountability. But there is also another major objective of the financing of political parties, and this is to create a level playing field for all political parties, for all candidates standing for election. And it is unfortunate, Mr Deputy Speaker, Sir, that this very important objective of any law to regulate political funding is completely absent from the Bill before this House.

It is important, Mr Deputy Speaker, Sir, that, in a true democracy, every person, every citizen should have the same equal right to be elected. But we are all politicians here, we know that the running of political campaign costs money. We need to communicate our manifesto, our programme to the electorate. Publishing pamphlets, leaflets, posters cost money. Holding public gathering, getting a stage, loudspeakers, decoration cost money. And now, with hi-tech communication and everybody is increasingly making use of small clips, all this costs money, Mr Deputy Speaker, Sir. Not every citizen has the same amount of money and not every citizen has access to the same amount of money. This is where the principle of State funding comes into play. And this is not new!

The Sachs Commission, the Parliamentary Select Committee, the Ministerial Committee on Control of Financing of Political Parties, even the Government's proposals of last year, all of them recommended some sort of State funding.

Hon. Rutnah referred to the Report of the Select Committee chaired by Emmanuel Leung Shing with regard to the argument for and against State funding. But what hon. Rutnah forgot to mention is that the Select Committee drafted a Public Funding of Political Parties

Bill and the Select Committee recommended that a fund be set up. At page 17, this is what the Select Committee writes –

“A specified total amount of resources should be earmarked annually in the budget to finance a special fund to be set up and administered by the Electoral Supervisory Commission. The latter may in turn allocate from the special fund an amount of money annually to all political parties in proportion to their electoral support.”

The Committee also went further and said –

“With regard to the Opposition, the Committee is of the view that it should be given a measure of support to compensate them for those facilities that are otherwise not available to them but available to the governing party. Political parties, especially Opposition parties in Parliament may, therefore, be given an additional financial support to assist them in the performance of their parliamentary duties.”

This is what the Select Committee recommended, not that there is no State funding. And today, Mr Deputy Speaker, Sir, when I listen to the radio, when I read the Press, I do not hear what the hon. Members from the Government are saying, that there is an outcry. Yes, we can dispute the quantum to be allocated, we can dispute where the money should come from, whether it should be the State which funds or it should be a special fund, whether all contributions should go to that fund instead of going to political parties. We can discuss about what is the allocation method. Is it the number of votes that you get in the General Election? Is the money paid before the election, after the election? These are details that can be ironed out. But today, even trade unionists are in favour of some sort of public funding. Even Mr Bizlall mentioned that, at least, the State should take care of the cost of printing bulletins and pamphlets that are distributed during an electoral campaign.

So, Mr Deputy Speaker, Sir, I think, at the end of the day, we have to shoulder our responsibility, we have to decide once and for all what do we want. Do we want an amount of State funding or do we want money politics to stay and have its way? When we look at what is being proposed, Mr Deputy Speaker, Sir, every party can spend Rs1 m. per constituency. Every candidate can spend Rs1 m. That makes you a total of Rs80 m. for a General Election. Rs80 m.! How many political parties today have Rs80 m.? And let me remind the House, today, the limit on spending is Rs150,000 per candidate. So, if you multiply that by 60, it gives you Rs9 m. So, from Rs9 m., we are increasing the ceiling to Rs80 m., almost tenfold. And that is not all, Mr Deputy Speaker, Sir. This law has to be read in conjunction with the

Representation of the People Act. What does the Representation of the People Act say?
Section 51 (2) –

“In determining the total expenditure incurred in relation to the candidature of a person at an election, regard shall not be had to -

(b) expenditure incurred before the notification of the date fixed for the election in respect of services rendered or materials supplied before such notification;”

So, the Rs80 m. fixing only after there is a formal announcement of the elections.

Now, as the hon. Prime Minister likes to remind us, only he knows when there will be the General Election. So, only he knows when to spend and when to stop spending before the date of announcement fixing.

So, for political parties which are in the Government, the Rs80 m. is not even applicable. It is only for the Opposition, because the Government can buy all the materials, all the *oriflammes*, all the expenditure that they are going to incur, they can already stop it before the date of election is announced. So, even this Rs80 m. is not accurate. And this Rs80 m. is not accurate because it does not include several items of donation.

If we look at clause 2, Mr Deputy Speaker, Sir, the definition of donation in kind. Donation in kind means, and then there are (i), (ii), (iii), (iv). So, it means that donation in kind is limitatively defined. So, if an item of expenditure does not fall within the definition, it is not donation in kind. For example, food and drink, which represent a major expense for ‘baz’, that is not included. So, you can give how many food and drink you want, that’s not included. The premises you are going to use for ‘baz’, this is not included. The *salle verte* you are going to use, the *sonorisation* you are going to use, these are not included, but more importantly, the transport and the petrol you are going to use on the day of the election to take electors from their house to come to polling station. Major item of expenditure, everybody in this House knows how much it costs on the day of election to rent cars, to give petrol, to take people out of their house to vote. This does not fall in the definition of donation in kind. So, you can have someone giving you for free, you will not have to account for it in your return. So, Rs80 m. really is not likely to be the threshold, the actual amount spent by those parties which have the means to spend.

Mr Deputy Speaker, Sir, it is unfortunate that there is no one from the State Law Office, because I have a few drafting issues also. If we look at the clause 6 (3); clause 6 provides for the registration of political parties. There is a mechanism, you will have a lawful

association once you are registered with the Electoral Supervisory Commission. We are all for this.

However, what happens if the Electoral Supervisory Commission, after considering your application, decides not to register you as a political party? There is absolutely no appeal mechanism provided today in this Bill, which means that any aggrieved party will have to go by way of judicial review. And we all know how long it takes to get judicial review, you have leave stage and then you have hearing stage, it is likely to take weeks, months, if not years, and by that time, the election is gone. So, I would humbly request an amendment be brought so that there is a fast track appeal mechanism in front of a Judge in Chambers, within a specified time period so that any political party whose application for registration is rejected days before the election, can have recourse to a Judge in Chambers and be registered as a political party.

Next, we have clause 8, donation. Clause 8(2) reads –

“No person shall make a donation to an individual member of a registered political party, other than to the treasurer of the party.”

Now, this is an absolute prohibition, because if we go under clause 8(3), it says –

“Any person who makes or accepts a donation in contravention of subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees.”

So, if you give money to a candidate or if a candidate receives money, he is guilty of an offence. You can make only donation to the treasurer of your party. Now, two things will sum that.

First, no one can finance you, not even your family, not even your friends, not even your neighbours, not even people who believe in you; they can only finance the treasurer. But, secondly, once the treasurer holds the purse, he controls all the members of his political party because he is the one who is going to give you the money, you can't raise funding outside of your political party. So, this provision may lead to a dictatorship of the party, dictatorship of the leaders. You have to come and praise the leaders because it is the leader who has the right to receive money; you cannot receive money even if people want to give you money. Under this law, you cannot accept money. So, it would be dictatorship of the leader of parties. This is the effect. But, there is more, Mr Deputy Speaker, Sir. This clause is contrary to the Representation of People Act.

Section 50 (3) (b) of the Representation of People Act says, and I quote –

“All moneys provided by a person other than the candidate for any expenses incurred on account of, or in respect of, the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.”

So, we are asked to enact a law, clause 8(2), which makes it an offence for a candidate to receive money, when we have section 50(3) of the Representation of the People Act which tells you that if someone other than the candidate receives the money, it is an offence.

Again, I am very sorry. I do not see members from the State Law Office, but at the very least, we need to reconcile these two provisions of the law. And then, if we go further, section 52 of the Representation of the People Act reads –

“No expenditure shall be incurred in respect of the candidature of a person at an election except by the candidate, his agent or a person authorised in writing by the agent.”

So, section 52 again tells you it is only the candidate or the agent or someone authorised in writing by the agent. No mention at all of expense incurred by the treasurer or by the political party. So, again it is an offence. What we are asked to vote will go against section 52 of the Representation of the People Act. And what is the consequence, Mr Deputy Speaker, Sir? Section 55 of the Representation of the People Act provides –

“(…) where any expenditure is incurred in contravention of section 51, 52, 53 or 54, the person by whom such expenditure was incurred and the candidate in connection with whose candidature it was incurred shall be deemed to be guilty of an illegal practice.”

So, what we are doing today is legalising what is effectively an illegal practice today under section 55 of the Representation of the People Act. If, today, you have a treasurer who takes money and spends it on behalf of the candidate, both the candidate and the treasurer will be guilty of an illegal practice. And yet, we have consequential amendments at the back of this Bill, but nothing talks about section 50, section 52 and section 55.

Next, clause 9 of the Bill. Clause 9 has a list of prohibited donations. We have no problems with it. You cannot have a donation under clause 9(1) (g) from a non-citizen. Non-citizen cannot generally finance a political campaign. I do not have any problem with that.

But what about a citizen who is married to a non-citizen? What if someone wants to stand as candidate in an election and is married under the legal regime of *communauté de biens* or *séparation de biens*, and his wife or her husband wants to finance this campaign, but that spouse happens to be non-citizen? You cannot do it. We had this situation before. In 1976, there were candidates in the elections whose husband and spouse were not Mauritians. So, I think, at the very least, we have to carve out under clause 9, donation from non-citizen other than spouse of Mauritian citizen. At least, we would not have discrimination between the candidate who is married to a Mauritian and a candidate who is married to a non-citizen.

Clause 10, Suspicious donations. This is a clause, Mr Deputy Speaker, Sir, which provides that a registered political party shall not accept a donation if he knows or ought reasonably to have known that the donation originates from proceeds of a crime. For me, Mr Deputy Speaker, Sir, this is the most important provision of this Bill. This is the clause that is going to fight money politics. A political party, a candidate cannot accept money if he knows or ought to have known that it is proceeds of a crime. If he knows that the guy is a drug trafficker, if he has reason to believe that the money is proceeds from drug trafficking, he cannot accept this money. But what is the penalty? Subsection (2) –

“Any person who accepts a donation in contravention of subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees.”

You receive Rs80 m., Rs50 m. from drug traffickers and then you pay a fine of only Rs1 m.?

And this clause, again, Mr Deputy Speaker, Sir, is against the Financial Intelligence and Anti-Money Laundering Act of 2002. Subsection 3(1) of FIAMLA provides that –

“(1) Any person who -

(a) engages in a transaction that involves property which is, or in whole or in part directly or indirectly represents, the proceeds of any crime;”

commits an offence. And under that law, FIAMLA, the penalty is five years imprisonment. And here, it is one year! So, it is only a fine of Rs1m; again, clause 10(2). It is too easy! And we know, with the type of ICAC that we have today, they will not go by FIAMLA. They will tell you that there is a specific offence in this Bill and they will go for only the fine of Rs1 m.

Clause 11, Donations by company - This is a small point, but again a drafting issue. Subsection (4) only talks about donation from company and says that company includes any

société or other corporate entity. But, today, we have entities which are neither *sociétés* nor corporate entities or companies, for example, trust. Trust is not a corporate entity. So, a trust can donate the money and will not fall under this clause 11.

Clause, 12 Register of donations - hon. Bérenger has dealt with it extensively. I am not going to go too much in detail, save to say that we are all in favour of having a register of donors. But where we do not agree is who can have access to that register and under what circumstances.

So, what we are proposing, Mr Deputy Speaker, Sir, in order not to frighten away donors who may be scared that Government may know that they are financing an Opposition party, that we limit the disclosure only upon an order from the Judge in Chambers and only if this information is necessary in connection with an investigation into a crime; money laundering, corruption or electoral offence, but not a blanket disclosure. Because, as hon. Bérenger said, we have full confidence in the majority of the members of the Electoral Supervisory Commission today. We have full confidence in the Electoral Supervisory Commissioner, but we can never predict what will happen in the future, who will be appointed on these positions, whether there would be political interference or not because the EC will have, as the law provides, access to this register of donors.

Next, Mr Deputy Speaker, Sir, would be clause 25, and that is an important clause. Clause 25, Mr Deputy Speaker Sir, reads as follows –

“The President may make such regulations as he thinks fit for the purposes of this Act.”

And subsection (2) –

“Any regulations made under subsection (1) shall be made after consultation with the Commission and the Electoral Commissioner.”

So, we are enacting a law which will give the power to the President to make regulations after consultation with the Electoral Supervisory Commission and the Electoral Supervisory Commissioner. Now, the question I ask myself: is that constitutional? Why did Mrs Gurib-Fakim resign? Why is there a Commission of Inquiry to find out why the former President set up a Commission of Inquiry without Cabinet’s approval? And today, we are giving this power to the President and nothing about acting in accordance with the Cabinet? Is that constitutional? Let me remind the House what section 64 of the Constitution provides –

“In the exercise of his functions under this Constitution or any other law, the President shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgment.”

Again, I am very surprised that the State Law Office is not here, but the Attorney General is here. So, I am sure that he will have the time to intervene and give us the comfort because, for me, on the plain reading of this section 35, it seems to be going against section 64 of the Constitution which requires the President only to act in accordance with Cabinet advice unless if the Constitution provides otherwise. Here, we are making a law telling the President, you know, you have to act after consulting, not cabinet, but the ESC and the Electoral Supervisory Commissioner.

Mr Deputy Speaker, Sir, after listening to all Members of this House, so far, it is clear that there is consensus that we need a law to regulate the funding of political parties. We need a law to register political parties and to make them accountable and transparent. But there is also consensus in this House, Mr Deputy Speaker, Sir, among all Opposition parties and independent Members from the Opposition, not to vote in favour of the two Bills in their present form.

Suggestion has been made by all political parties, whether it is from the PMSD, the MMM, the Labour Party or the MP, for the setting up of a Select Committee because it is very easy to find a consensus. We are not that far apart from the Government, and I am again making the call to the Prime Minister to pay heed to our call, because if the Prime Minister who needs the support of the Opposition to get the three-quarter majority to pass the amendment to the Constitution, if the Prime Minister chooses to refuse to accede to the call of the Opposition, then, clearly, he will go down in history as someone who never really intended to regulate financing of political parties.

Thank you.

The Deputy Speaker: Hon. Sesungkur!

(00.10 p.m.)

The Minister of Financial Services, and Good Governance (Mr D. Sesungkur):

Thank you, Mr Deputy Speaker, Sir. I would to like to thank the hon. Member who spoke before me.

It is, indeed, a historic moment for Mauritius where we are called upon to bring major reforms to our democratic set-up, to modernise our legal framework and to bring legislation which is likely to combat corruption in our electoral system. I do not intend to be too long at this late hour. I am sure that hon. Members are feeling tired and some are sleepy. So, I will rush with my arguments.

I was saying that the Government *l'Alliance Lepep* had a pledge to come up with the necessary reforms which is needed to make our electoral system as reliable and transparent as possible. We have been loyal to our pledge like the electoral reforms that we brought in the past. I would like to mention the introduction of private radios and more recently to the live broadcast of the National Assembly sittings. So, these are big steps towards even greater democratisation.

Mr Deputy Speaker, Sir, when we talk about free and fair election, it is clear that money is a cancer of democracy. We have just heard the previous orator who has laid a lot of emphasis on how money, money politics *peut fausser les élections*, and not in a distant past, I think hon. Bérenger mentioned that there is a risk of *une monétisation outrancière de la politique à Maurice. Une monétisation outrancière* where the importance of money, where the role of money overshadows *le vœux du peuple*.

We all know that democracy is about respecting the wish of the people and this is precisely why Government came up with this Bill to ensure that we have free and fair election in the future, that *le vœux du peuple est respecté* and to avoid that *le résultat est faussé*, and more precisely, *de pérenniser notre système démocratique* and to encourage youngsters to have more and more interest in politics.

Mr Deputy Speaker, Sir, money is a necessary part of democracy, but public policy can never be for sale. Money is important, but public policy can never be for sale. I have listened to the remarks, the speeches made by different Members of the Opposition and we can categorise their arguments into two main parts. The first one is about not including public funding and, of course, the other part concerns the different legislative proposals to control expenses. I have also noted that they have all been unanimous to say that they would like to have a Select Committee to discuss the proposals. A Select Committee which they believe in two weeks can probably pave to consensus which I don't believe. Because when we look at the Opposition, today, tonight rather, you cannot find any of the Members of the PMSD and when we look at the past sittings since the PMSD has joined the Opposition, have you ever

seen the Leader of the Opposition giving the floor to another Member of the Opposition? This has never happened. The Leader of the Opposition has even reduced a dynamic Member like Paul Raymond Bérenger into a silent Member today.

So, there is no consensus. It is false to say that in two weeks' time that we will reach a consensus. This Bill, the draft proposals were circulated six months ago. There has never been any proposal. There has never been any interest on the part of the Opposition. And it is really surprising that we find suddenly the Members of the Opposition, they have proposals, they have suggestions, they have new ideas whilst they were supposed to make their comments, make their proposals since months ago. They never did that. I will go further when you look at the major Opposition that they have about public funding, the Opposition has been holding double language. When you look at the major opposition that they have, about public funding, the Opposition has been holding double language, *un double langage*. In Parliament, they are for public funding, outside, they have a different language, and they are against. Who came with the proposal that we were going to finance political parties? This was in our proposal in December, we established a threshold of how much each party will get and what would be *le seuil*. We made that proposal, but then, saying that there is no general consensus in the public, no general consensus among the Opposition when they have been taking a different stance outside; it is obvious that the Government had to take the decision, and we had to remove that because there were no consensus.

Moreover, we are talking about the consensus in the Opposition, that now they are speaking with one voice. The PMSD has no confidence in the ESC, they said it. The Leader of the Opposition has said it loud and clear, that they don't want to give additional powers to the ESC, because they don't trust the ESC. We just listened to hon. Uteem. The MMM, they have full trust in the ESC. So, there are many, many points on which, I am sure, that the Parties have different views, and for these reasons, I am sceptical that in two weeks' time we are going to find a consensus on a new proposal! And we will come to this Parliament and find a way to vote this Bill.

Of course, there have been other frivolous remarks made about membership fees, how this will be accounted, about disclosures of donors. Just now, hon. Uteem mentioned a few other points, like the Government can already buy the material and stock it, and then, when the election comes, they will use it. But this is precisely why we said that there should be a supervision; the supervisory authority will have that responsibility to supervise whether there are any abuse on the field and how the law is being implemented. So, this is precisely why we

have mentioned that we need to give powers to the ESC to supervise the electoral process. He has also mentioned that, now, all the donations will have to go to the treasurer and the candidates will not have the right to collect any donation, etc. But, in any system, the responsibility to control the financial transaction of an organisation rests with the treasurer, rests with the finance manager. He is the one who is capable of doing that job in a better way. So, I think that the accounting and the reporting side should clearly be in the hands of the treasurer who has the responsibility, under the law, to do the reporting, to make proper accounting. I think there has been subjective interpretation of a number of the legislative clauses. I am not a lawyer myself, but I am sure that the SLO, those who have drafted the Bill must have considered a number of the points which hon. Uteem has raised.

For my part, Mr Deputy Speaker, Sir, I am going to dwell on one major aspect, which is, how this Bill, if voted, will help Mauritius to acquire a status internationally in terms of transparency, in terms of combatting corruption, and in terms of free and fair election. While doing my research, I came across a very interesting report which was prepared by the Organisation for Economic Cooperation and Development (OECD), entitled 'Financing Democracy'. This report was prepared in 2016, not very far ago. It considers a number of countries, their electoral system, how they operate, what are the risks, and precisely, it covers most of the base issues which we have been debating over the past days.

So, Mr Deputy Speaker, Sir, this Bill contains practically all the proposals which the OECD has made. It covers all the basic issues, it addresses the risks of financing; it provides a number of proposals, how to handle those issues, how to handle abuse and, of course, it has been very helpful for me personally to assess the efficacy of the legislative proposal that we have brought to this House tonight. Mr Deputy Speaker, Sir, as I said, there have been a lot of criticisms against this piece of legislation by the Opposition, but suffice it to say that, when voted, like we had with the Unexplained Wealth Bill, the IRSA, which gave Mauritius great credibility in terms of jurisdiction, in terms of a country which is bold in terms of adopting policy to combat corruption, to combat all sorts of abuse and it helps a lot when it comes to our ranking. It helps a lot when it comes to the assessment, which generally international agencies like Mo Ibrahim, like the World Bank ease of doing business, the corruption perception index. So, all these can be improved if we have the appropriate legislative framework.

I am sure that Members have covered adequately a number of other issues which have been raised previously and it is not necessary for me to go deep into that, but I am

sure that, in terms of some learning points, when you look at the analysis of the OECD, they talk about solid foundation of trust for effective policy making. So, the OECD identifies five key policy dimensions.

- (i) the integrity, the alignment of Government and public institution;
- (ii) the fairness of public policy making, that is, the ability to propose policy making processes and decisions;
- (iii) the openness and inclusiveness, a systematic comprehensive approach to institutionalising two-way communication with stakeholders;
- (iv) reliability - the ability of Government to minimise uncertainty in economic, social and political environment, and
- (v) responsiveness - the provision of accessible, efficient and citizen-oriented public services, etc.

So, the Bill, I believe, addresses a majority of those policy issues and it is clear that we are on the right path to address the issues which have come out from the work which OECD has carried out. It is an extensive analysis of the electoral process, electoral system. In many countries, in fact, it covers a vast number of countries from Canada, France, Korea to India. So, they have done a really exhaustive analysis analysing the expenses, analysing the role of supervisory institutions and how we can empower authorities, institutional capacity building for electoral management. For instance, if you look at the United Kingdom, the Electoral Commission has got mandates and powers to provide guidelines and advice to parties, candidates and the public, review party and candidate financial disclosures, investigate suspected violations and complaints, conduct interviews, issue civil fines or compliance or stop notices.

So, we have a full solution in this document and when we compare what the legislative proposal is all about, it contains a vast majority of the proposal which OECD has made about fostering a culture of integrity among political parties, ensuring compliance with public political finance regulation, about transparency and accountability through disclosure. There is one point which hon. Uteem raised about transparency, about the reluctance of who should access the information about donors. I must say that while doing my search, I have come across the remarks made by one of the Chief Executives of IBL, Mr Lagesse, in 'Défi Quotidien' of 27 March 2019 and he says, and I quote –

« Toutes les démocraties utilisent des donateurs pour faire fonctionner cette fameuse démocratie. Nous n'avons aucun problème tant que cela reste dans des montants qui sont raisonnables. Si tout cela est encadré avec une vraie loi, c'est dans l'intérêt de tous les partis politiques et les donateurs. »

So, I don't see this reluctance, any problem from the part of the private sector or the enterprises. In fact, I'll go further. There is a statement made by Mr Cassam Uteem on a private radio which is reproduced here. He says about public funding –

« Ce n'est plus possible que des partis politiques jonglent avec des millions de roupies pendant la campagne électorale et entre deux élections sans être redevable envers quiconque. Il faut qu'ils soient dûment enregistrés et soumettre leur compte comme n'importe quelle autre organisation, les audited accounts. »

Ça c'est le père de l'honorable Uteem. So, I think there should be consensus. There should be *une convergence de vue* among the Members of the Opposition themselves. There are so many contradictions among themselves. This is also the reason why we cannot come up with a proposal which is acceptable to everybody. So, I think we have had a tough time to come to an agreement because there has been hypocrisy. Some people in the Opposition feel that because *l'Alliance lepep* had promised to come up with this legislation, so, if it is voted, *l'Alliance Lepep* will get a political mileage, we will score politically and they will have to face the electorate and they have been finding all sorts of pretexts, all sorts of reasons not to join force with the Government.

Listening to the arguments made by hon. Uteem a few minutes ago, in fact, he has been mentioning a list of situations where parties make abuse of money. And how *le système peut être faussé*, but these are the precise reasons why we are bringing this law to combat these kinds of situations. So, he has made a long list of situations where certain parties, certain situations can occur, where money can be used to sort of *fausser les elections*, but yet they say they will not vote this Bill. They will not join force. So, it is contradictory why such a situation. So, I think people by now know *le vrai visage de l'opposition* because I think hon. Rutnah mentioned that there have been no less than 15 PQs pestering Government when this Bill will come to the House and the Member who did that, for both days he has been absent, even tonight he is absent. And he has been pestering when will that Bill come to the House and I am not sure that his name is on the list of orators, he has not even participated in this debate. So, it is clear, the public will be the last judge, they are going to

judge the Opposition, they are going to see how the Opposition has been, they have had an attitude where there have been just playing fools with the people and not being serious about the matters which are discussed here.

So, Mr Deputy Speaker, Sir, I think it is clear that most of the legislations, most of the major reforms that Government has brought, last time we came up with the Electoral Reforms, it was *la même chanson à chaque fois*. So, the Opposition they are here to oppose and they are not here to work in the interest of the people.

They are not here to help in developing a reform process in Mauritius which will help in the betterment of the country, which will help to improve the lots of the people. They are rather here *comme une opposition réactionnaire, une opposition qui est stérile*, not contributing, demagogical. So, I think, by now, we will be going to the next general election in a few months' time. By now, the public, the people of this country have already had a clear view of what the Opposition represents; *une opposition disparate, décousue, sans stratégie et une opposition qui v adroit au mur*.

Je termine sur cela, M. le président.

The Deputy Speaker: Hon. Leopold.

Mr Leopold: Thank you, Mr Deputy Speaker. I have to participate in this debate as representative of the OPR party, elected party of Constituency number 21. I will not be long; I will take only two small hours of your time. I would like to have the attention of everybody.

I am in support of principle and rationale behind this Bill, Mr Deputy Speaker and as representative of the OPR party, we are only two representatives compared to the elected political parties in this House. OPR party has participated in so many elections, be it at the regional level or national level and our way of conducting elections, Mr Deputy Speaker, has always been exemplary, model, flawless and faultless. I remember, Mr Deputy Speaker, that OPR had once conducted an election and won without posters, banners, no rally and with the lowest budget ever. All this to tell you that it is important to have a healthy political party, a political party that can function properly and free from suspicion or acting improperly. OPR party, Mr Deputy Speaker, is known now to be an institution in itself, giving central importance to electoral democracy and has proven to make significant contribution to the vibrancy and integrity of democracy. Therefore, Mr Deputy Speaker, as OPR party and we, members of a party, consider that all political parties are public institutions. This should automatically result in the introduction of laws, regulations, guidelines and reporting and

enforcement mechanism intended to promote and enforce changing norms of responsible, legal and ethical behaviour.

So, Mr Deputy Speaker, the Political Financing Bill, what we are debating today is just a sound public policy framework to govern elections and political process. Those regulatory measures that reflect the importance of values, principles and ethics provide the foundation of a healthy democracy. Because of the increasing pressure on political parties to change their organisational design and operational practice, it is important that there is a formal regulatory framework. What I am trying to say since the beginning of my speech, Mr Deputy Speaker, is being free from suspicion of acting improperly in relation to party funding matters. That is why I am in support of this Bill. Regulating of financial political parties matters because there have been cases where political parties were caught up in all sorts of funding scandals and controversies. As a result of that, people tend to think that all political parties are at it. They think that the system is corrupt and, as a result, we all suffer. It is important that we get this right. There should be no winners or losers, but a fair and functional which will respect everyone. Mr Deputy Speaker, I have had the chance to participate in various political campaigns in the capacity as candidate, as campaign manager, as secretary of the OPR party. I can say that our Electoral Supervisory Commission which is mandated to conduct elections is an independent impartial agency which, in no doubt, will be able to enforce the political finance provisions of the Act which will be able freely to decide whether investigation will be conducted and whether prosecution through court will take place.

Mr Deputy Speaker, I do welcome the measure taken to stop State funding of political parties as here again, it is unpopular among the public for some good reasons, one of the reasons is taxpayers cannot be forced to support political parties whose views they do not share. One other reason is scarce public fund. Scarce public fund is more appropriate to be used to fund public services like schools and hospitals. I also welcome the attempt to eliminate *baz* during election campaign. OPR party has always opposed to the construction of *baz*. As a campaign manager, I have never been able to justify the setting up of *baz* to my Leader, Serge Clair. He had always asked me: *ki fer bizin fer sa*. Serge Clair has never visited any *baz* in Rodrigues during election campaign. He is against *baz*. That is why in the rule for regional election, there is mention of complete elimination of *baz*. This *baz* thing was eliminated by the OPR party in the 1970s and was reintroduced in the 1990s by a local party which derived its root from a political party in Mauritius. I must inform the House that during

the last general election 2017, there was no *baz* set up by the OPR party in Rodrigues during the election campaign. That is why, Mr Deputy Speaker, I am supporting this Bill.

Thank you for your attention.

The Deputy Speaker: Hon. Mohamed!

(00.47 a.m.)

Mr S. Mohamed (First Member for Port Louis South & Port Louis Central):

Thank you very much, Mr Deputy Speaker, Sir. I think it is, indeed, a very important piece of legislation that we are debating early this morning. But what is of interest to me, and which I would like to share with you, Sir, and with all Mauritians who are interested in really learning about *les dessous* of this piece of legislation that is being proposed by Government, is the manner in which it is being proposed to this august Assembly. Having heard most Members of this House, it is clear, I hope, for all reasonable people who understand what has been uttered on both sides of the House, that clearly Government will not be able to pass this legislation. The Government does not have the figures that it requires in order to pass this law. We have heard hon. Sesunskur making a plea, almost blaming the PMSD as to their absence, trying to cause a rift between the PMSD and the MSM. Now, he was not very subtle about it but, in my humble view, it is all political strategy on his part, and the reason why this strategy was being used by him, I do not know whether, Mr Deputy Speaker, Sir, it was coming from him personally or whether he was directed that he should have acted in that manner. He only knows the truth. But what is important for us to know is that Government is aware, and that is uncontested, that this piece of legislation is guaranteed to fail. It will not pass the required number of votes required. It will not achieve it. Government knows it.

Now, if Government knows that, it has also heard the arguments put forward by the Opposition. It has heard the very detailed arguments put forward by the Opposition. The Opposition has not been unreasonable in its approach, to its analysis of this Bill. The Opposition has put together arguments that really hold water. True it is there is consensus on the part of this whole Assembly that there should be a Bill to regulate political financing. So, at least, let me get through what we agree on. But the fact is, in spite of knowing that they will not get this piece of legislation through, and having heard the arguments of the Opposition, that makes sense.

The Government has decided that they are going to call for this debate at this early hour of the morning for one very good reason and no other reason at all. The reason is that

they do not want to give wide publicity to the arguments that damage the law that is already damaged because of their damaged work. That is the only reason. They do not want people outside to know and to hear the damaging arguments that can be thrown in their direction. They do not want that because their strategy, Mr Deputy Speaker, Sir, will be to go out there, at the end of this debate and to say: “Well, we made a promise to you, electorate, we came with this piece of legislation that we promised we would in our Electoral Manifesto. Therefore, we are the good guys and those are the people who are the bad guys.” And they will use all means of communication that is – and I will get to that in a moment – free of charge for them and make an abuse of that facility and facilities, be it from parastatal bodies, be it from companies in which shares are owned by Government, but they will make an abuse of all these facilities, and all this has a cost.

Pre-election and pre-nomination day, all this has a cost, and all this will not be accounted for in the Political Financing Bill because it has to be to the advantage of the ruling Alliance. I cannot call it *Alliance Lepep* anymore for two reasons, because it is no longer the Alliance that presented itself before the electorate in 2014. I cannot call it *Alliance Lepep* anymore because, precisely, certain colleague Ministers on the other side are no longer there. And I cannot call it *Alliance Lepep* anymore because it is totally disconnected with the people. So, how can they ascribe themselves that qualification and that adjective? I do not know how they could do that.

In January 2015, if you will recall, Mr Deputy Speaker, Sir, we had just gone through a General Election. Mr Deputy Speaker, Sir, we had just been put into Opposition. I was not here to get sworn in at the beginning with other Members. But I got sworn in January of 2015 because I was not in Mauritius.

(Interruptions)

I was! And once I had skied away with my children and decided to come to Mauritius, I met a very senior Member of this Government in this Assembly, and he was a very imposing character. A senior Minister of this Government, an imposing character, with interesting characteristics, and I met him on the balcony of Government House where he was smoking away and pumping away his cigarette. I have not even mentioned his name and some people seem to have recognised who that interesting character could be.

When I met him on that balcony there, he called on to me and he said: “Eh, Mohamed!” In other words, he was so assured of himself that he was summoning me.

(Interruptions)

You do not talk to friends in that manner: “Come here!” He said: “I am going to finish off Mr Dawood Rawat.” That is what he said to me. And he said, in January 2015: “I will finish off Mr Dawood Rawat because he is the one who finances the Labour Party and the leader of the Labour Party, Dr. Navin Ramgoolam.” January 2015! And I did not really understand what really he meant. The reason why I say that today, Mr Deputy Speaker, Sir, is because this whole issue about political financing, there is a lot of hypocrisy around it. And I do recall a lot of interesting articles in the Press, be it in *L’Express* and *Le Mauricien*, that both made allusion to the hypocrisy around this whole issue about political financing.

Now, no disrespect meant, but *les donneurs de leçons* who are Government, in my humble view, have, even during the electoral campaign of 2014, been so good at occupying the moral high ground to tell everyone that: ‘Oh, look, on the other side, the Labour Party and its allies are people who benefit from financing from occult sources.’ They have done that and, even after the elections, they have gone on and on and on. As I said, it started in January 2015 when a senior most Member of the Government led by Sir Anerood Jugnauth told me, at the very beginning of his mandate, that he would finish off Mr Dawood Rawat because of political financing to the Labour Party. This is how this mandate of this Government started, and it is important that we remind the population of that.

But, then, in those days, the senior most imposing character who said that to me was a friend and a brother-in-arms of all those sitting on the other side. And today, how easily some of them, not all of them, say they do not know him anymore to save their own skin. They agreed with everything he said, but today they chastise him. They agreed with all the wrong he did, but they do not agree with him now.

(Interruptions)

The Deputy Speaker: May I, hon. Mohamed? The gentleman you are referring to is not the subject of today’s debate. Can you get back to the piece of legislation we are debating? You have made reference to him, I understand you had a talk with him, but that is a long time back. Let us get to the piece of legislation we are debating today, please.

Mr Mohamed: This has to do, Mr Deputy Speaker, Sir, with...

The Deputy Speaker: No, it does not.

Mr Mohamed: If you would allow me to go on!

The Deputy Speaker: No. I said no!

Mr Mohamed: Should I sit down?

The Deputy Speaker: Come back to the piece of legislation!

Mr Mohamed: Yes, that's what I am doing, precisely.

The Deputy Speaker: Please, do so!

Mr Mohamed: Now when I see exactly certain interesting articles, as I said, *Le Mauricien* talked about political financing. At the last session, we had hon. Rutnah who made allusions to coffers and, obviously, we all know he was making reference to the Labour Party. He did not even have to make reference, but he said exactly what he wanted to say, and it is not the first time that he said that, trying to make allusion to the Labour Party and the coffers and the money in the coffers that were seized, the Rs200 and so million, etc. But the hypocrisy behind it is what? The MSM pretends that they have never obtained political financing. Because money was found in a safe, and it has clearly been said to be political contributions, belonging to a party. What the MSM has done, and I lay the blame at the feet of the MSM, is to come up with a totally crazy story in order to cut financing away from the Labour Party. Make sure that the main political adversary of Government cannot in any way operate by ensuring that we are going to give a bad name to the political party called the 'Labour Party' because they are the political adversaries that are threatening to the MSM. That is the strategy that has been adopted. And once they have done that, they have gone, as I said, to the gentleman that you, Mr Deputy Speaker, Sir, have been referring to earlier, ensured that there were certain issues that were supposedly brought up in the middle of the night, in March, pulled out the licence of Bramer Bank, ensured that all of a sudden we destroy up someone who allegedly was financing the Labour Party. We have accusations against the MMM, supposedly MMM received money from BAI, etc. But then, at the same time - and I point the finger at the MSM - what they have done is a systematic manner, the strategy in what they have done in making sure that the political adversaries are destroyed financially, reputation-wise, because it was to their advantage to do it. It was intelligent strategy, but dangerous for democracy.

In *Le Mauricien* of 04 June 2017, I read in that particular newspaper edition, and I quote –

« En 2010 - and it is in 2017 - alors qu'il est en alliance avec le Parti travailliste et le PMSD, c'est une somme totale de R 19 millions qui aurait alimenté le compte du MSM à la Bramer Bank comme suit. »

And there, in that Press article, it gives details of six occasions. And I recall Sir Anerood Jugnauth saying – ‘I only received Rs200,000 from Dawood Rawat, nothing more.’ I remember that, when he defended himself by saying, and intelligently so, trying to place himself beneath the limit of allowable contributions by law. ‘He only gave me Rs200,000’, he said. But then, again, when this article was in the Press, did this party of the MSM, occupying the moral high ground, come forward to come and explain any of the allegations put forward in that Press article? No! Did it do anything to seek redress or a communiqué to come and say that this is not true? The fact that the MSM led by Sir Anerood Jugnauth, oh, no! led by Pravind Jugnauth in 2010, the actual Prime Minister, did not even come with a communiqué to come and say that this is not true. Should I, therefore, presume that it is true, in the absence of any communiqué stating that the article in *Le Mauricien* is a bunch of nonsense? What should I presume? What should the people presume? That on 23 April 2010, a sum of Rs5 m. was received in the bank account of the MSM.

On 30 April 2010, a sum of Rs5 m. was received. On 20 May 2010, a sum of Rs5 m. was received. On 24 August 2010, on the eve of my birthday, I did not receive the million, but they received the Rs2 m. On 01 November, another million. I guess it was a bad day; not enough, compared to the funds that they were taking in from that very same source, the very same source that this gentleman said that he would finish off because he was financing Navin Ramgoolam and the Labour Party. But 23 November 2010, another million.

And then, why is it that the MSM does not in any way come forward to say exactly that? Why is it that they do not come forward to tell us whether or not this is correct? But then, just like hon. Sesungrur, he is now holding his head, as if he is having a headache. I can only say, ‘bear with me more’, Mr Deputy Speaker, Sir, because there is more to come.

You see, I have done my research as well. Let me, at the outset, say – because maybe hon. Collendavelloo would speak after me and will say: ‘Well, you know, he should have declared his interest because he is the lawyer of Dawood Rawat; I am not.’ And here, I am not. This is about the British American Investment with whom I have never represented legally, unlike certain Members on the other side who have been on retainer fees for British

American Investment, and they know exactly whom I am talking about, and I do not mean the Attorney General. I would like to clear that.

(Interruptions)

I could be wrong, but I said I did not mean the Attorney General.

But then, again, 28 April 2010 - let us talk about 28 April first. I have here a letter from British American Investment instructing the Manager of State Bank of Mauritius, of State Bank Tower, "Attention Paddy Ng", to transfer the sum of Rs5 m.

I have another letter. Let me go through all of it first and then I will table it. 28 April, another sum of Rs5 m. to transfer and the bank statement that goes with it. I have another document, 23 November. I have another document and all the documents to establish the dates of all those millions that the MSM has received. And then, I am not saying that political parties do not receive contributions. I am not going to be hypocritical about it, but I am not going to take the moral ground and say that we only received only Rs200,000. That, I am not going to say. I am not going to point a finger at people in an accusatory method, but I forget that I have got several fingers pointing at me. Some people on the other side forget that. They try to pretend that they have never received any contribution from British American Investment. They are good at accusing the MMM, and I hold no brief for the MMM. Let us also clearly say we are not talking any position of alliance here. Please, be very careful!

But what I do not like is for people to take the high moral ground and start criticising when, in truth, they, themselves – let us not forget the hon. Prime Minister was trying to make allusion about the illicit source of the funding to the MMM, that they should have been aware. What does he say about this one now? That very same article talks about the details of all the money that was received, but then, again, the hypocrisy behind this. I say it again; I am saying at 1.07 in the morning, not a lot of people are going to be hearing this. So, that was also excellent strategy.

One thing we cannot really blame Government for is that they are cunning in their methodology, and they are so cunning in their methodology in placement of Bills - it is their right, according to Standing Orders, I can only bow to it - but then, again, in this age of modern technology, you cannot really hide from a mulch. So why is it - I come back to that - I am told in January, 'we are going finish off someone', and then you have the same Press articles reporting other interesting remarks? And what it is? That you have people from the MSM, even that great gentleman - with the character I am talking about - removing over Rs5

m. in February 2015 from Bramer Bank, when he knows that, in a few days, he is going to shut down that bank, because in January he had already said it to me. He had already said it to me: he is going to shut everything down. In February, he removes his money from the bank and other prominent Members of Government remove money from the bank, and we talk about the moral high ground of the other side. So good at criticising, but then, again, let's look at the background, and it's important to talk about the background after this info. Today, let's talk about Afrobarometer, because that is also important, the whole purpose and purport of a Bill about political financing is to fight corruption.

Today, when you look at Afrobarometer for Mauritius 2013, 61% of people think that corruption increased in the previous 12 months. I am not talking about 1%, Mr Deputy Speaker, Sir; I am not talking about 2%; I am not talking about 50%. I am talking about a humongous figure of 61% of people *sondés*, who believe that corruption has increased in the previous 12 months. That is huge! And this is a Government that tells us - and my analysis is going to show why Government was already convinced, from the very outset, that it would not get the votes, and this Bill is just, in my humble view, a ploy on the part of Government in order to tell the electorate: 'we came with the Bill'. But they never had the intention of even coming with the Bill because they know they will never get the vote, it is just a sham, *un leurre* that is being played for the eyes of the public, with only one thing, to get the electorate interested and to say 'oh, yes, they came'. Political mileage and nothing else! Political mileage, calculated, nothing else, not the interest of democracy and of cleaning it up in their mind. Not at all! A lot of talk. And they say that they walk the talk? A lot of talk. But if they really are out to walk the talk, we would not have a speech like hon. Sesungkur said, and I will come back to him in a minute, about his analysis of the OECD document. I have the impression we read the same document, but when I listened to him, I have the impression that he, maybe, has not understood what is in the document, and I will come to that in a minute. Or maybe, he has been every economical in his reading or understanding, fair enough. I do not know what it is, but clearly I will have to really come back to that in a few minutes.

5% of public service users paid a bribe in the previous 12 months! 62% think - 62% think! - the Government is doing a bad job of tackling corruption. This is an example, Sir, of the bad job of this Government in tackling corruption. When you hear hon. Uteem who has dissected through his analysis of this Bill - he dissects the Bill, he shows us how there is conflict between those provisions of the Political Financing Bill and the Representation of the

People Act. He shows us how there is conflict between the Constitution and this Bill. You cannot, therefore, say that they are doing a good job in trying to tackle corruption. How can we congratulate this Government and say 'you are doing a fantastic a job', when you come up with a Bill that gives the President the powers to make regulations and you don't even amend the Constitution to empower that particular Act? There is clearly a conflict here. So, if simple issues of that nature are left in that Bill - in French we say '*cela fait tache*' - and it is not something which is nice to look at, neither is it a good a message and a strong message of our will to clean up the political scene. It clearly, once again, demonstrates that Government is not serious in its supposed attempt to clean up the political scenery and to supposedly tackle corruption, not only do, but the acts and doings of the manner in which this Bill was drafted shows it, and I here mean no disrespect at all to the drafters of the legislation. But here, my disrespect, if there is - and if it says it is there, I do apologise - goes only to Members of Cabinet who have gone through this piece of legislation to approve that it should come here, and to the advisers of Government who have allowed that this Bill comes here with such conflict in legislation of a constitutional nature, where the position of the President is really being reduced. This is confirmation, Mr Deputy Speaker, Sir, that this Government is not serious about fighting corruption. Oh, then, they will come and answer, 'well it is not our coffers that had the money, it was your leader who had the coffer!' But then, again, let me say something else to them. You know what? A simple calculation of the building called Sun Trust, a simple calculation of the square footage there; today, how much does it cost to construct a building of that nature? Even in those days, how much did it cost? I am not saying it's wrong to put up a building, I am saying it's totally legitimate, but you will not find me coming to say that all this money that they have taken to build it is through illicit means. You will not see me coming to point fingers at the MSM to say that it is from corrupt means. You will not see me coming to point accusing figures towards Sir Anerood Jugnauth who was Prime Minister in those days. I will not do that. He was Prime Minister; political financing came from what source, I do not know, because there is no transparency in the accounts of the MSM. The same party that takes the moral ground, the high moral ground, and tell us that they are the ones who are whiter than white and we are the ones who are the sinners and the worst sinners ever! That is what really I do not appreciate. Let's calculate how much that cost in those days. Do we know where the money came from? Do we know what was the source? Some people have said it was built free of charge. I don't know! We will never know! And then, when hon. Uteem says that a trust will not fall within the

provisions or the ambit of what is prohibited, then, I start thinking, maybe there is something which the Government is trying to do only to its own advantage.

47% of people, Afrobarometer says, think that ordinary citizens can make a difference in the fight against corruption. Not Government! Almost 50% of the people here, ordinary citizens can make a difference and I say, yes, to the people of this country. They are the ones that can make a difference because if the figures are like that, is because they do not have confidence in this Government. But what is worse, and let us look at the corruption figures. Corruptions figures in 2015, 16% thought that there was corruption between the President and the PM, those two positions in 2015. It has gone up in 2019 to 22%, and it has gone up for MPs as well. In 2015, 19% thought that MPs were corrupt, today it is 23%, and this is what this excellent work that this Government has done in the past, almost five years, a beautiful mandate, and they have really stuck to their promise. But then, again, in a few days, watch my word, Mr Deputy Speaker, Sir, they will come to try to discredit the Afrobarometer Report.

In this Parliament, here, when the hon. Leader of the Opposition talked about the fact that crime was on the increase, referring to Afrobarometer and the perception of Mauritians that crime, law and order was really failing and crime was on the increase, the Rt. hon. Minister Mentor, Sir Anerood Jugnauth said - after the hon. Leader of the Opposition had informed him that it was from Afrobarometer that he is giving those figures -

“Well, it is the fault of the previous regime, the Labour Party.”

For that, he did not say Afrobarometer was wrong because it was not credit, it was not worthy of belief. He did not break down their credibility. He said: “We believe that the reason why crime is on the increase and that is the perception is because of the previous Government!”

So, now, let them try. They will try it, break down the credibility of Afrobarometer. But then, again, I have read and I see that this is an organisation internationally that receives recognition for their work and their contribution internationally. So, it is not a joke when you have Ministers coming here to make statements about how good Mauritius is doing, but when there are bad issues like that, we won't hear Ministers coming to say: “Well, you know what? 62% of people now believe – oh, no, 1% less; 61% people think that corruption increased in the previous 12 months” And you have this Government saying: “Oh no, they are doing a good job.”

What else? Recently, everyone knows, we heard hon. Uteem talk about the report on the Drug Commission. We heard him read an extract about political financing and how there was an excess, at least, to try to analyse whether there was an excess between political financing and the underworld, if I may call it that way – the underworld. The world of crimes, drugs, drug money. And then, when I find that, two days ago, 95 kilos of cocaine getting into Mauritius, and what is interesting, getting into Mauritius and passing by the Customs, leaving the Customs area without anyone realising, strangely enough because this Government has been once again going on the high moral ground, saying they are the best Government that has implemented new policies to fight against drugs. They have said it; they have really been champions, according to them, of the fight against drugs. But how is it that drugs enter Mauritius, 95 kilos worth more than Rs1.4 billion of cocaine, not any lesser pure drug, cocaine, and then leaves the bonded area, leaves together with the Metro Express, leaves together with Mauricio? When there was the inauguration there, the VIPSU of the Prime Minister and all the Ministers were there, their bodyguards, in that same area. And what? Close to them were drugs of 95 kilos? You mean to say that they did not even have a security swoop of the area before anyone was there or that the ADSU did not search that particular tractor? This means there is a *défaillance* somewhere. From whom? Is it the MRA? Customs? Is it the Police? Is it ADSU? Is it the Commissioner of Police? But they all lead to one direction.

(Interruptions)

Thank you, Sir! You have recognised it! The Government! Thank you for admitting it. You see, we have the answer coming even from Members in the ranks of Government. Even in the ranks of Government, you have a Member who says “the Government”. You see, because you cannot hide from such an obvious truth. So, this is the background, and then they will say: “Well, no, because it was discovered while we were there. Because when you were in power, we could not find such drugs. They were coming.”

But wait a minute! Those drugs were not discovered by ADSU Officers. They were discovered by simple mechanics who were doing their duty. And then, everyone knows that the world of betting, with all the betting shops, that is another way of getting money for financing political parties. Those are in all the research documents we have read, about the illicit means of financing political parties – the world of betting. You will recall, Mr Deputy Speaker, Sir, that this Government said, in their manifesto, in the Government Programme, that they would lead a war not only against drugs, but they will make a war to ensure that this

country is not really covered up by the scourge of betting. It would clean up Mauritius to ensure there is no proliferation of the betting shops. Fair enough! *Louable comme initiative!* But, my God, that was another bluff! A huge bluff! Because today, I am reading another article in *Le Défi Plus* and the title is “*Le mécanisme bien huilé de Monsieur Jean-Michel Lee Shim.*” That was in the Press and, what I found out here, instead of ensuring that you have a reduction in the number of betting outlets, strange enough, you have interesting annex in the Budget of the hon. Minister of Finance and Prime Minister of this 2019. What does it say in the annex? C.9. - Gambling Regulatory Authority Act, page 55 –

“The Gaming Regulatory Act will be amended to:

- (h) repeal sections related to the licensing of bookmakers conducting fixed odds betting on local races outside the racecourse.
- (l) exempt from the requirement for Police clearance with regard to the premises of a local pool promoter.”

And when you read what proposals they have made in order to facilitate betting, to encourage the propagation of betting houses, to encourage a monopoly of the system with those who are close to Government, and then you answer yourself you will ensure that there is no longer the requirement for Police clearance. But who will be responsible? *Qui sera responsable alors pour les vérifications d’usage qui étaient sous la responsabilité de la force policière ? Pourquoi alors, est-ce que le gouvernement qui se dit gouvernement responsable, un gouvernement qui se dit très intéressé à faire en sorte que law and order is established, that finance in political field is cleaned up, that there are no such issues that happen, how is it, therefore, that this Government decides that there will no longer be the need for Police clearance? And the Government is going to propose that there are going to be officers of the GRA who are going to do it. And who names the officers of the GRA? Government. So, if this is not to protect those who are close to Government, what is? When you look at the web of companies and the companies’ funds that are used, shouldn’t there be an inquiry about all this? And there is one way, Mr Deputy Speaker, Sir, of really rigging elections. It is through betting houses.*

There is a way of even making money in spite of the fact that you are going to lose the elections - because they are going to lose it - but they are going to ensure that they can make money out of it because they are going to make it legal to have betting on the ones who are going to win or to lose. They can artificially change *la donne* simply using a betting house

and, funnily enough, we have this gentleman so close to *SMS Pariaz*, you have PMU Maurice, you have all those companies, Sports Data Feed, Lee Shim Enterprise, PLS, Pick Pool, Integrity Sports, GMLS, Book System, oh my God! We go on and on. Can you imagine that, instead of reducing the number of betting houses, what has this Government done, under their watch? They have increased the number of betting houses outside! Can you imagine? Just for one of them, PMU Maurice, above 500 outlets across the island! And if you add SMS Pariaz to that, we have become *par excellence ene nation zougadere* that this Government was supposedly attacking.

The Deputy Speaker: Can you take your seat? We are not debating on a piece of legislation that has got to do with betting in the country; we are debating on a piece of legislation that has got to do with political financing. Can you get to that subject, please?

Mr Mohamed: Mr Deputy Speaker, Sir, ...

The Deputy Speaker: I have given my ruling, I said, you get back to what we are debating.

Mr Mohamed: I am on what I'm debating. My debate, my point is that it is connected to political finance because this very same, let me go on!

The Deputy Speaker: Yes, but...

Mr Mohamed: Why is it connected?

The Deputy Speaker: Hon. Mohamed, take your seat!

The Deputy Prime Minister: On a point of order.

The Deputy Speaker: I have allowed you to make your points. Now, I'm requesting you to get back to the piece of legislation we are debating. You have been going on and on, on debating in the country. That's why I have drawn your attention that the present piece of legislation has got nothing to do with betting.

Mr Mohamed: The *rapport* Lam Shang Leen on drugs...

The Deputy Speaker: And we are not debating on drugs also!

Mr Mohamed: It referred to political financing...

The Deputy Speaker: Yes, I understand!

Mr Mohamed: ...and we are debating on this. So, that is why, in my humble submission to you, Sir, it is clear that even according to the former Justice Lam Shang Leen on the Drug Commission report, there was a connection that he was trying to look into between the world of betting and yes...

The Deputy Speaker: Hon. Mohamed, I have given my ruling, I have told you! I've allowed you to make a few comments on betting. Now, I'm requesting you to get back to the legislation we are debating. Please!

Mr Mohamed: So, coming back to political financing...

The Deputy Speaker: Yes, please!

Mr Mohamed: ...in the Drug Commission of Inquiry report, there was an issue about a candidate of the MSM having, during the elections...

The Deputy Speaker: I'll have to stop you.

Mr Mohamed: Yes!

The Deputy Speaker: You are a lawyer. You know that a judicial decision is being awaited with regard to what you are mentioning; you should not dwell on that, please. It is clear and I'll refer to the precise Standing Order which is in front of me, that is, section 44, and you can refer to that precise section, please!

Mr Mohamed: I'll be very grateful if you could, Mr Deputy Speaker, Sir, since I am sure that you are more learned than I am with regard to the Standing Orders. I don't have the book with me. Could you please enlighten me? I would be very grateful.

The Deputy Speaker: This is not my job. When I gave my ruling, I have referred you to that section! If you want to read that section, you read that section!

Mr Mohamed: My humble view is that you would reason the rule...

The Deputy Speaker: Yes, even I have got humble view. Why do you think you are the most intelligent person in this House?

The Deputy Prime Minister: He is a gentleman; he is the most intelligent person!

Mr Mohamed: You see! Obviously, when you hear the Deputy Prime Minister wake up and start listening now, it means that basically the message has gone through. It means that it hurts. It really hurts!

(Interruptions)

Mr Mohamed: Could you please ask him to withdraw what he just said?

The Deputy Prime Minister: Yes, I withdraw! I withdraw “*couyon*”; you are the most intelligent person.

(Interruptions)

Mr Mohamed: Could you ask him to withdraw what...

The Deputy Speaker: He has said he has withdrawn.

(Interruptions)

The Deputy Prime Minister: I withdraw it again.

The Deputy Speaker: He has withdrawn.

Mr Mohamed: He insulted me as well.

The Deputy Prime Minister: Yes, I withdraw it again.

(Interruptions)

The Deputy Speaker: That’s the problem when you do crosstalking in the House and I have said that before!

Mr Mohamed: I am talking to you!

The Deputy Speaker: And it applies to everybody!

Mr Mohamed: I don’t think it was crosstalking that allowed this little man to insult me.

(Interruptions)

Yes, and that is not unparliamentary. That’s fact!

(Interruptions)

Thank you.

(Interruptions)

Si to ena courage to vin dir sa dehors mo guet twa! Bientot to pa pu ena bodyguard twa, anyway.

Now, we get to the issues, when you have another element, which I think is of utmost importance. The abuse made by Government in political financing prior to elections. Everyone knows, as hon. Uteem rightly said and other hon. Members, we all know it is the hon. Prime Minister who knows when elections are going to be called for. I'll give you a simple example. So, the simple example is on 11 May, there was an inauguration of what Mauritius Telecom is setting up everywhere called MUGA. Mauritius Telecom has, as shareholder, everyone knows, the State; how closely connected it is to Mauritius Telecom - the people of Mauritius and the shares in Mauritius Telecom. Everyone knows who is the one and how the person who is named at the head of Mauritius Telecom, the political nominee of Government gets his position there? On 11 May, there was this inauguration, but on 07 May 2019, 150 people were invited on the 15th floor of Mauritius Telecom Tower for a briefing by the CEO of Mauritius Telecom. And those 150 people invited on the 15th floor of Mauritius Telecom Tower were all political agents of this Government. And why were they invited? Because they obtained a briefing and they...

(Interruptions)

It's really hurting, isn't it? I see it's really hurting.

The Deputy Speaker: Order, please!

Mr Mohamed: And now, the question which I ask, and I believe that the people of Mauritius should know and ask themselves, is the following. Why is it that this piece of legislation does not take into account this type of political financing? Because, in my humble view, this is political financing. It is political financing when Mauritius Telecom, as an example, and there are others, spend money belonging to Mauritius Telecom for political benefit of the party in power and, on top of it, on the 15th floor, finger buffet was offered on that day. All on the budget of MT Foundation! MT Foundation, where should the money be going? Shouldn't it not be going to causes like helping the downtrodden and the poor? Are they telling us that this was an activity to help the downtrodden and the poor, to invite political agents on the 15th floor of Mauritius Telecom Tower, with the CEO making a speech there to explain to them how to go and sell the project and tell people that the Government is doing a fantastic job? This is political financing that is not covered by this piece of legislation, and my question is: why is it this legislation is silent about this type of financing prior to the nomination day and prior to the date of elections being announced by the Prime Minister?

Now, I have listened to hon. Sesungrur read about a report, and I here have in my hand, the OECD Public Governance Reviews on Financing Democracy. And in that particular document, in Chapter 5, the chapter is about ensuring compliance with political finance regulations. And in that at page 97 of that report, and I presume it is the same report that my good friend, hon. Sesungrur read, but allow me to refer to page 97 of that report ‘OECD Public Governance Reviews on Financing Democracy’, and in the 4th paragraph of that page, I read –

“Despite the variety of institutional arrangements, the following factors are considered critical for a proper functioning of supervisory bodies –

(1) Independent of Parliament, of its members;”

So, here we are talking about the Electoral Supervisory Commission.

(2) “Independent appointment of its members;

(3) Independence from both political parties and the Executive at the same time.”

This is what the OECD says. So, the members on the Electoral Supervisory Commission should be protected because once when you protect the members of the Electoral Supervisory Commission, you protect their reputation, you also protect the reputation of the ESC. Therefore, Government should ensure that when it proceeds to nominations of people that they should not in any way at least give the perception to the people that those nominations are not in order because perception of wrongdoing, perception of bias, perception of a lack of independence is dangerous because it spoils the name of the institution. I am not saying more than what I am saying. The Government, in the two precedent nominations of members of the ESC, has acted in such a way that they have spoilt the reputation of an important institution as the ESC; because, clearly, when starting to nominate people who can be seen in political activism of the party in power, bearing the same colours as the people in power, then it is something that can spoil the perception of people. And here, what the OECD says -

- independent appointment of its members (independence from both political parties and the Executive at the same time) and security of their tenure.

So, security of tenure alone is not sufficient. The manner in which we are to preserve the perception of the independence of this institution and the manner that we preserve the methodology of nomination is of utmost importance -

- independent budget providing sufficient resources, and

- specialised expertise of personnel and methodologies to discover illegal funding of political parties and candidates.

So, as we speak today, the intention of the hon. Prime Minister, I believe, if I got it right, was to come with this piece of legislation to ensure not only that we give those additional powers to the Electoral Supervisory Commission, commendable in its intention, but there is a big ‘but’. If I understand him correctly, he also wanted that this piece of legislation be enforced as soon as possible for it to be applicable before the next elections, for the next elections. If this is what he wanted, why is it that when we look at this Report of the OECD, one of the factors that the OECD says that are critical for the proper functioning of supervisory bodies, is, precisely, specialised expertise of personnel. Does the ESC have specialised expertise of personnel, as we speak today? No! What are the plans of Government to give this specialised expertise of personnel to the ESC? We have heard nothing about it. Can we, therefore, say that Government is committed in its aim to cleaning up the political financing scenery? No! Otherwise, I would have seen Government come up with a proposal, not only do we come up with a legislation, but we also come up with capacity building methods, capacity building plans for the ESC, not only for specialised expertise personnel, but methodologies to discover illegal funding. Is the Electoral Supervisory Commission qualified? Does it have the capacity to have, within its midst, methodologies to discover illegal funding of political parties and candidates? The answer is no, it doesn’t! And does Government have any plan with regard to that? We have not heard from it.

Now, in the same report concerning the appointment of members of oversight bodies, it says, here, in the last paragraph of page 97 –

“According to the US model, there is an equal division between Democrats and Republican members on that particular oversight body.”

This is not the case here, because the Constitution is as such that we have seen, even when the Leader of the Opposition has something to say, it is not something which really the President of the Republic has to take into account, because he can decide on his own free will - that’s what the Constitution says - who to nominate on the Electoral Supervisory Commission. So, it is not as if there is an equal representation thereon, with the views of the Parties of the Opposition that really count because, at the end of the day, the views of the Parties of the Opposition do not mean a thing, if it is decided by the President of the Republic whom he is going to nominate, and I need not say more about not normally happens.

Now, in the United Kingdom, Mr Deputy Speaker, Sir, the Chair of the Electoral Commission is appointed by a Parliamentary Committee chaired by the Speaker of the House of Commons. This is where the representatives of the people, the Members of Parliament have a say. It says here –

“The Chair of the Electoral Commission, which is of the oversight body in the United Kingdom, is appointed by a Parliamentary Committee chaired by the Speaker of the House of Commons. The Speaker by convention gives up all party affiliations and acts as a political neutral figure.”

Oh, that would have been so lovely!

“However, this is a party matter of political culture - the report says- and would not work in all countries.”

In some countries, Mr Deputy Speaker, Sir, a Senior Judge acts as the Head of the supervisory body. And here, this is what we need to do. We need to be able to create this trust of the people into the system, and this is where it is lacking.

Mr Deputy Speaker, Sir, there is one thing which is of utmost importance here. When there were the proposals that were made by Government, as far as political financing is concerned - and hon. Sesunkur is right - the Government is the one that proposed public financing of political parties. He is right about that. And, yes, the people of Mauritius were not happy with the proposal. It is not because the Opposition went to see them for them not to be happy. That would be a lack of respect for the people of Mauritius to think that they only react because the Opposition tells them what to say or how to think. No! The people of Mauritius are intelligent people, they have made up their mind, they had come up in arms and were totally against the proposal of Government and we have heard it on all media, written as well as on the social networks. We have heard about it on radio stations; we read it, we have heard it. People in Mauritius do not like the idea of public financing, and there is one reason. Because the equation that was proposed was itself uncanny, but then, again, very typical of the Government in power. It provided for a system whereby, such as Gargantua does - which is not a wrong word. You know, this greedy creature that swallows everything in its path - Government would swallow most of public financing on the simple equation that it had more representatives in Parliament. So, all the others, too bad. But then, again, fair enough, this is the equation that they thought would be good, this is what people did not see was fair. Because Mauritians like fairness and when they see unfairness in what is being proposed, that is why the people did not like it.

Now, as far as this particular proposal in this particular Bill, at no time has there been any public consultation - this is what is being said by the Opposition - on this particular version; there has been no public consultation. And then, we are told by hon. Members on the other side that we should have consulted the website. And what? We were supposed to send a memo to the Prime Minister, those are our views? Why is it that the hon. Prime Minister could not simply, on electoral issue or for an amendment to the Constitution, call for a simple Parliamentary meeting, a roundtable for us to discuss, if this was really what he wanted to do? Why is it that he did not do it? It's not that there were no calls on the part of the Opposition; the Opposition has unanimously always said that it would prefer that there were consultations on this. The Opposition has never said: "We do not agree." The Opposition has never said: "We will shut the doors." The Opposition has said: "Consult, but consult in a reasonable and constructive manner", which is normal, and which is to call upon the Leaders of the Parliamentary groups here, and to discuss, and to make proposals. At the end of the day, yes, Government will decide what version to bring to this House, but, at least, we would have given a chance to consultation. It is not us who dictate what Government must do, but it would, before coming to Parliament, at least give us a chance to sit around a table, to discuss and make proposals, not simply tell us 'go to the previous version that is on the website, go to the previous version and send us your views in a document or by e-mail'. That is not how Government should work and this is certainly not how we should work among Parliamentarians.

Mr Deputy Speaker, Sir, we are not only here talking about political parties in this House, but there are other political parties outside. And the political parties outside, you have, let me take one example, Rezistans ek Alternativ; let me take another one, Lalit. Those are well-structured organisations and it would be wrong on our part, as Members of Parliament, to believe that those parties do not have good ideas. Some of their ideas are great ideas; some of the ideas they have to contribute to the growth of this nation are, indeed, fantastic ideas. Unfortunately, there is no level playing field and the OECD report, which hon. Sesungkur talked about, also says that there is the need to create a level playing field. And what is a level playing field? A level playing field is not a system as proposed by this Government because let's look at it clearly, what it says here. You have the accounting records, fair enough! But you also have the statement of accounts and the proposal of the Prime Minister is that it is the statement of accounts that has to be sent to the Electoral Supervisory Commission, not the register of accounts. The register of accounts will have the names of those who have given, but the statement of accounts, when you look at the Schedule of the

Bill that provides for the format of the statement of accounts, nowhere is it provided here that you have to give the name of the donor. We don't have to be on the same wavelength at every single time, be it with Government or the Opposition, but my view is that we should have total transparency. I would like to know, members of the public outside would like to know who is giving money to the Government in power. Because what the OECD report says is that when you have a transparent system and then you create a level playing field not only as far as information goes, because you have to be able to verify where the money comes from and to see whether there is any kickback at some stage of the equation. Because for example, you have companies that come with unsolicited bids - even during the mandate of this particular Government, we have heard about it, creating scandals. But have those companies that obtain unsolicited contracts contributed to the coffers of the MSM? I don't know. Maybe. How much? When? This is what we call transparency. True it is that if you have an independent institution that is strong enough, not only the ESC but other institutions as well, then there will be no reason to fear that there will be any retaliation on the part of any Government. The reason why this fear exists is precisely because our institutions do not work conveniently, properly in order to allay those fears.

Now, let's imagine and come back to Rezistans ek Alternativ. Why is it that we cannot create a system whereby all political parties have access to finance equally? Why is it we can't do that? Why is it that only the traditional parties - and I, from the Labour Party, being from the oldest party in Mauritius, say it - why is it that we have to create a system whereby only the traditional parties, those who are here will, for ever, continue to benefit from political financing with ease, whereas all the new movements outside don't have the chance to fund their elections and to stand at least a reasonable chance of finding their way to become elected Members of Parliament? Because they also have ideas that can help to grow our country; they also have those revolutionary ideas and suggestions that deserve to be heard in this Parliament from members of their political party. This is enriching democracy. This is what a proper legislation about political financing should aim to achieve, and this piece of legislation is a far cry from precisely that. It, on the contrary, creates a situation where, as rightly said by hon. Uteem again, money cannot be given to a candidate, but money must be given to the treasurer. In actual fact, what they are trying to do here is to perpetuate the strength and the domination of the leader. This is what they are trying to perpetuate. And that is why we heard speeches like that. You heard the speeches from all Members on the other side. All congratulating as if, by rote, having learnt it, the Prime Minister, and it is as though

there is the need to do that because if you do not do that, I presume, then the ticket is in danger. That is what is dangerous for democracy. We cannot create a situation where it is the head of the party, the treasurer and the administration, they are the ones who will hold the power and will the power and not other ideas. There are certain people, Mr Deputy Speaker, Sir, who fail to understand that there is the need to democratise access to Parliament by ensuring that we have a Political Finance Bill that creates this access for all.

Now, when you look at this piece of legislation, again, I have talked about the issue of financing and it going to the treasurer but, for me, it is clear, Mr Deputy Speaker, Sir, that this piece of legislation has been carved by Government in such a way as to have been a strategy in the making ever since 2014/15. It is something that was cooked, it was something that was allowed to simmer, but it was something that finally saw the light of day in this piece of legislation because the strategy of Government is not something that happened ever since the setting up of a Ministerial Committee of any sort. This is the strategy of Government: destroy your opponents financially, give them a bad name whilst we, in Government, ensure that we can cruise towards ease of financing our own political party and then we come with the Bill where we impose blockages and those blockages will ensure that we will handicap our opponents. This is *machiavélique* on the part of this Government. This is the way they want to run the country. But one thing which I would like to say to conclude is as follows. I would like to make a prayer and my plea to the Prime Minister is as follows. Access to this august Assembly should not be reserved only for the traditional parties we are so used to seeing in here. I have had the pleasure, during my career, of speaking to those who most probably will never find themselves here because of lack of funds and lack of finance because running an election campaign costs money to make your views known and to let it known to everyone. It is not like it was done in the 50s, the 60s, the 70s. Things have changed and those political parties - there are many other parties. I am just referring to those two like Lalit and Rezistans ek Alternativ, but they deserve our respect and all political parties out there, there needs to be a level playing field for them to have an equal chance in the eyes of the public. There are certain countries in the Commonwealth that have a system. At the time when elections are called, there is a caretaker Government that comes in, and when that caretaker Government comes in, the Government in power moves out, and it is the civil servants that run the country during that time until elections.

The reason why this happens is precisely to ensure that they do not take advantage of the power that they have whilst in Government *pour fausser la donne*, in terms of financing

or access to finance and to do things that would really create an imbalance in their ability to present oneself. Such laws exist in the Commonwealth, and this is why I say I believe we should have, and in so doing, that would create a level playing field and transparency.

I also believe that members of the public should have access to the knowledge. If a member of the public wants to know who financed the Labour Party, when and how, he should have this at the touch of his finger, online, as it is done in other Scandinavian countries and many other countries belonging to the OECD, where access to information is not available only to Commissions, like the Electoral Supervisory Commission. It is available to the public, and this is real democracy, where the public have access to it. And my plea, therefore, to Government is to improve this piece of legislation. It would be wrong to say, “Let us start somewhere and later on we will improve it”. Because that would mean, let us know that we can improve it, but let us start with very low expectations and very low standards. Because we cannot allow ourselves to have low standards because the public outside expect us to give them quality work, with the highest of standards. This is what would really recreate and rebuild the trust between the public, the electorate and politicians in here.

I thank you for your attention, Sir. I have done.

The Deputy Speaker: Hon. Collendavelloo!

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I move for the adjournment of the debate.

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.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Tuesday 16 July 2019 at 11.30 a.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.

The Deputy Speaker: The House stands adjourned. Adjournment matter! Hon. Uteem!

MATTERS RAISED

(02.00 a.m.)

VALLÉE PITOT - MULTIPURPOSE HALL

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, I would like to raise an urgent matter addressed to the Vice-Prime Minister. It concern the multipurpose hall, *Centre polyvalent*, at Napoleon Bonaparte Sreet, Port Louis, Vallée Pitot. This is a hall that is used by all the residents in the vicinity for various purposes, for training, judo, karate, zumba but also as a wedding hall to host dinners and receptions.

Unfortunately, for the past six months, out of the four toilets, two are not working and this is causing a lot of inconvenience to all the users and generally the building, itself, is very low on maintenance.

I would be grateful if the hon. Vice-Prime Minister could talk to the responsible officer at the level of the Municipal Council of Port Louis and see to it that these are fixed.

Thank you.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Yes, I will look into it.

The Deputy Speaker: Hon. Baloomoody!

(02.02 a.m.)

KENSINGTON PALACE - DRAIN

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. I would like to intervene with regard to the state of the roads and drains.

My intervention is addressed to the hon. Vice-Prime Minister and Minister for Local Government. I wish to intervene with regard to the state of the roads and drains at Kensington Palace. We do have a Kensington Palace in Constituency No. 1, if you want to go there you

have to go to London, London Way, and from London Way you go to Kensington Palace, you turn right.

It is within the jurisdiction of the Municipality of Port Louis. Unfortunately, since the coming of the new team at the Municipality of Port Louis, Kensington Palace has been neglected; the roads are very bad. Even the entrance from Cailles street to Kensington Palace is *impraticable* and they are taxpayers. These people are paying their tax regularly. There is no drain. Whenever it rains the fact that the road is higher than some houses, there is threat around and accumulation of water whenever it rains. There have been many complaints. I have a register of the complaint, I can pass it to the hon. Minister. So can the hon. Minister intervene with the Municipality for the inhabitants of Kensington Palace?

Thank you.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Yes, there are three complaints at the same time. So, the issue of drains may be addressed by NDU. The road might be a classified road, but never mind.

(Interruptions)

I will look at it and address the issue.

At 02.03 a.m., the Assembly was, on its rising, adjourned to Tuesday 16 July 2019 at 11.30 a.m.