



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

FRIDAY 12 JULY 2024

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 20 of 2024

Sitting of Friday 12 July 2024

The Assembly met in the Assembly House, Port Louis, at 4.00 p.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENT**PM'S ABSENCE – PNQ REPLY BY DPM**

Mr Speaker: Hon. Members, I have been informed that the Leader of the House, the hon. Prime Minister, is unable to attend today's Sitting for health reasons. The hon. Leader of the Opposition has been informed accordingly and today's Private Notice Question will be replied by the hon. Deputy Prime Minister.

Thank you for your attention.

ORAL ANSWER TO QUESTION**LOCAL GOVERNMENT REFORM – POSTPONED ELECTIONS –
RECOMMENDATIONS**

The Leader of the Opposition (Dr. A. Boolell) (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the proposed Local Government reform, including the organisation of the postponed Local Government elections, he will state when Government will submit its recommendations thereon.

The Deputy Prime Minister: Mr Speaker, Sir, further to the announcement you have just made, I shall, therefore, reply to the question which was addressed to the hon. Prime Minister.

I do think it is appropriate for me to remind the House and the nation of the background, context and rationale of the Government's proposal to reform our Local Government legal framework so as to provide a better idea over the scale, scope and complexity of the task we have embarked upon.

As the House is aware, Local Government in Mauritius is governed by the Local Government Act, which dates back to 2011. As the House is also aware, pursuant to section 10A (1) of the Local Government Act of 2011, as amended, the life of the entire Municipal City Council and the Municipal Town Councils and the entire Village Councils, shall unless sooner dissolved, continue for six years.

As the House is further aware, the last Village Council elections were held on 22 November 2020.

As regards the Municipal City Council and Municipal Town Council elections, they were last held on 14 June 2015. The last term of those Councils would have ended in June 2021, therefore.

Mr Speaker, Sir, the House will recall that in the midst of a global public health emergency triggered by the COVID-19 pandemic and its grave repercussions on the safety of the population and on the economy, as a responsible Government, and in the interest of the population at large, we considered it was not appropriate, at that time, to hold Municipal City Council and Municipal Town Council elections. And rightly so, as there was a surge in COVID-19 cases and a quarantine period was in force in Mauritius.

Taking those factors into account, the Local Government (Amendment) Act was enacted in May 2021 to provide for the extension of the life of the entire Municipal City Council and Municipal Town Councils or entire Village Councils by not more than one year at a time, provided that the life of the Councils should not be extended for more than two years, at a time when –

- (a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and
- (b) a quarantine period is in force in Mauritius.

Mr Speaker, Sir, accordingly, in view of the continued prevalence of COVID-19, the quarantine period was prolonged in the country and the President of the Republic, on the advice of the Prime Minister, extended, by way of proclamation, the life of the entire Municipal City Council and Municipal Town Councils for one year as from 15 June 2021.

In April 2022, the life of the entire Municipal City Council and Municipal Town Councils was again extended, for the same reasons, for a further period of one year as from 14 June 2022.

Mr Speaker, Sir, in May 2023, with the objective, in the words of the Prime Minister, of paving the way, I quote –

“for a thorough reform of our entire local government framework,”

Section 12A of the Local Government Act was amended by the Local Government (Amendment) Act 2023 to provide for the further extension of the life of the entire Municipal City Council and Municipal Town Councils for a period of two years.

On 26 May 2023, the President of the Republic, acting on the advice of the Prime Minister, further extended, for two years as from 13 June 2023, the life of the entire Municipal City and Municipal Town Councils.

Mr Speaker, Sir, it is an undeniable fact that local authorities constitute an important component of our democratic governance system at the grassroots, as they promote participation and engagement of the local community in public life. However, it is also a fact that our local government system is in dire need of fundamental reform so as to draw lessons from the experience of the past twelve years and propose a new legal framework that reflects present day realities and matches the exigencies of modern Mauritius. In this respect, and in order to put things in their proper perspective, I find it very fitting to quote what the Prime Minister stated in his speech on the Local Government (Amendment) Bill on 23 May 2023, and I quote –

“(...) a truly decentralised and effective Local Government can positively and potentially impact on the performance of the State and the overall quality of life of our citizens. It is therefore imperative for us, as a responsible Government, to undertake a rethink of our Local Government Framework to ensure that it responds effectively to the evolving needs and aspirations of our citizens.

The world around us has changed. The environment in which our Local Authorities have been operating has changed drastically while our Local Government structure has remained basically the same. It is therefore high time for a meaningful overhaul ...”

Dr. Boolell: Mr Speaker, Sir, on a point of order! Mr Speaker, Sir, I have asked a specific question in relation to recommendations thereof. The hon. Deputy Prime Minister is making a statement; this is not statement time. I would expect the Deputy Prime Minister to come specifically to the question asked and reply to the recommendations thereon.

The Deputy Prime Minister: I have explained, Mr Speaker, Sir, that in order to provide an appropriate answer, it is important to explain the scale, scope and complexity of the task we have embarked upon.

I was, therefore, quoting the Prime Minister and I will proceed where I had stopped –

“... It is therefore high time for a meaningful overhaul of our Local Government Framework into one that is fit for the 21st Century, and all that we want to achieve through this Bill is to [and I stress these words] to give ourselves the time that it takes to formulate, drive and realise the contemplated reform of such an important aspect of our democracy.”

And I am still quoting –

« Monsieur le président, une réforme en profondeur des administrations régionales est vraiment 'long overdue' pour plusieurs raisons que je mentionnerai au cours de mon intervention. Il faut d'abord souligner que les avancées de 2003 en ce qui concerne la municipalisation des conseils de district n'ont pu être traduites dans les faits en raison d'un égocentrisme maladif et un manque de volonté politique de la part de ceux qui avaient investi l'hôtel du gouvernement après les élections générales de 2005. À cette époque, le gouvernement du jour était plus intéressé à usurper les pouvoirs des collectivités locales pour les mettre entre les mains du ministre de tutelle et de traficoter les limites des arrondissements pour en tirer des bénéfices électoraux ... »

Dr. Boolell: Mr Speaker, Sir, on a point of order. Mr Speaker, Sir, again I will come back to what I said, and I will refer to Standing Order 25(2). I have asked a specific question and it highlights what I have asked – the recommendations. I would expect the Deputy Prime Minister to say forthwith and outright what are the recommendations; where are these recommendations.

Mr Speaker: Hon. Leader of the Opposition, you put your question and the reply is from the Deputy Prime Minister. So, I have no say in that. This is his reply; the reply from the Executive. The Legislative has only the right to question the Executive. The Executive is accountable in giving the reply. So, let the Executive reply! These kinds of point of orders are not point of orders!

Dr. Boolell: They are point of orders!

Mr Speaker: I finished with that. Let the Deputy Prime Minister reply! The PNQ is not addressed to me!

The Deputy Prime Minister: Mr Speaker, Sir, I would like to have the time to complete my answer so that I may listen to the supplementary questions of the Leader of the Opposition, if only he will allow me to do so.

Now, the Prime Minister proceeded in his statement to say –

« ... On avait dénoncé avec force ce ‘gerrymandering’ calculé.

Aujourd’hui, dans les rangs de la majorité gouvernementale, nous sommes d’avis que les conditions sont réunies pour proposer une réforme qui soit en ligne avec les développements que les différentes régions du pays ont connus, plus particulièrement depuis 2015, et qui tient compte des aspirations de nos compatriotes.

Personne ne peut nier que l’île Maurice de 2023 a complètement changé de visage en termes d’infrastructures et d’aménités tant au niveau national que régional. Il est un fait que depuis l’avènement de la National Development Unit et les gros investissements consentis depuis 2015 par le gouvernement pour doter les villes et les villages d’infrastructures et de services modernes, la disparité entre villes et villages n’est plus d’actualité. C’est une des raisons qui motivent notre décision de revoir la structure existante et le fonctionnement de notre démocratie régionale. Bien évidemment, cette proposition sur laquelle nous travaillerons au sein du gouvernement fera l’objet de consultations élargies avec les différentes parties concernées.

Même si nous sommes convaincus de notre démarche, nous rechercherons le meilleur consensus possible avant d’aller de l’avant. Il est de notre avis qu’il serait approprié de prendre le temps voulu pour bien préparer la réforme avant de venir à l’Assemblée nationale avec un projet de loi bien ficelé pour être débattu et adopté. »

Mr Speaker, Sir, during his intervention, the Prime Minister also informed the House that Government had agreed to the setting up of a Ministerial Committee on Local Government Reform, the composition of which is as follows –

- (i) Hon. G. P. Lesjongard, Minister of Energy and Public Utilities, as Chairperson;
- (ii) Dr. the hon. M. A. Husnoo, Vice-Prime Minister, Minister of Local Government and Disaster Risk Management;
- (iii) Hon. A. Ganoo, GCSK, Minister of Land Transport and Light Rail;

- (iv) Hon. Mrs F. Jeewa-Daureeawoo, GCSK, Minister of Social Integration, Social Security and National Solidarity;
- (v) Hon. K. Ramano, Minister of Environment, Solid Waste Management and Climate Change;
- (vi) Hon. M. Gobin, Attorney General, Minister of Foreign Affairs, Regional Integration and International Trade;
- (vii) Hon. D. Balgobin, Minister of Information Technology, Communication and Innovation;
- (viii) Hon. A. Teeluck, Minister of Arts and Cultural Heritage; and
- (ix) Dr. the hon. A. Ramdhany, Minister of Public Service, Administrative and Institutional Reforms.

Mr Speaker, Sir, the terms of reference of the Ministerial Committee are precisely to examine and make recommendations on –

- (a) Local Government Reform in Mauritius;
- (b) the advisability of creating additional Municipal Councils;
- (c) the need to redefine boundaries of local authorities;
- (d) the advisability of holding Local Council Elections concurrently, or in the wake of, General Elections; and
- (e) any other ancillary matters.

Mr Speaker, Sir, Government has also set up a Technical Committee to assist and support the Ministerial Committee in its assignment. The Technical Committee is composed of –

- (a) the Senior Chief Executive, Ministry of Local Government and Disaster Risk Management;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Attorney General's Office;
- (d) a representative of the Ministry of Finance, Economic Planning and Development;
- (e) the Mayor of the Municipal Council of Vacoas-Phoenix, as representative of the Municipal Councils; and

- (f) the Chairman of the District Council of Moka, as representative of the District Councils.

Mr Speaker, Sir, the Ministerial Committee is working according to its terms of reference, and consultations with local authorities are underway. I am informed that the Ministerial Committee has so far held two meetings and the next one is scheduled for next week. On the other hand, the Technical Committee has so far met on four occasions and made submissions to the Ministerial Committee.

I also wish to point out that in order to pursue its assignment, the Ministerial Committee has to take into account the recommendations contained in the Report of the Electoral Boundaries Commission which, in the meantime, in the intervening period, has been approved by the National Assembly on 19 December 2023. The new delimitations of the boundaries of the constituencies have impacted on the boundaries of several local government areas which were aligned with the Constituency boundaries as delineated in the 1999 recommendations of the Electoral Boundaries Commission. It is also noteworthy that the boundaries of the City Council of Port Louis, Town Councils of Beau Bassin/Rose Hill, Quatre Bornes and Vacoas/Phoenix, and the boundaries of all seven District Councils have to be altered to align them with the new constituency boundaries recommended in the 2020 Report of the Electoral Boundaries Commission.

Mr Speaker, Sir, I wish to highlight that the Ministerial Committee also has to bear in mind the constitutional challenge lodged before the Supreme Court following the extension of the life of the Municipal City and Municipal Town Councils in 2023. As the House is aware, the Supreme Court in its judgment delivered on 19 June 2024 by the Chief Justice, held that, and I quote –

- “(a) Parliament was empowered to validly enact section 12A(1A) of the Local Government Act and provide for an extension of the life of the Municipal Councils; and
- (b) section 12A(1A) of the Local Government Act is not inconsistent with and does not contravene sections 1 and 45 or any other provision of the Constitution.”

Mr Speaker, Sir, it is apposite to note that this is not the first time that Local Government elections have been postponed. Let me remind the House that in 1971, the Municipal Council of Vacoas/Phoenix was suspended and the powers, functions, rights and duties vested in and performed by the Council were vested in and performed by a Commission appointed by the then Minister of Local Government. Local Government elections, which were due to be held in 1971, were postponed to be held not later than 15 September 1972. However, no Local Government elections were held in 1972. Furthermore, the Municipal Councils of Port Louis, Quatre Bornes, Curepipe and Beau Bassin/Rose Hill were suspended and replaced by Commissions, appointed by the then Minister of Local Government, in 1974. The Commissions exercised the powers vested in the Municipal Councils until April 1977, when the Municipal Council elections were held.

It is worth noting that no reason was specified in the Orders for suspending the Municipal Councils and that members of the Commission were replaced annually by the Minister responsible for Local Government, not by the electorate.

Mr Speaker, Sir, furthermore –

- (a) in 1979, municipal elections due to be held that year were not held and between 1979 and 1982, the Municipal Councils were suspended and five separate Commissions were appointed in their place. Again, no reason was specified in those orders suspending the Municipal Councils and the members of the Commission were appointed by the Minister responsible for Local Government, not by the electorate;
- (b) in 2002, Village Council elections which were due to be held were postponed for three consecutive years in a row, with the consequence that the mandate of existing village councillors was extended to 2005. Again, no reason was specified in the enactment postponing the Village Council elections, and
- (c) in 2010, Municipal elections due to be held that year were postponed for 2011. However, they were not held in 2011, and following the enactment of the Local Government Act 2011, no reason was specified in the relevant amendments.

Mr Speaker, Sir, the House will agree that a complete overhaul of our Local Government framework, as envisaged by the Government, is a complex and time consuming exercise. In this

regard, I can do no better than quote hon. Paul Bérenger himself who, during the debates on the Local Government (Amendment) Bill (No. XIV of 2003), stated, and I quote –

“I am saying, Mr Speaker, Sir, that we took time in the case of the Rodrigues Regional Assembly [and] as in the case of the Local Government Act, we are taking time to make a success as in the case of Rodrigues (...)”

Mr Speaker, Sir, being given that a reform of Local Government framework of such a scope and scale raises complex and multi-faceted issues, with various implications, including financial, the matter has to be examined carefully and has to be given the time that it takes. As I stated earlier, the Ministerial Committee is still working on its assignment and it is premature, at this stage, for Government to indicate a date for the submission of its recommendations. However, once the Ministerial Committee completes its assignment and submits its final proposals for reforms, these will be examined at the level of Government and, in line with our democratic principles, the proposals will be ventilated and extensive consultations will be held with all stakeholders on Government’s proposals, in due course.

M. le président, la population sait pertinemment bien que ce gouvernement a toujours honoré ses engagements envers la nation. Nous avons donné la preuve concrète de notre sérieux à maintes reprises, comme à l’occasion de la présentation récente de la *Political Financing Bill*. Et dans le cas de la réforme des administrations régionales, nous avons la ferme intention de mener à bien la mission que nous nous sommes donnée.

Dr. Boolell: It is a reply full of sound and fury, signifying nothing.

Mr Speaker, Sir, can I ask the Deputy Prime Minister whether he will table the minutes of the proceedings of the two meetings which were held by the Ministerial Committee?

The Deputy Prime Minister: Certainly not, Mr Speaker, Sir! The Leader of the Opposition, who I am sure, does not want to put questions full of sound and fury, signifying nothing, knows full well that that is not the practice of any Government for that matter. When a Ministerial Committee is appointed, that Ministerial Committee is provided with the time and means to perform its task and it then submits a report that is ventilated.

Dr. Boolell: Is he aware that the Prime Minister has misled the House and the whole population in his speech to the House on 23 May 2023 when he stated he would come up...

Mr Speaker: Hon. Leader of the Opposition, you have no right to use that word 'misled'.
Remove...

Dr. Boolell: But it is hansardised.

Mr Speaker: Remove the word! You can put your question, but remove that word.
Withdraw it!

Dr. Boolell: But let me refer...

Mr Speaker: Withdraw the word first!

Dr. Boolell: Alright, okay.

Mr Speaker: You withdraw? Okay?

Dr. Boolell: You want me to remove the word 'misled'?

Mr Speaker: Yes.

Dr. Boolell: Alright.

Mr Speaker: Put your question!

Dr. Boolell: Is the Deputy Prime Minister aware that the Prime Minister has not been telling the truth to the House and the whole population in his speech to the House delivered on 23 May 2023 when he stated he would come up with recommendations on the reform of Local Government before March 2024? Is he aware of this?

The Deputy Prime Minister: Mr Speaker, Sir, again, telling the truth relates to facts that are known.

Dr. Boolell: I have to get the matters right...

(Interruptions)

The Deputy Prime Minister: Please! If you will bear with me and not get excited, hon. Leader of the Opposition, you might get answers, unless you do not want answers...

(Interruptions)

...and you are...

Mr Speaker: No cross-talking, Leader of the Opposition! You are the one telling ‘decorum in the House’, ‘decorum’! So, show decorum!

The Deputy Prime Minister: The Prime Minister made a speech on 23 May 2023. At that point in time, the Ministerial Committee had not come into operation, had not started its work. And the appointment was announced in Parliament in May 2023. At that point in time, the Prime Minister stated that the objective was to come up with recommendations when Parliament resumes in March 2024. That was our intention, and the Ministerial Committee was set up; it started working. A Technical Committee was set up to assist Government and the Ministerial Committee. Then, in December, the Electoral Boundaries Commission’s Report was approved by this House, and I explained at length the many and profound implications of that report in terms of electoral boundaries.

I also explained how, in the meantime, there was a constitutional challenge; the outcome of which, of course, had to be heeded by the Ministerial Committee. Consultations were held, and that work is ongoing and it is, obviously, our firm intention, as soon as the Ministerial Committee has completed its work, to present it to the nation.

Just to add, this is precisely what we did in the case of the Political Financing Bill. And what happened when we did so? The Opposition said, ‘how can you, on the eve of elections, on the threshold of elections, dare to come forward with proposals for reform?’ I suppose now, suddenly, we are no longer on the eve of elections, we are no longer on the threshold.

The Leader of the Opposition is impatient for the introduction of a reform Bill before the House. Let me tell him that this Government is very serious in its intention and willingness to reform the law of 2011; the law of 2011 that both the MSM and the MMM condemned. The Leader of the MMM said it was a *recul* – that law of 2011. So, we are determined to review it and so, we shall.

Dr. Boolell: This is what I call beating around the bush and trying to drown a dead fish! Is he aware that it was a firm commitment given by the Prime Minister? The Prime Minister said that he would come forward with a major legislation. Is he aware of this?

The Deputy Prime Minister: Of course, Mr Speaker, Sir. I have just explained. The Prime Minister said, and I repeat, « *l'objectif sera de venir de l'avant avec des recommandations avant la rentrée parlementaire* », and so on. *L'objectif ! L'objectif peut ou ne pas être atteint selon les circonstances* and what happens in the intervening period.

Dr. Boolell: Can I ask the Deputy Prime Minister whether he would recall what the Vice-Prime Minister stated, that he would come up with nation-wide consultations with Members of Government, parliamentary and extra-parliamentary Opposition, local authorities, and members of the public? This simply has not happened. When will the MSM Government at long last hold these nation-wide consultations?

The Deputy Prime Minister: Mr Speaker, Sir, this is precisely what we have just done with the Political Financing Bill.

Dr. Boolell: No, no, no.

The Deputy Prime Minister: It was ventilated. It was on the website. We conducted consultations. We called for observations. We sent the proposals to each and every Member...

(Interruptions)

Mr Speaker: Order! Order!

The Deputy Prime Minister: ...of this House...

Dr. Boolell: You are going to...

Mr Speaker: Order!

The Deputy Prime Minister: ... to each and every one. And with what result? With the result that the Opposition could not agree amongst themselves what their stand would be. There was not a single MP on the other side of this House who had anything to state in reaction to these proposals and yet, we carried out wide consultations and we brought it to the House, and it was widely debated. So, we have no lessons to learn in terms of democratic principles. This is the Government that, in conformity with constitutional provisions, has organised a by-election. And

what has been the stand of the Opposition? To shy away, to run away, and not to participate in the by-election. And they want to give us lessons in terms of democracy?

Mr Toussaint: *Dir Ramgoolam poz candidat!*

Dr. Boolell: It is nice to listen to a bluffer and we have always called his bluff. The Prime Minister...

The Deputy Prime Minister: Mr Speaker, Sir, I do object. I have not, at any point in time, insulted, used any demeaning words...

Dr. Boolell: What demeaning words?

The Deputy Prime Minister: ... to the address of the Leader of the Opposition. He has chosen to say that the Prime Minister misled the House.

Dr. Boolell: Of course, I had to do it.

The Deputy Prime Minister: And now, that I am a bluffer.

(Interruptions)

Mr Speaker: Hon. Leader of the Opposition!

The Deputy Prime Minister: I do not think such words are becoming of this House.

(Interruptions)

Mr Speaker: I am on my feet! Hon. Leader of the Opposition, decorum please!

Dr. Boolell: It is precisely...

Mr Speaker: Please, withdraw that word 'bluff'! Withdraw it without any condition!

Dr. Boolell: You want me to withdraw the word 'bluff'?

Mr Speaker: Not that I want! You have to withdraw!

Dr. Boolell: But don't shout at me!

Mr Speaker: I am not shouting. This is my way of...

Dr. Boolell: You don't have any right to shout at me!

Mr Speaker: Don't look for pretext! Are you withdrawing or not?

Dr. Boolell: You want me to withdraw?

Mr Speaker: I have ordered you to withdraw!

Dr. Boolell: Yes!

Mr Speaker: You withdraw, okay.

Dr. Boolell: Maybe it is the last straw I withdraw, yes.

Mr Speaker: Yes.

Dr. Boolell: The Prime Minister stated that this MSM Government was reflecting on the possibility of organising municipal elections concurrently with general elections. We have seen no recommendations at all of the Technical or Ministerial Committee on these issues. Will these recommendations be submitted? And don't tell me it is early harvest.

The Deputy Prime Minister: Mr Speaker, Sir, that is one of the very interesting and important ideas presently being started by the Inter-Ministerial Committee. Now, if this is a common stand of the Labour Party-MMM alliance, I am sure that the Inter-Ministerial Committee will be interested in hearing of such proposals. But, as far as I am aware, this alliance of the Labour Party and the MMM has not been in a position to formulate one single serious concrete proposal for reform of local government, for the very simple reason that the law of 2003 embodied the philosophy of the MMM and the law of 2011 of the Labour Party overturned that Bill, and did exactly the opposite. And today, they cannot come up with a clear proposal. Do I take it that what the Leader of the Opposition is saying is that the MMM and the Labour Party have agreed to propose to the nation that general elections and municipal elections be held at the same time? If so, let them say it.

Dr. Boolell: What we have agreed is that the...

Mr Speaker: Time over!

Dr. Boolell: What 'time is over'?

Mr Speaker: What 'time is over'!

Dr. Boolell: You have to be fair!

Mr Speaker: What is it?

Dr. Boolell: Is that fairness?

Mr Speaker: Are you discussing with the Chair? Did you put your PNQ to me?

Dr. Boolell: Ah, so he is allowed to...

Mr Speaker: Don't make an abuse of putting questions!

Dr. Boolell: There is no differential treatment in this House!

Mr Speaker: What 'differential treatment'?

Dr. Boolell: There is no special treatment...

Mr Speaker: Time is over! It was due to be 4.33 p.m. and it is 4.34 p.m.! Do you understand English?

Dr. Boolell: No, you are going to teach me to speak English?

Mr Speaker: Come on, you asked a PNQ and you know what happened! Now, you are venting yourself on me?

Dr. Boolell: I am speaking facts!

Mr Speaker: You did not put the question to me. You put the question to the Leader of the House and replied by the Deputy Prime Minister. What happened between you two is not my

concern! Why are you discussing with me, hon. Leader of the Opposition? I am just an innocent Speaker!

(Interruptions)

I speak under your protection.

(Interruptions)

You can't fight the Government, you fight me?

(Interruptions)

Maybe you have a feeling you lost marks or something like this, and then you fight me.

(Interruptions)

Thank you very much for your comprehension!

MOTION

SUSPENSION OF S.O. 10(2)

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

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.

Question put and agreed to.

PUBLIC BILL

Second Reading

THE WATER RESOURCES BILL

(NO. VIII OF 2024)

Order read for resuming adjourned debate on the Second Reading of the Water Resources Bill (No. VIII of 2024).

Question again proposed.

Mr Speaker: I now call hon. Minister Dr. Jagutpal!

(4.36 p.m.)

The Minister of Health and Wellness (Dr. K. Jagutpal): Thank you, Mr Speaker, Sir.

I will first commend my colleague, the Minister of Energy and Public Utilities, hon. Joe Lesjongard for bringing to this House such a long-awaited piece of legislation.

The objective is to better equip our country to manage one of the most precious natural resources at our disposal, that is, water. This Bill represents a historical landmark in the Mauritian legal landscape.

The Government, under the leadership of the Prime Minister Pravind Kumar Jugnauth, will stop at nothing when it comes to the introduction of meaningful and important legislation for the country as it has been the case for the last four and a half years.

I also must place on record the invaluable contribution of former Chief Justice, Honourable Asraf Caunhye. He has assisted the law officers who have over the last 6 months worked tirelessly with officers of the Ministry of Energy and Public Utilities to finalise this Bill.

Mr Speaker, Sir, according to the Nationally Determined Contributions 2021, Mauritius is classified as a water-stress country, and is expected to fall under the water scarce category by 2030. As a SIDS Country, Mauritius is particularly vulnerable to climate change and global warming.

Mr Speaker, Sir, in 1971, the then government voted the Central Water Authority Act and a Water Resources Act. The CWA Act was proclaimed, but the Water Resources Act 1971 was never proclaimed. It is unfortunate that in some quarters, the Bill is being attacked on baseless premises.

In a daily newspaper, last Tuesday, it's regretful to see a misleading article titled: '*Quand l'État veut accaparer des sources d'eau souterraines.*' Allow me to dispel any misunderstanding on this type of argument. Mr Speaker, Sir, I have discussed this newspaper article with senior legal professionals and also with colleagues from this side of the House. Section 2 of the Constitution provides as follows, I will quote –

“This Constitution is the supreme law of Mauritius and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.”

Further, section 8(5) of the Constitution provides that ground water is owned by the State, yes ground water is owned by the State and it reads as follows –

“Nothing in this section shall affect the making or operation of any law so far as it provides for the vesting in the State of the ownership of underground water or unextracted minerals.”

So, it's already clear for a layman; it's understood that the Constitution is the Supreme law.

Mr Speaker, Sir, I will also refer to Clause 48 of the Bill which preserves any existing water rights and this clause must be read together with Clause 81 which provides for transitional provisions. I draw the attention of the House to the flexibility provided by Clause 81(3) which allows the Minister to make regulations in respect of savings and transitional provisions where the Bill does not make such provision. I also have to underline Part V of the Bill which has been carefully drafted in line with the Constitution to deal with existing water rights acquired rights and compensation.

During his intervention, hon. Uteem referred to the Central Water Authority on numerous occasions, asking the Minister to consider building new treatment plants and reservoirs, even in his constituency. The Central Water Authority is governed by the CWA Act and this Bill is not about the distribution of water for domestic use which is the mandate of the CWA, it is about water resources.

Let me remind the hon. Member that water resources mean as defined in the interpretation part of the Bill itself –

““water resources” –

- (a) means the combined resource of surface water, underground water of whatever nature; and
- (b) includes alternative water sources; but
- (c) does not include treated water supplied by the Central Water Authority for domestic, commercial and industrial purposes;”

Hon. Uteem also referred to the power vested to the Minister of Energy and Public Utilities in this Bill as it has been in the past, in all parliamentary debates on any Bill. Members of the Opposition kept on stating that too much power is vested to the Ministers or even to the Prime Minister. Since we are on the eve of general elections, hon. Uteem should have clearly informed the population that once the Labour Party and the MMM alliance will be in power, all the powers vested to Ministers, on whatever Bill they already proclaimed as an Act, will be waived. This should figure in their manifesto! I believe that this should have been discussed with the leader of the PTR, that is, Dr. Navinchandra Ramgoolam.

Now, I have a question, Mr Speaker, Sir. Is it normal that on one side, you have big lands owned by private companies, by the private sector that have ample water at their disposal during the whole year, and on the other side, you have the whole population, towns and villages that are provided with limited water resources? This Bill is about social equity and this Government is about social equity.

Mr Speaker, Sir, this Bill is revamping the Rivers and Canals Act which dates back to 1863, that is, a Bill drafted 161 years ago, and which is still in force today in 2024. Let me refresh the House with some clauses of the Rivers and Canals Act of 1863 –

At Part 1 –Section 4 (2), it is stipulated, I quote –

“Without the authority of the Supreme Court, no person shall under subsection (1) draw water by means of machinery, or by turning aside any portion of the river or stream.”

So, according to this clause, every time a person or an agency of the Government wants to extract water from a river or stream, he or she, or the Government, must have a Supreme Court

ruling in his favour to do so. This applies even if there is climate change, droughts and even if the population is not having access to water. Is it fair?

Further, Section 29 of the Rivers and Canals Act states that –

« Un ordre de la Cour suprême est requis pour installer une fontaine d'eau. »

Is it not ridiculous in this day and this age, Mr Speaker, Sir? Is it not time to repeal such an Act?

During an interview on radio last week, the leader of the Opposition, Dr. Arvin Boolell stated that the Government is jeopardising the water rights of small planters. I will highlight that, at Sub-Part B, section 36 (2) of the Bill having to do with Rivers and Canals, it is clearly stipulated that ‘small planters will have the right to use water from any river, stream or watercourse for irrigation purposes.’

Government has to regulate access to all water sources available on the island, whether it is canals, rivers, lakes or/and boreholes on public lands, but also on private lands in order to meet the needs of the population.

Mr Speaker, Sir, according to the Seasonal Outlook Report for Winter 2024 by the Mauritius Meteorological Services, the cumulative rainfall will be around 600 millimetres which is below the long term mean. Coupled with lesser rainfall, Mauritius is also faced with a problem of muddy water which usually follows heavy or torrential rains. So, having lots of rain does not necessarily mean that the population will be having ample access to drinking water unless there is an efficient system of water management, treatment and distribution.

Climate change is taking its toll already in different parts of the world. In Australia, for example, almost a dozen towns across the region of New South Wales are faced with unprecedented drought since 2019. This phenomenon has been dubbed ‘day zero’ in Australia. That is the point where drinking water is not available at all. Water Infrastructure Developers have announced this week the construction of a 150gigalite Water Desalination Project in Western Australia. This project will cost 5 billion dollars.

Nearer to Mauritius, in the Indian Ocean itself, the island of Mayotte has been faced with severe drought in September 2023. Drinking water was available only one in three days for the

inhabitants of Mayotte. Due to this situation, schools and colleges were closed and many businesses went bankrupt while many islanders landed in hospital with digestive issues.

Let us for a moment reflect on such a situation in Mauritius where reservoirs drop to some 20% and that there is no forecast that rain will fall in the next couple of weeks. Let us ponder on what will happen if 90% of regular water supply for domestic purposes has stopped. Any Government would have introduced some kind of measures to relieve the population. That is what this Bill is meant for, contrary to the outcry of some, that their water rights are being put at risk. We should not forget that Rodrigues is a water-strained island. According to the Global Risk Report of the World Economic Forum published in January 2024, extreme weather events will be the world's most severe risk from 2024 to 2026.

El-Nino will lead to breaking heat records and lead to extreme heat waves, cyclones, droughts, wildfires and flooding. 2023 was the warmest year on record according to the World Meteorological Organisation. The Intergovernmental Panel on Climate Change has reported that human influence has significantly warmed the atmosphere. As a consequence, there are accelerated changes on the ocean and land. Changes which took more than one hundred years to happen are now happening in decades. According to the World Weather Attribution Program, unprepared states and countries are particularly at risk. Those who are today voicing out against this Bill will no doubt state that the Government has done nothing when it comes to preparedness.

According to the Ministry of Environment document "Vulnerability of Mauritius to Climate Change", climate change is the biggest and most complex challenge facing the international community today and for years to come. According to the World Risk Report 2021, Mauritius ranks 51 out of 181 countries for risk of disaster from extreme natural events. It means that Mauritius is among the first-tier countries to face the impact of extreme natural events.

Mr Speaker, Sir, According to the Water Resources Unit, 50 % of domestic water supply in Mauritius is derived from underground water that is some 163 boreholes out of 604 boreholes. 211 boreholes are used for irrigation and 230 for industrial purposes. Many of these boreholes are found on private lands which are not under the direct jurisdiction of the State. The remaining 50% is derived from surface sources like reservoirs, dams and rivers. God forbids we do not fall

into a situation where water is not accessible to the whole population or that water is accessible only to a selected few people who own the private lands.

What will happen then? Will Government have to introduce regulations like during the COVID-19 peak period? It is our mission, on this side of the House to ensure that water is available for the population now and also for the future generations. This is why we need a robust legislation. We need a legal framework which caters for new and sustainable means of water supply like –

- the desalination of sea and brackish water;
- rainwater harvesting;
- atmospheric water generation;
- recycled water, and
- reuse of treated wastewater.

We have to ensure provision of water for our 1.2 million people and also for some 1.4 million tourists expected to visit our country this year. The tourism peak period coincides with the dry season in Mauritius, spanning from October to February, where the demand for water goes up significantly.

Mr Speaker, Sir, the elaboration of a legal framework for the holistic and sustainable management of water resources has remained outstanding for years. There is the need to reinforce water protection measures due to the increase in industrial and commercial activities as the economy pursues its economic growth trajectory. This legislation is also taking into consideration the adverse impacts of climate change. The ultimate goal is to make optimal use of our water resources for the benefit of the whole population.

I thank you, Mr Speaker, Sir.

Mr Speaker: I now call hon. Dhunoo!

(4.52 p.m.)

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, first of all, I would like to thank my colleague, hon. Georges Pierre Lesjongard, Minister of Energy and Public Utilities, for bringing this important legislation to the House. It has been mentioned by the Minister in his last speech: the importance of this Bill in our present era. Mr Speaker, Sir, the main object of this Bill is to –

- (1) Provide a legal framework for the use, management, control, protection, conservation and sustainable development of water resources in Mauritius;
- (2) Safeguard the immediate and long term public interest for equitable access to water;
- (3) To ensure water security and resilience;
- (4) To establish a Water Resource Commission;
- (5) To promote the efficient use of water;
- (6) Make provision for, and in connection with, matters incidental and connected thereto.

Mr Speaker, Sir, in the first part of my intervention, I will speak on water resources worldwide. In the second part, I will speak on global water crisis and in third part, on the long term solution for water scarcity and lastly, I will speak on the salient features of the Bill.

Mr Speaker, Sir, fresh water resources is a problem not only in Mauritius but worldwide. As we say, water is life, yet as the world population mushrooms and climate change intensifies, over 2 billion people still lack access to clean, safe drinking water. By 2030, water scarcity could displace over 700 million people as per report of the United Nations. From deadly diseases to famines, economic collapse to terrorism, the global water crisis threatens to sever the strands holding communities together. But this ubiquitous yet unequally distributed resource underscores the precarious interdependence binding all nations and ecosystems and shows the urgent need for

bold collective action to promote global water security and avert the humanitarian health, economic and political catastrophe that unchecked water stress promises.

Mr Speaker, Sir, with existing climate change scenario, as I have said, almost half of the world's population will be living in areas of high water stress by 2030. In addition, water scarcity in some arid and semi-arid places displaces between 24 million to 700 million people. Mr Speaker, Sir, in Africa alone as many as 25 African countries are expected to suffer from a greater combination of increased water scarcity and water stress by 2025. Sub Saharan regions are experiencing the worst of crisis with only 22 to 34% of population in at least 8 Sub Saharan countries have access to safe water. Fortunately, Mauritius is amongst one of them.

Mr Speaker, Sir, Mauritius consists of five major river basin and the largest are the Grand River South East and the Grand River North West. Most rivers are perennial, originating from the central plateau and Mauritius has five main aquifers. There are seven impounded storage reservoirs : Mare aux Vacoas, La Ferme, Mare Longue, La Nicolière, Piton du Milieu, Midlands dam, Bagatelle dam. Mr Speaker, Sir, the main source of water supply is ground water of about 50% which is abstracted through 163 boreholes. And, the remaining 50% is derived from surface sources such as impounding reservoir and river intakes.

Mr Speaker, Sir, we have for our water resources, 25 major catchment areas, like I have said, 24 minor river basins, 107 flow measuring stations, 350 river-run off takes, 3 major reverse abstractions.

Out of the five aquifers in Mauritius, we have –

- 604 boreholes with 163 which are domestic;
- 211 for irrigation which accounts for 4%, and
- 230 industrial for 5%.

Reservoirs like Mare aux Vacoas, Mr Speaker, Sir, are used for potable water supply. The purpose of La Nicolière Reservoir is for storage of water supply for potable use as well as the industrial and irrigation purposes. For Piton du Milieu, Mr Speaker, Sir, the storage of water is also for potable use. La Ferme Reservoir, the storage of water is for irrigation purposes. Mare

Longue, the purpose is for the use of hydro-power generation at Tamarin and Magenta power station and also for irrigation. At Midlands Dam, the storage of water is for potable use and irrigation purposes. And, Bagatelle Dam, the storage of water is for potable use.

Mr Speaker, Sir, water security or reliable access to adequate quantities of acceptable quality water for health, livelihood, ecosystem and production has become an urgent issue worldwide. This crisis has far reaching implications for global health, food security, education, economics and politics as water resources dwindle, conflicts and humanitarian issues over access to clean water will likely increase.

Climate change also exacerbates water scarcity in many parts of the world. Addressing this complex and multifaceted crisis requires an understanding of its causes, impacts and potential solutions across countries and communities. Mr Speaker, Sir, the global water crisis stems from a confluence of factors including growing population, increasing water conception, poor resource management, climate change, pollution and lack of access due to poverty and inequality.

The world population has tripled over the last 70 years leading to a greater demand for fresh water resources. Agricultural, industrial and domestic water usage has depleted ground water in many regions faster than it can be replenished. Agriculture alone accounts for nearly 70% of global water withdrawals, often utilizing outdated irrigation system and water intensive crops. Climate change has significantly reduced renewable water resources in many parts of the world, like glaciers are melting, rainfall patterns have shifted, droughts and floods have intensified and temperatures are on the rise, further exacerbating the crisis.

Mr Speaker, Sir, 70% of the planet is covered in water, a key resource for almost every aspect of life and a major factor in health, peace and security across the world. SGD 6 looks to ensure availability and sustainable management of water and sanitation for all by 2030, a quite ambitious task considering that 2.3 billion people or one quarter of the world's population live in water-stressed countries.

Physical water scarcity refers to lack of sufficient water in area whereas economic water scarcity occurs when people cannot afford access to water. The consequences are disproportionately felt by the poorest and the most vulnerable. Although there is no international

mandate, governments around the world, Mr Speaker, Sir, have implemented policies and strategies to help tackle this issue. Water scarcity, Mr Speaker, Sir, like I have said earlier, poses risk to health, sanitation, food production, energy generation, economic growth and political stability worldwide. Conflict over shared water resources are likely to intensify without concerted global actions.

The effects of water scarcity are not confined to obvious health, poverty and disease causing issues. According to water.org, nearly 1 million people die every year from water, sanitation and hygiene related diseases; all of which could be reduced by securing access to safe water and sanitation. Water is a lifeline not only for human survival but also for food production.

Mr Speaker, Sir, it is estimated that over 140 million people will be forced to migrate within their countries by 2050 due to climate change. It is estimated that around 500 million women do not have access to menstrual products or safe hygienic spaces to use inadequate water sanitation and hygiene equating to 9% of the 5.8 million deaths of children globally. Mr Speaker, Sir, inequality and access to water can also be a catalyst to conflict. We have seen in 2013, 27 conflicts around the world were related to water, rising to 71 in 2017. The Russian invasion of the Ukraine has exacerbated water-related tensions by targeting civilian infrastructures. The RACD estimates that 1.4 million Ukrainians now have no access to safe water, with a further 4.6 million experiencing limited access.

When we talk about a long-term solution to water scarcity, Mr Speaker, Sir, the first thing we speak about is infrastructure. Lack of infrastructure has devastating effect on human health and economy. Fragile pipework and lack of supply to major regions not only waste resources but also impact on everyone's Water of Life. For this reason, Mr Speaker, Sir, smart investments in clean water and sanitation prevents needless deaths and transforms lives. According to the United Nations, 100 to 200 million m³ of water could be saved globally by 2013 simply by reducing leak. And, this is what our government is also doing, Mr Speaker, Sir.

When we have been talking about Water In-House Pipe Replacement Scheme, but what have we seen, Mr Speaker, Sir – criticism from Opposition. We have all heard how the Leader of the Opposition has been frontally attacking the Central Water Authority, the GM and the In-House Pipe Replacement. We have also heard all the false and gratuitous allegation made by the

Opposition in the press conference last Tuesday. In-House Pipe Replacement, Mr Speaker, Sir, is in fact pipes replaced by employees of the CWA and I would like to thank the Prime Minister and hon. Joe Lesjongard, where the Prime Minister himself is chairing a Committee on this in regards to water supply across entire Mauritius.

And we also have to thank all the staff, dedicated staff of the CWA, Mr Speaker, Sir, because they are working hard. I have myself experienced how they have worked, whether it is in my Constituency No.17 where people from Midlands, though there is Midlands Dam, don't get water from Midlands. All the water is carried towards the north either for irrigation or for potable use. There is a study to see how we can provide water for people of Midlands in this region. There is another study where we have worked with the private sector, Mr Speaker, Sir, in the north; we have to thank the private sector, the Domain Saint-Antoine. For example, Mr Speaker, Sir, for Constituency No. 6, there is a big problem of water there, Mr Speaker, Sir. There has been collaboration between the CWA and the private sector whereby they are giving us wayleave so that we can construct a borehole there and we are going from Constituency No.7 where the boreholes will be to provide water in Constituency No.6 and partly No.7. This is being done in collaboration and this being done in-house, Mr Speaker, Sir.

We also need to think what is best for the country. When we think about the in-house costing, it costs around 25% of the costs of the major contractors that are being done in record times. Here, I would like also to congratulate all the staff of CWA and the engineers who are working day and night for the whole population in Mauritius to get water, Mr Speaker, Sir.

Mr Speaker, Sir, our objective is to alleviate the water situation in water stressed areas and black spots. But what have we seen, Mr Speaker, Sir ? *Il y a un acharnement pour le démantèlement de ce projet pour remplacer les vieux tuyaux. Pourquoi ? Je me demande pourquoi ? À qui profite tout cela ? Et je me demande pourquoi l'ensemble de l'opposition y défend ; est-ce qu'il y a un intérêt quelque part ? Est-ce qu'ils voient l'intérêt de la population ou non?*

Our Government is doing its maximum, Mr Speaker, Sir to improve water situation all around the country. Under the able leadership of our hon. Prime Minister who is himself giving a special attention to the water sector, I know the Opposition is jealous of the huge progress being

made in a short period and they want to *kouma nou dire*, *M. le président*, *met baton dan la rou* with frivolous issues.

Mr Speaker, Sir, as we have promised in our mandate, we are going to work for the best for the population and we will be going towards it, Mr Speaker, Sir. No one will be able to stop us from doing our job and do the best for our citizens. Mr Speaker, Sir, we have to ensure that the infrastructures which are in place will be able to deal with water scarcity. I was listening to the speech of the hon. Leader of the Opposition, hon. Dr. Boolell last week. He was right when he said that water losses in CWA network are now above 65%. That is why we are replacing the pipes! Because for 100 years, Mr Speaker, Sir, pipes have not been replaced! I tend to agree with him that we have to do that, Mr Speaker, Sir.

Mr Speaker, Sir, we have to look for the best infrastructure as I have said earlier. Mr Speaker, Sir, with regard to irrigation and agriculture, we also have to come up with sustainable and efficient agriculture and management techniques that are needed to grow more food on less land with less water. For conservation, Mr Speaker, Sir, we have to see how indirectly through agricultural processes, the automotive industry and mining use less water. We have to build awareness around local water system and resources that can help raise awareness and educate our people on consumption and sustainable lifestyle. We have to educate our people on changing and improving their behaviour for a better world and reducing water crisis in the future.

Mr Speaker, Sir, this Bill does not change the fundamental legal basis of the use of water in Mauritius. Water has always been a part of the *domaine public* as inalienable and imprescriptible, and it remains so under this Bill, Mr Speaker, Sir. Like I have said, Mr Speaker, Sir, why do we need this Bill? We have a population growth, not only in Mauritius, but worldwide. We need this Bill because we have an increasing water stress, including the effects of climate change and increasing frequency and severity of water shortages. The increasing importance of using water wisely is through efficient conservation so that more water is available for everyone's use; environment conservation by protecting flows of water which serves our ecosystem. We need water to serve the dynamic needs of the Mauritian economy now and in the future.

We have to understand the historic rights. Some 60% of the water in Mauritius is allocated to sugar irrigation. Yet, in modern times, sugar contributes less to than 5% of the GDP.

Mauritius, Mr Speaker Sir, has since then undergone significant economic diversification over the recent decades, and continued diversification will be vital in future. Such diversification is not only important for the economy, but it also encourages innovation and creation of new opportunities and new jobs.

With the exception of using desalination and other alternative technologies, the volume of water in Mauritius is fixed, Mr Speaker Sir. Yet, the amount of water needed to meet our needs has increased dramatically. We continue to build new dams to capture rainwater which could otherwise be lost to the sea. However, the number of economically vital dam sites is limited, Mr Speaker, Sir. We cannot continue building new dams forever, Mr Speaker, Sir. Therefore, it is now time to manage our water resources much more effectively and efficiently.

Modern best practices in this regard is to introduce a Water Use Permit, as seen in many countries in recent times, including, for example, in Australia, Canada, China, Brazil, UK, New Zealand, Kenya and New Guinea. Mr Speaker, Sir, the Rivers and Canals Act, the principal water law of Mauritius has not seen any significant changes – I have heard from many of my colleagues speaking before me – since it was introduced in 1863. Over 160 years ago, Mr Speaker, Sir! Without a water law which enables the country to adapt to the modern water stress and climate change, Mauritius is lacking a key tool to adapt to climate change, ensure sustainable water supply for the people, the economy and the environment and to critically adapt to climate change, Mr Speaker, Sir.

Mr Speaker, Sir, the legacy of the historic water right system is very difficult to address modern water needs. So much has changed since those historic water rights were issued. It is extremely difficult to determine if those historic rights remain in conformity with their original purpose which was overwhelming for irrigation of the sugarcane field in the past, Mr Speaker, Sir.

So, Mr Speaker, Sir, it is very difficult to determine how much water is available in Mauritius for its allocation to increasing and new demands. The historic water rights system has ended up to being stale because it has been overtaken by the passage of time, Mr Speaker, Sir. We need a modern day approach if we are to manage our water resources responsibly and effectively. The introduction of the concept of Water Use Permit in the Bill is a strong tool to use, control, manage, conserve and protect water. The Bill, through the Water Use Permit, will

allow a proper water audit for its reallocation thereafter. CWA uses almost the same volume of water as the agriculture sector yet, we have no information on the efficiency of the network in the sector.

The Bill will give also a boost to agricultural sector, as has been mentioned by hon. Mahen Kumar Seeruttun for small planters, and it will be allowed to use water from rivers, stream or water courses. He has explained lengthily on it; I will not delve into it, Mr Speaker, Sir. Water has to be available to support such diversification to make the economy stronger and more resilient towards the adoption and practice of smart agriculture. Mr Speaker, Sir, the expansion, as said by hon. Seeruttun in his speech, will promote expansion for sheltered farming, proof of diversified organic food production. *Healthier food, healthier people.*

Mr Speaker, Sir, the Bill adopts the principle of integrated water resource management to ensure long term water scarcity and sustainable of water resources and domestic use of water. Mr Speaker, Sir, the need for effective policy founded in evidence-based decision means recognising water value in different societies and implementing integrated approaches to water resource management. We also need to have the political commitment and leadership, technological innovation as well as breakthrough in service delivery and financing models that are all needed to support Government in delivering its commitment to SDG 6.2, building strong institution and facilitating dialogues and information systems that can support resource management.

Mr Speaker, Sir, I will end my speech on a declaration from the Vice President of the World Bank, Mr Ismail Serageldin –

“Many of the wars of the 20th century were about oils but wars of the 21st century will be about water unless we change the way in which we manage it.”

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Members, I suspend the Sitting for thirty minutes.

At 5.17 p.m., the Sitting was suspended.

On resuming at 5.57 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! I call hon. Ms J. Bérenger!

Ms J. Bérenger (First Member for Vacoas & Floréal): Selon le rapport des Nations unies pour les *SIDS* en 2017...

Mr Speaker: No, wait, wait! You address the Chair. If you want to continue your speech, you address the Chair!

Ms J. Bérenger: M. le président, selon le rapport des Nations unies pour les *SIDS* en 2017, Maurice sera en situation de stress hydrique dès l'an prochain. Alors qu'une étude financée entre autres par le *Food Agricultural Organisation* avait été publiée depuis 2016 par le prédécesseur du ministre et avait identifié huit mesures prioritaires pour une gestion intégrée des ressources en eau, ce n'est que huit ans plus tard que le gouvernement vient de l'avant avec un projet de loi qui semble – je dis bien semble – vouloir s'illustrer comme étant un premier pas dans cette direction. Mais, il ne faut pas se fier aux apparences.

Il est primordial pour un petit état insulaire en développement qui fait face à des pénuries d'eau régulièrement, qui a une population plutôt dense et qui repose beaucoup sur l'utilisation d'eau souterraine de protéger ses ressources en eau de la contamination d'eau de mer, de la pollution et il est primordial de savoir gérer cette ressource précieuse, y compris à travers une loi-cadre solide préparée en consultation avec toutes les parties prenantes. Mais, encore une fois, ce gouvernement MSM est fidèle à lui-même et à sa pratique et prend les décisions unilatéralement. Je peux vous assurer que beaucoup des petits planteurs de la circonscription numéro 16 sont en colère de ne pas avoir été consultés et sont inquiets. Et il y a de quoi, en effet, être inquiet lorsqu'on voit les pouvoirs accordés au ministre dans ce projet de loi.

Au-delà de l'absence de consultation, tout au long de ce projet de loi, la démocratie est encore une fois attaquée et c'est ce que je vais développer. À commencer par les pouvoirs beaucoup trop étendus du ministre. Il y a clairement un problème de séparation des pouvoirs et d'exagération. Le ministre aura le dernier mot –

- Pour décider d'accorder un permis pour l'utilisation de l'eau, des rivières, des canaux, des *boreholes*, des nappes phréatiques ou de ne pas en accorder.
- Il pourra décider du volume d'eau qui sera permis d'utiliser.

- Il pourra décider des tarifs à payer pour les droits d'utilisation de l'eau.
- Il pourra modifier unilatéralement les termes des conditions de permis et sans aucune compensation.
- Il pourra imposer n'importe quelle condition, restriction ou limitation ou même temporairement enlever un permis d'utiliser l'eau ou encore il pourra obliger un utilisateur à avoir recours aux sources alternatives.
- Il pourra initier une acquisition obligatoire d'un terrain, exempter n'importe qui du paiement d'une redevance, c'est-à-dire il pourra décider que telle ou telle personne ne paiera pas de *fees*.

Mais surtout, c'est le ministre qui a le pouvoir d'exempter un utilisateur ou une utilisatrice de permis d'utilisation de l'eau à travers la section 32. Cette section pourrait se passer de commentaires tant elle est explicite et représentative de ministre peut donc exempter de permis sans aucune justification, sans aucun l'esprit de ce gouvernement – le pouvoir absolu. Sous couvert d'intérêt public, le complexe, sans aucune gêne, le gouvernement vient ici montrer à quel point il n'en a que faire de la perception d'abus et de favoritisme.

Chaque semaine, l'opposition vient dévoiler les noms de ceux et celles qui gravitent autour du MSM et qui bénéficient d'avantages et de faveurs de la part du gouvernement. C'est donc sans surprise que l'on verra ici encore, je ne sais quelle cousine, beau-frère, ami d'enfance bénéficier d'exemption de permis pour utiliser l'eau, une ressource qui nous appartient pourtant à tous. Et à l'inverse de pouvoir exempter n'importe qui de permis pour utiliser l'eau sous prétexte d'intérêt public, à l'inverse, c'est dans l'intérêt public que le ministre devrait avoir l'obligation de venir justifier pourquoi il permet une exemption. Mais, ce n'est pas le cas. Pourtant, le ministre est redevable envers le peuple.

Il y a aussi dans cette partie II, à la section 7(j) le pouvoir qui permet au ministre de prendre n'importe quelle autre action ou décision lui permettant d'assumer ses responsabilités. Ce sont là des provisions qui défient toute logique et ouvrent la porte à tous les abus. Il faut impérativement des garde-fous. Mettre autant de pouvoir dans la main d'un politique pour gérer

nos ressources en eau, l'eau de nos rivières, l'eau souterraine, l'eau de nos réservoirs qui appartiennent à tous, je le redis, qui sont un bien public. Mettre autant de pouvoir dans la main d'un politique est dangereux. Ce sont beaucoup trop de pouvoirs entre les mains d'une seule personne. Ce n'est démocratiquement pas correct que ces décisions reviennent à un membre de l'exécutif puisqu'elles peuvent faire l'objet de pression, de considération partisane et aboutir à une situation injuste.

Et il y a évidemment de quoi s'inquiéter quand on connaît les pratiques revanchardes de ce gouvernement envers tous ceux et celles qui ne sont pas d'accord avec leur politique. A travers le monde, l'allocation de permis pour l'utilisation de l'eau repose sur une agence régulatrice et non pas sur ceux et celles qui prennent les décisions. Donc, cela devrait être le cas ici aussi pour le bon fonctionnement de la démocratie ou à la limite inclure la Cour Suprême comme garde-fou. Ce n'est pas pour rien que dès 1863 la *Canals and Rivers Act* mettait entre les mains de la Cour Suprême la décision d'accorder ou non le droit d'extraire de l'eau des rivières et des ruisseaux ou bien de dévier l'eau des rivières et des ruisseaux. Et d'ailleurs, le jugement du *Privy Council* le dit bien dans l'affaire *Ciel v CWA*. Le *Privy Council* le dit que c'est uniquement la Cour Suprême qui peut accorder le droit d'extraire de l'eau d'une rivière ou d'un ruisseau.

J'arrive à ma deuxième partie concernant la création des nouvelles entités. On voit donc à la section 9, la création d'une commission. Les super pouvoirs du ministre seront souvent exercés sur recommandation de ladite commission, mais qui n'en est pas une puisqu'elle n'est composée en réalité que d'un directeur. Le directeur peut désigner un *public officer* et cela aussi lequel ? On ne sait pas, mais il n'y a aucune obligation et le directeur peut rester tout seul. Donc, ce n'est pas une commission en réalité, c'est un nouveau département. Une commission composée donc d'une seule personne et pourtant, on voit attribuer à ladite commission une large palette de fonctions, mais rien sur les critères requis pour occuper ce poste de directeur. Rien sur l'expérience nécessaire alors que c'est lui qui est supposé conseiller le ministre.

La gestion de nos ressources en eau était déjà catastrophique, elle a empiré ces 10 dernières années et cela risque de continuer puisque l'on risque de se retrouver encore avec des personnes qui n'ont pas l'expérience nécessaire pour gérer nos ressources en eau. Le directeur peut émettre des *Remedial Notices* selon la section 59 alors qu'il peut, comme je viens de le dire, n'avoir

aucune expérience scientifique ni aucun bagage en ingénierie. Donc, sur quel *reasonable ground* pourra-t-il se baser pour prendre une décision d'émettre un avis correctif ? Ce *reasonable ground* pourrait être complètement infondé. Pareil pour les sections qui suivent avec l'avis d'interdiction etc. Et il en va de même pour les barrages. A la section 42, c'est le directeur qui sera responsable du *risk assessment* des barrages. Mais que vaut le *risk assessment* d'une personne qui pourrait n'avoir aucune expertise dans le domaine du génie civil, de la géotechnique, de l'hydraulique ou même de la construction ? On ne parle pas là des barrages construits par des castors, on parle de structures telles que le Bagatelle *Dam*, une structure qui pourrait mettre des vies en péril si elle devait dysfonctionner ou pire, si elle devait céder. Donc, il est absolument nécessaire de préciser quelles sont les qualifications nécessaires et quelle est l'expérience nécessaire de ce directeur. À côté de cette soi-disant Commission, ce projet de loi vient aussi créer un comité technique à travers la section 19, qui, lui aussi, fera des recommandations au ministre.

Et j'en arrive à ma troisième partie, concernant le manque de clarté. Comme je le disais juste avant, il y a un manque de transparence à plusieurs niveaux dans ce projet de loi, y compris sur les méthodes utilisées par le Comité pour arriver à une recommandation, ce qui peut à nouveau ouvrir la porte aux abus. Il faut absolument établir des lignes directrices concernant les critères sur lesquels se baseront la décision d'accorder ou pas, un permis pour l'utilisation de l'eau.

De toute façon, pour un travail plus efficient, il faudrait que les *applicants* puissent comprendre quels sont les besoins du Comité, puissent connaître les critères sur lesquels se baseront le Comité pour évaluer une application. Je regardais comment ça se faisait dans les autres pays et je vois que même en Éthiopie, le *Water Resources Management* définit clairement et publiquement les types de documents dont il a besoin pour pouvoir traiter les applications, comme par exemple, la localisation, l'activité pour laquelle l'eau sera utilisée, le volume requis par mois et annuellement, la façon de l'utiliser, les études de faisabilité, etc., mais à Maurice, on ne le définit pas. Il faut que ce soit rajouté dans la section 21.

Il faut aussi que soient définies les différentes étapes que comporte la procédure d'application et, bien évidemment, il faut un *time frame*. La procédure pour considérer une application prendra-t-elle un mois, quatre mois, un an ? Il n'y a aucun délai pour que le comité

traite l'application. Mais, par contre, lui, il peut en imposer sur la personne qui fait l'application pour soumettre une information.

Aussi, il n'y a aucune indication des tarifs. Est-ce que les tarifs seront décidés selon la relation qu'entretient l'applicant/l'applicante avec le gouvernement en place ? Dans beaucoup de pays, les tarifs sont affichés en ligne et sont publics, ce qui est absolument nécessaire pour que les personnes puissent s'organiser et prévoir leur projet en fonction de ces tarifs. Et, il est d'autant plus important d'être transparent sur les tarifs pour éviter toute tentation de corruption, mais aussi parce que des tarifs déraisonnables pour l'obtention des permis pourraient impacter le prix des produits et des services, pourraient impacter le niveau de vie des Mauriciens en général qui souffrent, malheureusement, déjà beaucoup trop de la cherté de la vie.

Il faut aussi plus de clarté sur les *temporary variation of water use permits*. Est-ce que des consultations auront lieu au préalable ? Qu'il s'agisse des méthodes utilisées, des délais ou des tarifs, la transparence est de mise, encore une fois, pour le bien-être de la démocratie, mais aussi pour que tout un chacun puisse s'organiser en fonction.

Manque de clarté également autour du terme '*public interest*' qui revient à plusieurs reprises à travers le projet de loi, y compris dans la section 29. Comme dit précédemment, le terme '*public interest*' est flou, n'est pas défini et a trop souvent été utilisé pour des décisions qui, en réalité, allaient à l'encontre de l'intérêt public justement. Dans la section 29, par exemple, il faut que soit défini scientifiquement ce que représente une période d'urgence ou une période de pénurie d'eau. Comme je dis, le terme a trop souvent été utilisé à mauvais escient pour qu'il ne soulève pas d'inquiétude.

Et, ici, l'utilisation abusive de ce terme pour décréter un état d'urgence et limiter, altérer ou retirer un permis d'utilisation d'eau pourrait conduire à une situation catastrophique pour de nombreuses familles mauriciennes. Donc, ici encore, plus de clarté et de précision concernant ce qui pourrait définir une situation d'urgence ou d'intérêt public sont indispensables. Pareil pour la notion de *buffer zone* à la section 33, pas de clarté, pas de définition technique de ce qu'est un *buffer zone*.

Pareil pour ce qui constitue un sérieux risque ou un risque imminent, à la section 61, pour pouvoir émettre une *prohibition notice*. Il y a aussi un manque de clarté sur ce qui définit une eau polluée. La section 68 (d) fait mention de l'eau polluée mais, il n'existe de définition nulle part. Inclure une définition de l'eau polluée est d'autant plus importante parce que décharger une eau polluée est une infraction à la loi. Donc, comment est-ce que sera appliquée une sanction s'il n'y a pas de définition claire de ce qu'est l'infraction ?

J'arrive à ma quatrième partie concernant le dessalement. À la section 35, la Commission sera responsable de promouvoir et réguler le développement de l'utilisation des sources alternatives d'eau. Mais, étonnamment ici, dans la loi, du moins, n'est concerné que le dessalement de l'eau de mer et de l'eau saumâtre, que l'on voit apparaître à neuf reprises dans le projet de loi. Le dessalement est une méthode très coûteuse, terriblement gourmande en énergie et qui peut être excessivement polluante également.

D'ailleurs, rien n'est défini, ici, quant au traitement des rejets polluants ni comment cette eau déstalinisée sera remise sur le réseau de la CWA. Le dessalement est une alternative d'adaptation au changement climatique qui ne devrait être adoptée uniquement lorsque les autres possibilités durables ont été exploitées, et en priorité celle de diminuer la quantité de *non-revenue water* et celle d'utiliser l'eau rationnellement. Mais pour que le gouvernement puisse prôner une utilisation rationnelle de l'eau, il doit d'abord pouvoir assurer une fourniture efficace de celle-ci. Et là, il faut rappeler que nous avons encore plus de 1000 km de tuyaux défectueux qui causent la perte de 60 % de l'eau qui sort de nos réservoirs. Ce chiffre, et malgré un directeur qui est aussi le conseiller du Premier ministre, n'a jamais diminué depuis ces dix dernières années, depuis que le MSM est au pouvoir. Si les bonnes personnes étaient nommées aux bons endroits, nous ne serions pas dans cette situation aujourd'hui. Mais, non, le MSM préfère mettre des nominées politiques sans aucune expérience dans le domaine responsable des institutions et c'est comme cela qu'on se retrouve, aujourd'hui, avec un nouveau projet de loi qui doit venir créer une soi-disant de Commission mais qui, en réalité, un département composé d'une seule personne pour tenter de faire le travail que le Directeur de la CWA ne fait pas.

Et j'en arrive d'ailleurs aux amendements conséquents qui concernent la CWA. Si on se fie à la section 80, la CWA se voit retirer plusieurs responsabilités. Pourquoi ? Pourquoi la nécessité

de créer un nouveau département, en l'occurrence une soi-disant Commission, pour lui prendre ses responsabilités, certaines de ses responsabilités en tout cas ? C'est clairement un aveu d'échec. Il y a qu'à voir d'ailleurs les irrégularités dénoncées par *l'internal audit* qui a dû soumettre sa démission et qui a entraîné l'institution d'un comité d'enquête. Et c'est à cause de cette même mauvaise gestion que la CWA n'a jamais été en mesure de fournir de l'eau 24/7 comme promis par le gouvernement MSM depuis 2014. Je ne vois pas d'autre interprétation ici.

Mr Speaker: You should concentrate your speech on the Bill!

Ms J. Bérenger: Je suis sur la section 80.

Mr Speaker: The provision of water by the CWA is not the subject matter of the Bill. It is only the amendments. If you have something to say on the amendments, you can say it. The CWA is something else.

Ms J. Bérenger: Je ne vois nulle autre interprétation pour venir expliquer que, à travers cette section 80, beaucoup de responsabilités qui été attribuées à la CWA sont en train, ici, d'être enlevées. Je ne vois aucune autre explication qu'un aveu d'échec est le fait que la CWA n'a jamais été en mesure d'appliquer les promesses faites par le MSM depuis 2014, d'ailleurs. D'ailleurs, j'aimerais rappeler que le Premier ministre disait, lui-même, qu'il est inacceptable que l'eau ne coule pas 24/7. Mais, cinq ans plus tard, qu'est-ce qu'il dit ? Il revoit la définition et prétend que 24/7 *pa ve dir ou gagn delo depi gramatin ziska tanto, ve dir li ariv ziska kot ou*. Donc, ça veut dire que même si l'eau coule une minute toutes les 12 heures, pour le Premier ministre, ça signifie avoir de l'eau 24/7.

Mr Speaker: No, I will stop you! This is the last warning! You are defying my authority! If you have nothing to say on the Bill, then I will stop you. You will have no speech! Your speech should be on the Bill!

Mr Quirin: *Kan banla ti p koz MMM pa ti ena nanie!*

Ms J. Bérenger: Comme je disais, les définitions manquent de clarté dans ce projet de loi mais, si nous n'arrivons même pas à tomber d'accord sur une définition aussi basique de ce que représente avoir de l'eau 24/24, sept jours sur sept, je crois qu'on n'arrivera jamais à tomber

d'accord sur les autres définitions qui sont soit pas clair, soit complètement manquante dans ce projet de loi.

Je suis aussi très intriguée par l'abrogation des sections 92, 93, 94, 96 de la *Rivers and Canals Act* et qui concernent le *normal flow* des rivières et des canaux, y compris est abrogée l'obligation de garder un *record* de ce *normal flow*. De manière logique, je me demande alors comment seront accordés les permis pour utiliser l'eau d'une rivière ou d'un canal ? Comment ce sera déterminé qu'un ou qu'une applicant pour un permis utilisera un volume trop important s'il n'y a aucune trace de ce qu'est un *normal flow* d'une rivière ?

Aussi, et plus important, à la lumière de toutes les lacunes et les risques mentionnés précédemment, le plus grave est qu'il n'y a plus de possibilité de faire appel. Sous le *Ground Water Act* de 1969, plus précisément l'article 8, les applicants pouvaient faire appel à la Cour suprême si la CWA rejetait la demande d'utiliser l'eau souterraine, ce qui permettait un certain contrôle du pouvoir judiciaire sur les décisions administratives qui pourraient être injustes, illégales ou autres.

Mais ce droit de faire appel disparaît sous cette nouvelle loi. On le voit clairement sous la section 24 (b) ; on voit que le ministre peut rejeter la demande de permis sans aucune possibilité pour l'applicant(e) de faire appel de cette décision. Et pas seulement en cas de rejet de demande de permis, si un utilisateur voit son permis modifié, retiré, il n'y a plus ici de possibilité de faire appel de cette décision.

Par contre, à la section 54, est prévu le droit de loger une plainte en Cour suprême, mais uniquement si un droit constitutionnel est lésé. Donc, non seulement ce gouvernement reconnaît d'ores et déjà que ce projet de loi est anticonstitutionnel puisque comme l'a rappelé mon collègue Reza, la section 8 (c) de la constitution n'est pas respectée, mais cette démarche restreint significativement la marge de manœuvre du judiciaire et limite les possibilités de demander réparation.

Mr Speaker: Try to conclude!

Ms J. Bérenger: En limitant la possibilité de faire appel des décisions administratives, ce projet de loi provoque une concentration de pouvoir entre les mains de ceux responsables de la

gestion des ressources en eau, ce qui favorise l'opacité et est contraire à l'esprit de la démocratie. Avoir recours à la Cour suprême est une procédure lourde et coûteuse, donc, c'est un problème pour la majorité de la population.

En conclusion, ce projet de loi a toute son importance, mais je pense qu'il est présenté devant la Chambre aujourd'hui pour les mauvaises raisons. Il semblerait que le ministère ait perdu le contrôle sur la CWA et son *General Manager*. Dans ce cas...

Mr Speaker: No! Time is over already; I am allowing you a few minutes! But, now, I cut.

Hon. Ms Ramyad, you take the floor!

Ms J. Bérenger: L'honorable Dhunoo a pris 30 minutes ; je peux avoir une seconde ?

Mr Speaker: No! Your time is over! And you are going outside the Bill!

Ms J. Bérenger: Je suis en train de justifier pourquoi ce projet de loi n'est pas emmené pour une bonne raison !

An hon. Member: *Trente minutes ine donne Dhunoo!*

Mr Speaker: You speak!

(6.19 p.m.)

The Minister of Industrial Development, SMEs and Cooperatives (Ms N. Ramyad):
Mr Speaker, Sir ...

Ms J. Bérenger : L'honorable Dhunoo a eu trente minutes ; je ne peux pas avoir une seconde pour terminer mon speech?

(Interruptions)

Mr Quirin: *Li gagn drwa !*

Mr Speaker: You speak!

Ms Ramyad: ... thank you for giving me the opportunity to intervene on the Water Resources Bill...

(Interruptions)

Ms J. Bérenger: *Sovaz ! Malelve !*

Mr Speaker: I am naming you!

An hon. Member: *Bizin name liem!*

Ms Ramyad: ...which has major relevance ...

Ms J. Bérenger: J'ai demandé une seconde pour finir mon speech, alors que l'honorable Dhunoo a pris 30 minutes pour faire son discours !

Mr Speaker: I suspend the Sitting! I am naming you!

At 6.19 p.m., the Sitting was suspended.

On resuming at 6.48 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated!

ANNOUNCEMENT

HON. MS J. BÉRENGER – UNPARLIAMENTARY CONDUCT – NAMING

Hon. Members, pursuant to the provisions of Standing Order 48, I named hon. Ms Joanna Bérenger for arguing with the Chair and for challenging the authority of the Chair in a most undignified manner and for persistently and willfully obstructing the business of the House despite having been informed that the time allotted to her had expired and she was talking outside the ambit of the Bill.

Moreover, the hon. Member interrupted hon. Ms Ramyad who already had the floor and uttered the words “*sovaz*” and “*malelver*” to my address.

MOTIONS

S.O. 17(3) & S.O. 29(1)

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. First Member for Vacoas & Floreal, Ms J. Bérenger, I beg under Standing Order 17(3) to take the time of the House for urgent business.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.

The motion was, on question put, agreed to.

The Deputy Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move under Standing Order 29(1) to present a motion without notice.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.

The motion was, on question put, agreed to.

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. First Member for Vacoas & Floreal, Ms J. Bérenger, I beg to move that the hon. First Member for Vacoas & Floreal, Ms J. Bérenger, be suspended from the service of the Assembly for today's Sitting and the next three Sittings unless unreserved apologies are tendered to the House.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.

The motion was, on question put, agreed to.

Mr Speaker: Hon. Ms Ramyad, you may continue.

Ms Ramyad: Mr Speaker, Sir, thank you for giving me the opportunity to intervene on the Water Resources Bill which has major relevance to industrial development which falls under the purview of my Ministry. In a broader sense, I must say that this Bill has significant national implications as it cuts across all sectors of the economy and is coming at an opportune time to establish a comprehensive legal framework for the sustainable management and development of water resources in Mauritius.

It is acknowledged that water is life's more precious resource and there is a need to protect and preserve this natural resource for the wellbeing of one and all. The formulation of sustainable management policies to ascertain regular and continuous water supply is therefore at the core of our national priorities. Mr Speaker, Sir, I wish to commend my colleague hon. Georges Pierre Lesjongard, Minister of Energy and Public Utilities, for introducing this integrated piece of legislation that has the fundamental goal to create a well-defined legal framework for the optimal use, integrated management and conservation of water resources in Mauritius. At the same time it repeals the Ground Water Act and several sections of the Rivers and Canals Act which have been in force for long decades. Indeed, they have somehow lost their prominence over the years to fully address the needs of water supply from different categories of users.

Mr Speaker, Sir, as the saying goes *l'eau c'est la vie*. In Mauritius we are fortunate to be blessed with climatic conditions that favour adequate water supply almost throughout the year. However, lately we have been facing the consequences of the climate change which has adversely impacted our water reserves.

Climate change is a persistent crisis which is increasingly affecting human life and the natural ecosystems on earth. Its effects are causing drastic weather conditions such as more intense tropical cyclones, heavy rainfalls, floods and droughts. As a consequence, these extreme weather conditions are affecting the availability and quality of our water resources. The warming of the earth is causing easy evaporation of surface water in rivers and lakes thereby causing the shrinkage of water resources as well as affecting natural aquatic habitats and water availability.

On the other hand, increased rainfalls and flooding result in erosion and sedimentation which tend to disrupt the natural water ways beside contaminating and polluting them. As a matter of fact, Mauritius faces unique challenges in terms of water resources management particularly being a small island developing state. As policy makers, it is our utmost responsibility to address the situation by putting in place the appropriate ecosystem for an effective holistic and sustainable water resources management process. There is indeed a deep need for a proper management of the natural water resources to mitigate the effects of climate change and ensure sustainable development in Mauritius.

Mr Speaker, Sir, I note with satisfaction that this Bill is providing the appropriate framework to better manage the natural water resources and ensure that the supply of water is safe and adequate to meet the need of the population. It will undeniably help to systematically track the availability and use of water as well as conserve and protect our existing natural water capital in an effective manner. Moreover, I strongly believe that the introduction of this Water Resources Bill is timely as it prioritises water conservation, strategic investment in water infrastructure, identification of alternative water sources such as desalination and implementation of effective policies and regulations to ensure a water resilient future for Mauritius.

Mr Speaker, Sir, with your permission, I would like now to focus my intervention on the implication of this Bill from an industrial development perspective. The manufacturing sector is one of the major consumers of water; this precious commodity represents an essential input in the industrial processes such as cooling, washing, dyeing, steam generation and cleaning.

In certain instances, water is the key component of the final product itself. As such, the sector depends heavily on a consistent and reliable supply of water to ensure smooth production activities. In the manufacturing sector, the most intensive industrial water users are from the textile and clothing, food and beverages and chemical sectors. In particular, textile plants which are vertically integrated require a large volume of water for washing and dyeing purposes that bring more value addition in finished garments. In the food and beverages industry, water is of utmost importance and it is sometimes the main input that is required in the operation process. I have in mind here the production of beverages, producers, syrups and alcoholic drinks. Furthermore, water is essential for washing and cleaning purpose so that production takes place in highly hygienic conditions. Many chemical-based products such as paints, detergents and sanitisers also require significant volume of water in the production process.

Mr, Speaker, Sir, I understand that the manufacturing enterprises procure mostly groundwater from boreholes to meet their operational requirements. Statistical data reveals that around 7 million m³ of groundwater are extracted annually by the industry via some 230 boreholes. Access to this water source is regulated and enterprises have to go through licensing procedures to undertake abstracting of water from such boreholes. I am pleased to note that the Water Resources Bill has made provisions for a more harmonised approach to allow industry operators to apply and obtain borehole permits in a streamlined and timely manner. This is

perfectly in line with government's actions to further strengthen and enhanced the ease of doing business in Mauritius

Mr Speaker, Sir, the Bill also addresses an important aspect pertaining to environmental protection through promotion of responsible water use. This important function will be carried out by the Water Resources Commission as being proposed under Clause 12 of the Bill. I am confident that with the establishment of this Commission, sustainable water initiatives would gain more prominence in the industrial sector. On this point, I wish to emphasise that by promoting such responsible water use, industrial pollution can be prevented, thus safeguarding the purity of natural water bodies. Let me highlight here that already our flagship textile companies and the main fish processing operator in the country are treading on the water efficiency pathway for enhanced competitiveness. In this context, I would like to refer to the adoption of bold initiatives such as –

- rainwater harvesting system;
- recycling of used water;
- water reuse for cooling processes;
- recovery of hot water from boiler, and
- installation of push-taps in factory's premises;

which altogether contributes towards optimal water utilisation.

Mr Speaker, Sir, Part III of the Bill provides for modern structured mechanism for water use permit that will be put in place to ensure the effective management of water resources in the Republic of Mauritius. The conditions attached to water use permit at Clause 26 of the Bill will adequately regulate the use of water. It will also ensure that users are compliant to all sets of procedures, use water in efficient manner as well as effectively conserve and protect the water resources. Moreover, during extreme climatic seasons or emergency periods the Bill provides for judicious use of water in the public interest. Such provisions demonstrate that the government is ensuring a precise accountability of our natural water reserves, avoiding wastage as well as decreasing the risk of loss of water ecosystem. The Bill, therefore, clearly indicates the

determination of the government to not only safeguard our water resources, but also nurture a culture of preparedness for sustainable water supply in the country.

Mr Speaker, Sir, at the level of my Ministry, we are fully committed to support the manufacturing community to move ahead on the sustainability pathway. In this perspective, we have embarked on an ambitious project namely the Accelerating the transition to a Net-Zero, Nature-Positive economy in Mauritius with the financial support of GEF and UNEP to accelerate the greening of the manufacturing sector through adoption of circularity practices to ensure efficient use of resources including water. The project will ultimately empower manufacturing enterprises to incorporate environmentally friendly practices in their production processes through the acquisition of clean technologies which will help them comply with the required effluence standards.

Mr Speaker, Sir, I would like now to comment on the implementation of Shrimp Farming Scheme, which falls under the responsibility of my Ministry, another SME division. Fresh water *crustacé* such as shrimps which have very high demand and premium commercial value in the market is currently being supplied through imports to meet growing needs on the local market. However, the major constraint to shrimp farming in Mauritius is in relation to access to fresh water supply sources such as rivers and canals to set up dedicated aquaculture ponds where the activity can be carried out. Shrimps or prawns for farming require fresh water supply in the near vicinity as tap water is not appropriate for this kind of business. I have met many SMEs, which have complained that as they cannot have access to fresh water supply sources easily, they are not in a position to engage themselves in this lucrative line of business despite incentives being provided by my Ministry under the Shrimp Farming Scheme.

In fact, after consultations with the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping, AFRC and the Ministry of Energy and Public Utilities and the Water Resources Unit, it has led us to understand why the SME and Cooperative Division of my Ministry has been struggling to assist SMEs and Cooperatives to indulge into shrimp farming. I was told that since the last 25 years, only 4 companies were engaged at a professional level in this field. The main problem was that the process was very time-consuming, expensive and very complex. The Commission would now provide this touch of ease to doing business by being the

institution where to apply, evaluate, assess and provide a one-stop shop to the implementation of this project – simple procedure, clarity conception, implementation and evaluation.

Mr Speaker, Sir, my Ministry has at the heart of the development of shrimp farming activities which can be a lifeline for SMEs in the diversification process. I have also noted with satisfaction that the Water Resources Technical Committee, the composition of which is defined under Clause 16 of the Bill, may co-opt members as and when required to assist the Committee any of its meeting. Further, one of the functions of the Committee as defined under Clause 9 of the Bill, is for the Committee to examine every application for a water use permit. The presence of a representative of my Ministry on the Committee as co-opted members so required for the purpose of examining an application for water use permit for shrimp farming activates will, I am sure, bring some positive contribution in this examination process.

Mr Speaker, Sir, I firmly believe that the provisions in the Water Resources Bill regarding *inter alia* access to fresh water supply sources would be the much needed enablers towards facilitating the development of shrimp farming activities in the country. Mr Speaker, Sir, on a more general note, I would like to highlight that the United Nations Sustainable Development Goal 6, which is focused on clean water and sanitation, has major components relating to water harvesting, water efficiency, waste water treatment and recycling, amongst others.

Several manufacturing enterprises have started adhering to these sustainable practices in their drive to refine their value proposition for higher market gains. I am glad to note that according to the recent publications of the UN Sustainable Development Report 2024, Mauritius has done much progress and is on the right track to attain the key targets under SDG 6. The Water Resources Bill demonstrates the commitment of Mauritius to align its national priorities to further improve its performance under the SDG 6 by 2030.

Mr Speaker, Sir, to conclude, let me emphasise that this Government has at heart the prosperity of the nation. In this regard, access to water supply on a round-the-clock basis remains high on our National Development Agenda. I firmly believe that the Water Resources Bill comes at an opportune time and it will be a key enabler to guarantee sustainable and equitable distribution of water in the country. On this note, I strongly support the adoption of the Bill.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Osman Mahomed!

(7.09 p.m.)

Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central):

Mr Speaker, Sir, I thank you for giving me the opportunity to speak on the Water Resources Bill. I believe the very first question that I have to ask the hon. Minister of Energy and Public Utilities is: why the Bill is being introduced so late in the mandate of the MSM Government? My answer would be that it is obvious that the Bill is being used to shroud the failure of the policies of the Government in the sector, in particular the promise made in 2014 for a round-the-clock water supply.

Instead, we are having water supply in many regions for less than six hours a day and almost daily disruptions of service for very long hours, sometimes even days. The water service has deteriorated since 2014 as evidenced by the increasing number of complaints on private radios and social media, on the CSU portal, but obviously not on the MBC.

Mr Speaker: Try to be on the Bill!

Mr Osman Mahomed: Yes! At this stage, it is worthy that I mention some pertinent and important data on water resources and CWA potable water responsibilities in connection with section 11 of the Bill - Administration of water resources. As per the World Bank, our country ranks 32nd in the world with an annual mean rainfall of more than 2,000 mm, that is, higher than I am. It was 2,002 mm in 2022 and 2,543 mm in 2023. If you picture Mauritius as a huge swimming pool, you have a full pool of water to the height of your chair, Mr Speaker, Sir, every year. Now, that is a lot of water, and it can be said that we are all very well blessed. This has nothing to do with the current Minister or the Government, mind you. It is an act of God.

Matter of fact, in 2023, we had a total precipitation of 4.4 billion m³ of water. However, out of this huge, volume 2.84 billion m³, that is, 60% was lost as surface runoff to the sea through rivers and other water bodies. You know why I am bringing in these figures? Well, it is because at section 7(g) (iv), the hon. Minister has given himself the powers to authorise desalination of seawater or brackish water.

Whilst I am okay with rainwater harvesting, which he mentioned during his Second Reading of the Bill, which is almost free of charge, I think we should really be falling on our

heads to have a policy for resorting to exorbitant desalination of potable water use. A communication strategy the hon. Minister has resorted to during the two prolonged droughts during his tenure as Minister of Energy and Public Utilities.

The strategy is clear: to divert public attention when people get wild because there is no water in the tap. It is widely reported loud and clear in the press that the current CWA Director, Mr Maunthrooa is against desalination because of the cost factor. I believe that the diverging views between the Minister and the Director have aggravated the dysfunctioning of the water sector at the CWA. Fortunately, we are here to make people understand that it can only be out of ignorance or incompetence for Mauritius to resort to expensive desalination because based on latest figures of Statistics Mauritius, 64.5 % of treated potable water in our pipes are wasted away mainly through leakages and theft, the so-called non-revenue water; a domain that the current Government has failed in.

I rest my case on this failure because when Labour party left government in 2014, non-revenue water was lower at 50%. Today, as mentioned, it is 64.5%. It means that the CWA is losing more water through leaky pipes after it has invested more than Rs5 billion in the very controversial Pipe Replacement Programme since 2014 when the Smart City Programme started. How not to believe that the money has been used to bring in water to smart cities rather than changing *les réels tuyaux percés*? Yet, the Minister has the courage to...

Mr Speaker: Now, you are going too much on this CWA thing again!

Mr Osman Mahomed: Yes, but you see, Mr Speaker, Sir...

Mr Speaker: The Bill is the Water Resources Bill.

Mr Osman Mahomed: Mr Speaker, Sir, can I refer you to the Bill, please?

Mr Speaker: I know the Bill.

Mr Osman Mahomed: Have you read it?

Mr Speaker: I know the Bill. I am referring you to your own Bill. So, go...

Mr Osman Mahomed: Look at it: CWA, CWA, CWA, CWA!

Mr Speaker: It is not because it is written CWA; it is the amendments that are being brought. So, if you have anything against the amendments, you put it to the House!

Mr Osman Mahomed: I am not going to waste my time.

Mr Speaker: Yes, do not waste your time with the CWA! There are so many things to be said on this Bill.

Mr Osman Mahomed: But I can ...

Mr Speaker: Continue! Continue with the important things!

Mr Osman Mahomed: How can the Minister come with a Bill that seeks to provide a legal framework for the use, management, control, protection, conservation and sustainable development of water resources? The Bill makes provision for conservation when the CWA itself, under the aegis of his Ministry, is guilty in the first degree of wasting expensive treated water as never experienced before in Mauritius.

Yet, this morning, in a press conference, Mr Maunthrooa qualified the length of pipes being changed to be historic at a time when non-revenue water level is at its historical high, that is, 64.5 %. Nearly 2/3 of expensive water treated by CWA is not consumed, but is either lost through leakages or stolen as I mentioned. On the basis of this, the Bill should simply be put away. This Government will go down memory lane as the Government that has worsened the problem of non-revenue water.

Now, since hon. Lesjongard has brought up the subject of hydro power, a source of renewable energy, during the Second Reading of the Bill – in fact, he has spoken quite a bit about it. It is, in fact, pertinent in respect to this Bill –, let me remind him that this Government is responsible for bringing down renewable energy level to its lowest level ever, from 23.4 % in 2013 down to 17.6% in 2023, that is, nearly 10 years ago. I have listened to the public statement made by hon. Lesjongard on Wednesday in the context of the conference on the utilisation of hydrogen.

He said the following –

“Nou on target pour les énergies renouvelables...”

Mr Speaker: No, let me remind you of something. You are engineer; you are talking about renewable energy...

(Interruptions)

...and if I am not mistaken, the Bill is called Water Resources Bill, not Renewable Energy Bill. What are you talking about?

Mr Osman Mahomed: Mr Speaker, Sir, again I am referring to the Bill. The hon. Minister talked about hydropower and there are two dams in Mauritius, namely –

- (i) La Nicolière Feeder Canal, and
- (ii) Midlands Dam...

Mr Speaker: Yes, hydropower...

Mr Osman Mahomed: ...that produce renewable energy through hydro...

Mr Speaker: ...is something else, my dear friend! Renewable energy is something else!

Mr Osman Mahomed: Hydropower is a source of renewable energy!

Mr Speaker: Talk about the water resources; the Bill is there!

Mr Osman Mahomed: You see? The hon. Lesjongard is agreeable with me!

Mr Speaker: You have a copy of the Bill. You have the Bill. You have Explanatory Memorandum of the Bill! Everything has been provided to you!

Mr Osman Mahomed: Mr Speaker, Sir, hydropower is a source of renewable energy, I maintain...

Mr Speaker: I know, but this analysis you are making; the subject matter of the Bill is renewable energy. I know what I am telling you!

Mr Osman Mahomed: Now, since you want to curtail my speech...

Mr Speaker: I do not want to curtail any speech, but you should be capable to speak in a Parliament!

Mr Osman Mahomed: Let me now go into some technical issues, but still in line with the ultimate objective of the Bill, that is, water resource in Mauritius in connection with section 11 of the Bill: 'Administration of water resources'. You are okay?

Mr Speaker: Thank you, Sir!

Mr Osman Mahomed: Mr Speaker, Sir, did you know that 474 million metre cube of water, that is, 10% we received through precipitations in 2024 went into ground water recharge out of which CWA pumped 170.2 million metre cube. Earlier on, I have said quite a bit about the worsening situation on non-revenue water backed with official figures of the Central Statistics Office (now Statistics Mauritius).

In a nutshell, what I said is that the Republic of Mauritius is resolutely moving in the wrong direction for non-revenue water. Now, I would like to draw the attention of the House and the population at large about some very disturbing official figures of the Central Statistics Office published on the very same day of the budget presentation this year – about three weeks ago – and I am quoting from Table 1 titled ‘Main Energy and Water Indicators, 2017-2023’.

In 2017, CWA sold 105 million metre cube of water and 100 million metre cube in 2023, that is, an increase in sales of only 6 million metre cube for an additional production of 52 million metre cube. That additional production came from a volume of 261 metre cube in 2017 and 313 million metre cube in 2023 from the Bagatelle Dam. So, the Water Resources Unit that will become the proposed Water Resources Commission as per this Bill under full control of the Minister, all these protagonists will have to explain to us, taxpayers, what are they doing with 46 million metre cube of water from the Bagatelle Dam, that is, nearly 90% – 88.5% to be precise, the hon. Minister is an engineer, he can do the calculation as well – of additional water produced over the period 2017 to 2023. Is it really lost in leaky pipes or what?

This is a very serious matter. Water of the Bagatelle Dam that was built during the mandate of the Mauritius Labour Party to the tune of billions, well, it is to be recalled that the MSM has never built a single dam during their mandates. It has to go on record that a shocking nearly 90% of additional water produced by that dam over the period 2017 to 2023 is unaccounted for, for reasons I mentioned just now.

I shall now make some direct comments on the Bill. Mr Speaker, Sir, you will recall that time and again I had questions about when will the Utility Regulatory Authority – and I am glad the hon. Alan Ganoo is here because he is the one who piloted the project some 20 years ago – will finally come to regulate the water sector. While the official object of the Bill has provided for at section (a) to (f) of the Explanatory Memorandum, the real purpose which transpires from a close reading of the Bill shows that the ultimate objective is to give powers to the Minister to

issue permits through the setting-up of a shady technical committee. Again this creates a perfect ecosystem for abuses and impartiality. This regulatory role which is shamelessly being taken over by the Minister is in fact the role of the Utility Regulatory Authority which was set up to oversee the electricity, water and waste water sectors. The URA has not been able to perform its role in the water sector in the absence of a proper Water Bill which is long time overdue.

So, I for one, on the eve of the general elections, was expecting a Water Bill that would empower the URA to regulate the water sector at long last. What we were expecting is not a Commission under the full control of the Minister through the Water Resources Technical Committee by the Supervising Officer of the Ministry as Chairperson as per section 16 of the Bill but such is not the case at all. I really wonder what the hon. Ganoo's point of view was when the Bill was discussed in Cabinet. As a matter of fact, it is quite a pity that he is not intervening on the Bill but let me remind the House and the population what the hon. Ganoo said when he presented the Utility Regulatory Bill in Parliament on 09 November 2004, that is, 20 years ago and I quote from the hon. Ganoo's speech –

“Furthermore, Sir, in our *programme gouvernemental*, this Government committed itself to create, I quote, « *un cadre régulateur de l'industrie énergétique afin d'encourager l'entrée de nouveaux producteurs d'électricité et de les superviser* »”

And he continues –

“Idem for the water sector where this Government pledged to do in the same *programme gouvernemental*, I quote, « *mettre sur pied un organisme régulateur pour définir les paramètres pour la fourniture d'eau aux différents secteurs* »”

This is end of quotation from hon. Ganoo. Now, this could have avoided another big source of embarrassment for the Government. It may be noted that currently the CWA has the statutory remit to issue permits and the Water Resources Unit does the administrative processing of applications. In this Bill, the Water Resources Unit is being reformed into a proposed Water Resources Commission with a Director at its head. It is very clear that while the Water Resources Commission will do all the administrative processing of permits, the granting of permit will be done by the Minister on advice of the Technical Committee as per section 24 of the Bill. What is even more strange, the Technical Committee, which by its very name would handle technical matters, is chaired by a non-technical person, the Supervising Officer of the

Ministry of Energy and Public Utilities. Another anomaly is that the Director is a member of the Technical Committee who in turn will advise the Chairperson. This is a perfect Alice in Wonderland Situation.

To sum up, the contents of the Bill do not at all respond to its own declared objective. It is obvious to the public that the MSM Government has lamentably failed to keep its promise of round the clock water supply. On the contrary, the public is daily reporting leaks and complaints of no water supply around the country on private radios and other media. This Government has a high price to pay for this failure. The late introduction of the Bill towards the end of its mandate can no longer be a face saving device. The population can longer be fooled. With the imminent change in Government, we would repeal this incoherent piece of legislation if enacted and replace it by a more transparent and objective oriented piece of legislation in terms of improving the water service island-wide under the supervision of the Utility Regulatory Authority.

On Tuesday morning, I heard the hon. Mahen Seeruttun on the radio stating the following and I quote –

“Mo pou intervenir. Lezot koleg osi pou intervenir et mo panse ti pou bon nou ekout tou bann intervenan lerla nou kapav pran enn desizyon lor sipa li bon ou li pa bon.”

I can assure you, *li pa bon!* This Bill is not good, hon. Minister. It must be put away.

I am done. Thank you.

Mr Speaker: I now call hon. Gobin!

(7.27 p.m.)

The Attorney General, Minister of Foreign Affairs, Regional Integration and International Trade (Mr M. Gobin): Thank you, Mr Speaker, Sir.

I will be very, very brief on my intervention. I speak in support of this Bill and I was shocked when I heard the previous orator, hon. Osman Mahomed, saying that if, in some very distant future and in some very distant galaxy, they will come into power, they will scrap this Bill. I am very worried.

(Interruptions)

In some very distant galaxy maybe and very distant future but, what worries me is that you are going to scrap such a Bill. Let me say something – no government has been able to bring and pass a Water Bill for the past 25 years. 25 years! Go and check it. I am saying this because I speak of personal experience. I was temporary State counsel at the State Law Office and the Water Bill was being discussed and drafted but no government had the political courage to bring it to the House, for some...

(Interruptions)

Our consultant on this Bill, a former Chief Justice, hon. Caunhye, was then the Parliamentary Counsel. He was promoted, he became a Judge, he has retired from the service, and the Water Bill was still being debated by various Ministries and stakeholders but has never come to this House, and we all know why, because there were certain, yes, the right word is, vested interests not to bring this Bill to the House. And now when I hear the Opposition saying they are going to scrap it, then we know, we therefore understand that you hold a brief for those having the vested interests, and this is what worries me in this country.

What are we doing in this Bill, Mr Speaker, Sir? It starts in one of the very first provisions, in section 5, *Domaine public*, I quote –

“(1) All surface water, including springs which are the sources of a river, tributary of a river or stream are part of the *domaine public* and are inalienable and imprescriptible.”

What, are you going to scrap this? We are saying that *c'est du domaine public, imprescriptible, inaliénable, c'est à dire*, it belongs to the State, to Government, to the public. We need to understand that there is a long line of decided cases at the Supreme Court ever since the 1900s, culminating in the latest one from the Privy Council saying that these streams, rivers are *du domaine public*. We are reinforcing this principle with this Act.

For the public to understand, and maybe for the Opposition also to understand, when we go to the judgment of the Privy Council in the case of CIEL Ltd and another v Central Water Authority, this is a decision of the Privy Council, the reference being [2022] UKPC 2, in that

case, what the appellants were saying, at the top of page 3 of the judgment, paragraph 5, I quote –

“On this appeal, CIEL and TKL [this stands for Tropic Knits Ltd] contend that these charges are not due essentially for three reasons:

- (i) They already owned the water drawn from the River Tatamaka and/or in the Réunion Canal which led from it by acquisition under the 1888 order or by prescription.”

The paragraph continues but I stop my quote here.

This is sort of contention we have been having in our Courts, that applicants and appellants saying, we own the water. How can you own the water? We are therefore reinforcing this principle, that *c'est du domaine public*, and they want to scrap the Bill. This is why I am saying they should never come to power. They should never come to power, the public will scrap them. This is the question on the *domaine public*. I say it again, a series of cases, there is a long line of case law establishing this principle that rivers and canals are *du domaine public*.

A lot has been said by Members of the Opposition, the last one being hon. Joanna Bérenger, that under the Rivers and Canals Act of 1863, the power to draw water was given to the Supreme Court whereas, here, it is being given to a *commission*. Well, you have to stand at 1863 to understand why it was given to the Supreme Court. *En 1863, M. le président, il n'y avait pas de ministère dans ce pays, dans la colonie ici*. There was not even a government department. All the powers were concentrated in the hands of the Governor and then we had the Supreme Court. Who would adjudicate in 1863 how many rights to be given to applicant A and how many rights or proportion thereof to be given to applicant B? It had to be by way of an adjudicator; that adjudication was then given to the Supreme Court. We have to understand, we had no CWA or Ministry of Public Utilities in 1863.

In fact, if we go to history – hon. Joanna Bérenger perhaps should learn from Bérenger senior, who is a fond of history of this country – the first government department was created in 1913, *c'était le Département de l'agriculture à Réduit. Il n'y avait même pas de département*, forget about Ministry. So, you have to understand this. In fact, the Rivers and Canals Act, which we call now, was the ordinance in 1863. *C'est ordinance 35*. So, we should not read too much

into that. We should understand that now we are creating a *Commission* which will decide and if you are not happy with that *Commission*, just like in any other decision making process, you will have the right to challenge that decision administratively. And if you are not happy, the process of judicial review is always open.

The second thing I want to speak of under section 5 *du Domaine public*, and that is section 5, sub section 2, I quote –

“(2) Subject to this Act, all underground water shall vest in the State.”

This is also a very important principle, underground water belongs to the State. You cannot claim ownership of water even on your land, *c’est du domaine public*. Once again, hon. Uteem will come with all sort of arguments to impress the House but we are not impressed by his arguments. He is saying that this is unconstitutional and what not, that he is violating section 8 of Constitution and what not.

Mr Speaker, Sir, section 8 of Constitution provides for the protection of the right to property, yes. But that very section 8 of the Constitution has a sub section (5), and I read it –

“(5) Nothing in this section shall affect the making or operation of any law so far as it provides for the vesting in the State of the ownership of underground water or unextracted minerals.”

Where is the unconstitutional part? I think hon. Uteem has not read section 8 properly. He has not seen that. We are vesting underground water in the State and this is provided for by section 8 of the Constitutional itself. There is no question of constitutionality which can be raised under this provision.

The third point I want to make, Mr Speaker, Sir, Part V of the Act. Part V of the Act starts at section 48. Part V is entitled ‘Existing Water Rights’. I venture to say, Mr Speaker, Sir, I stand to be corrected, but if no government has been able to bring such a Bill to the House, it is perhaps because of this vex question of water rights. No government has had the courage to bring it here, but we have and we are! *Et personne ne sera lésé, M. le président*. I say this to reassure anybody who feels that *ses droits seront lésés avec cette législation. Ce n’est pas le cas*.

We are providing in Part V that any person, who now has existing water rights, should apply to the Director of the Commission to register his existing water rights. You need the public authority to register your water rights because *c'est du domaine public*. You don't own it; you are using it. So, you apply to the Commission to register. If the director wants to vary, amend, alter any of the conditions which are existing now, it is for the director to go to the Supreme Court to get an order.

So, the onus is not on the applicant; the onus is on the director of a public authority/public body to apply to the court in case he wants to vary. If he wants to register the existing rights as is, he simply has to register it. Provision under Part V also includes recourse to the Supreme Court, and very importantly, in section 56, for the payment of compensation. Therefore, I highlight the provisions in this part to reassure one and all, all stakeholders that *les droits ne seront pas lésés*.

My final point, Mr Speaker, Sir, is that with this Bill, we are, of course, amending the Rivers and Canals Act; a number of consequential amendments. Of course, we are giving jurisdiction to the Supreme Court, as I have explained earlier, to hear certain applications. In view of the fact that we are amending legislation pertaining to the jurisdiction of the court, Government has consulted the Judiciary on this Bill prior to its introduction in the House. I am duty-bound to inform the House that consultations with the Judiciary has taken place and the Judiciary has expressed no reservation whatsoever on the provisions of the Bill. I have also to inform the House that following the consultations to the Judiciary, there is agreement on the provisions contained in the Bill concerning the jurisdiction and powers of the Supreme Court. There is, therefore, no issue at all on the question of the jurisdiction of the courts.

It was my duty as Attorney General to make this point very clear to the House on this Bill. Before I end, I want to express a personal satisfaction that the Water Bill which we have named Water Resources Bill, has finally come to the House and will be passed tonight. I think my colleague, the hon. Minister of Energy and Public Utilities, has said it in his opening speech; he is indeed making history by bringing this Bill to the House under the able leadership of our Prime Minister. Tonight will be a momentous occasion when we will be passing this Bill. I express my personal satisfaction.

I also wish to thank officers who have worked a number of years; some have retired from the service in my office. I want to express thanks to all those officers who have worked on the Water Bill, and in particular, former Chief Justice, Honourable Caunhye, who has assisted us in the drafting of this Bill. I should say Honourable Caunhye has been instrumental in finalising of this Bill in collaboration with the officers of the MEPU. Consultations were held with all stakeholders, Mr Speaker, Sir.

Therefore, I join my colleagues to support this Bill which we will vote tonight. I thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Bodha!

(7.42 p.m.)

Mr N. Bodha (Second Member for Vacoas & Floréal): Merci, M. le président. Il fallait une nouvelle législation, c'est certain. Que le ministre vienne avec un projet de loi pour se donner les pouvoirs, pour promouvoir l'accès à l'eau où qu'elle soit, pour rassurer ce qu'il a appelé le *water security and resilience*, pour se libérer des lois désuètes pour un meilleur captage, pour assurer qu'il y ait le volume nécessaire pour le besoin du pays et pour les besoins des ménages pour protéger, conserver, gérer dans la durée, c'est une bonne chose.

Cependant, que le ministre se donne tous les pouvoirs dans l'octroi des permis pour l'utilisation de cette eau n'est pas une bonne chose. Le volume, le captage, l'utilisation dans la durée, il faut absolument le faire. C'est vrai, l'*Attorney General* nous a dit que cela fait des années et qu'il fallait le faire, et on l'a fait. Mais qu'une clause de la loi puisse rendre caduque toute la loi, notamment la clause 32 où –

“(2) The Minister may, in the public interest, exempt any person from the requirement to hold a permit under this Act.”

Cela veut dire qu'une clause rend caduque l'ensemble de la législation ; tout ce qu'il y a. Ça va plus loin quand je vois la section 32(6) –

“(6) Any exemption, granted or obtained, under subsection (2), (3) or (4), shall be subject to such terms and conditions as may be specified in writing by the Minister.”

Donc, les pouvoirs du ministre sont énormes et je pense que la loi ne devrait pas aller jusque-là. Je rejoins l'*Attorney General* sur un point, c'est qu'en France, en Europe, la gestion de l'eau relève des directives de l'Union européenne et la directive 2000/60/CE du 23 octobre 2000, établissant un cadre pour une politique communautaire dans le domaine de l'eau, dit ceci –

« L'eau n'est pas un bien marchand comme les autres mais un patrimoine qu'il faut protéger, défendre et traiter comme tel. »

Donc, l'eau où qu'elle soit, denrée précieuse, devrait donc être traitée comme un patrimoine.

Je suis entièrement d'accord avec toutes les clauses qui donnent ces pouvoirs au ministre. Cependant, je voulais dire qu'en France, c'est l'Office national de l'eau et des milieux aquatiques qui est en charge de gérer l'usage de l'eau en milieu aquatique. En France, qui est responsable de la gestion de l'eau ? Ce sont les communes. C'est quelque chose qu'on n'aurait pas imaginé à Maurice. Ce sont les communes qui ont la responsabilité d'organiser la gestion du service public de l'eau sur leur territoire et les communes peuvent déléguer cette compétence à une collectivité du regroupement.

Alors, la grande question que je me pose, c'est les urgences. Le ministre, dans son *Second Reading*, a bien soulevé les problèmes posés. Il dit qu'il n'existe actuellement pas d'approche planifiée ou intégrée pour les projets d'investissement dans le secteur public et privé. Nous avons eu plusieurs manquements à ce niveau.

Le résultat d'un manque de planification et de coordination en somme. Il est donc primordial d'adopter une nouvelle politique de l'eau capable de s'adapter au changement climatique, d'augmenter nos ressources en eau de manière efficace et durable. Il le dit lui-même, il le reconnaît.

Il reconnaît aussi que nous avons un gros problème avec le *non-revenue water*, 60 % actuellement et en croissance alors que nous avons dépensé à peu près je crois plus de R 6 milliards concernant le remplacement des tuyaux. Nous avons un réseau de 4000 km et d'après la réponse du ministre, nous avons touché à peu près 1500 km. Alors, je me pose la question, est-ce que cette loi devrait permettre une meilleure planification? Est-ce que cette loi devrait permettre de baisser le niveau de *non-revenue water* de 60%? Moi, je pense qu'au fait beaucoup de choses

pourraient être faites sans la loi. C'est une question de planification, *the right person in the right place* au niveau des régulateurs, *you need a driver. The problem is you do not have the right driver with the competence, the expertise you need to drive your projects.*

Je me demande maintenant : est-ce qu'il faut une commission ? Quel sera le rôle de la commission? Est-ce que cette commission – s'il y a un organisme qui devrait gérer, assumer ces responsabilités-là – est-ce que ça devrait être une commission sous la responsabilité du ministre? Je ne crois le pas. S'il y a une commission nécessaire, ça devrait être une commission indépendante et dans ce fil de pensée, est-ce qu'on a besoin d'un comité technique? Oui! Tout à fait. Il nous faut un vrai comité technique avec l'expertise nécessaire. Par exemple dans la construction aujourd'hui des routes, des ponts et tout, on a introduit la géotechnique. De la même manière, le comité technique, il ne faut pas faire appel tout le temps à des consultants étrangers. Il faut qu'il y ait un vrai comité technique dans ce domaine-là. Des mauriciens qui pourraient se spécialiser dans des domaines techniques, notamment par exemple le *stress test* des ponts, pas seulement le *stress test* des ponts mais les *stress tests* concernant les réservoirs, concernant les barrages.

Alors, ce n'est pas la commission qu'il nous faut, c'est un vrai comité technique qui a l'expertise, l'expérience et tout ce dont on a besoin pour faire de sorte qu'on puisse gérer les barrages, on puisse piloter les projets de barrages. Je prends le cas de Bagatelle *Dam*, on a commencé en 2011 et on a terminé en 2020 et là l'honorable Osman Mahomed nous parle du fait que l'eau est là mais l'eau n'arrive pas aux consommateurs. Donc, ce comité technique devrait être un comité technique spécialisé et qui devrait avoir la responsabilité justement de faire le *design*, de piloter les projets et de faire que ces projets puissent marcher.

Je mentionne le Rivière des Anguilles *Dam*, on en parle depuis cinq ans, ou peut-être même 10 ans. Alors, M. le président, le ministre, comme je l'ai dit, a placé les enjeux, les urgences, je suis d'accord avec lui. Parce que comme l'électricité, le gaz, les carburants, c'est une utilité essentielle pour le bien-être des ménages et pour le développement et la croissance de tous pays qui veulent entrer dans l'ère de la modernité. *So, the legal framework is here, that is a good thing.* L'accès à l'eau c'est une bonne chose dans la durée mais il faut que la distribution soit faite de la manière la plus technique et la plus démocratique.

Alors, on a dit que le problème de Maurice est un problème de vulnérabilité, le ministre à donner quelques chiffres, il a dit en fin de compte que l'eau de ruissellement c'est 60 %, donc on perd l'eau. On a parlé de l'utilisation : un tiers pour les besoins des ménages, un tiers pour les besoins dans le secteur agricole qui est en baisse et un tiers pour les besoins de production d'électricité. Alors, que le ministre ait accès aux *boreholes* privés, il fallait le faire. Mais le 24/7, je me pose maintenant la question, le 24/7 est-ce que c'est un mythe ou est-ce un défi que l'on peut relever? Cette législation ne nous mène nulle part concernant ce *challenge*. Le *non-revenue water*, est-ce une fatalité ou un chantier qu'on peut terminer? Est-ce que c'est une bataille qu'on peut gagner? Je me pose ces questions-là. Et, la solution c'est des vrais *managers*, des gens qui peuvent assurer que les projets se réalisent dans les meilleures conditions – trois conditions en termes de qualité, *no cost overrun, no time overrun*.

Et cela ce n'est pas du tout le cas dans le secteur de la CWA ou dans le secteur de la gestion de l'eau. Il y a eu énormément de questions de mes collègues des deux côtés de la Chambre concernant la situation. Il y a à peu près une vingtaine de plaintes par jour dans chacune des différentes circonscriptions pour l'eau. Alors, M. le président, il y a aussi tout le problème des coûts des travaux, il y a eu des augmentations, des *cost overrun* monstrueux, inacceptable et je voulais dire maintenant un mot sur le *Utilities Regulatory Authority*, l'honorable Osman Mahomed en a parlé. Est-ce qu'il n'y a pas un *overlapping* de responsabilité? La chose la plus intéressante concernant the *Regulatory Authority* est que c'est un régulateur, donc, qui peut fonctionner de manière indépendante.

Permettez-moi, M. le président, de voir quelques autres *clauses* de ce projet de loi. Je me réfère à la *clause 38 – Works related to rivers, canals and other watercourses –*

“(1) *No person shall, without the prior written authorisation of the Director, construct, modify (...)*”.

Mais nous savons qu'il y a énormément de cas où justement il y a des constructions au niveau des canaux, au niveau des rivières, au niveau des petits barrages. Mais comment est-ce que le ministre ou le ministère va réglementer, appliquer cette loi? Est-ce qu'on va aller vers la démolition de ces structures? Il y en a énormément à travers le pays et une des choses qu'il faudrait aussi faire, c'est bien gérer les cours d'eau. Il faut qu'il y ait un *squad* pour faire de sorte que les cours d'eau, les canaux, les ruisseaux soient propres, ne serait-ce que pour la question de

l'environnement mais pour la qualité de l'eau. Et aussi gérer toute ces structures que beaucoup de personnes ont construites dans beaucoup d'endroits et qui exige justement qu'on applique cette loi, et qu'il y ait une démolition de ces structures-là pour libérer les cours d'eau.

M. le président, je vois aussi à la sous-section 2: *no person without the prior written authorisation of the Director, shall carry out any work, design, deepen*. Mais beaucoup de cas, là aussi, sont faits dans l'anonymat et il faut absolument faire de sorte qu'on puisse gérer ces obstructions.

Alors pour venir au nappes phréatiques, je vais prendre un exemple, l'exemple à Montagne Longue il y a 'Bassin Loulou' et là en dépit de la présence de 'Bassin Loulou', il y a une grande pénurie d'eau dans la région de Montagne Longue, Notre-Dame et le ministre en est très bien au courant parce que, justement, il est le député de la circonscription.

Alors la question c'est comment, une fois qu'on a pris possession de ces nappes phréatiques, comment faire que l'eau qui est là arrive aux consommateurs? Et, ils font énormément des petits projets. Alors quand on a une commission justement, c'est la commission qui devrait gérer tout ça. Alors je me pose la question, ce monsieur commissaire, je ne sais pas qui va l'être – est-ce qu'il va être un nommé politique par le ministre, ou par le Premier ministre? Quelles seront ses qualités ? Et là on a quelqu'un, le commissaire sera un '*superman*', 'monsieur *dilo*' qui va gérer tout ça, avec le monsieur *superman* – une personne qui va gérer l'ensemble de ce patrimoine.

Alors, moi je crois qu'il ne faut pas une commission, on n'a pas besoin de commission. En France, comme j'ai dit, c'est un office national de l'eau qui gère justement le patrimoine et qui techniquement contrôle la distribution. Alors ce commissaire, *Mr Superman*, je ne sais pas quel sera son rôle, '*missier dilo ou madam dilo*' et tous les pouvoirs dont il disposera. On n'a pas besoin de cette Commission et je vais terminer là-dessus, on n'a pas besoin que le ministre puisse avoir cette discrétion totale. C'est vrai que *l'Attorney General* nous a dit que ce sera une décision administrative, on peut aller en Cour mais on sait très bien qu'une décision administrative qu'on est en train de défier en Cour, va prendre des années des années.

Alors, le projet de loi, moi je pense que concernant le patrimoine c'est une bonne chose. Le fait qu'il faut absolument penser et réfléchir dans la durée c'est une bonne chose mais le

problème c'est que tous les projets qu'on a, sont des projets qui ne sont pas pilotés par des gens qui sont des spécialistes et qui ont l'expertise technique et ce qui résulte avec un budget qui gonfle au fil des années sans qu'on puisse justement régler les deux problèmes essentiels, c'est-à-dire le 24/7 et deuxièmement le 60% de perte d'eau.

Merci, M. le président.

Mr Speaker: Thank you. Hon. François!

(8.00 p.m.)

Mr J. F. François (First Member for Rodrigues): Merci, M. le président. La distribution d'eau à Rodrigues passe d'au moins une fois par mois à deux fois l'an. La population crie eau secours – *'delo coule 2 fwa par lane'*.

M. le président, mon intervention sur ce projet de loi – le *'Water Resources Bill'*, (*No VIII of 2024*), est particulièrement dirigé vers mon île Rodrigues autonome. L'eau est un bien commun, un patrimoine et du domaine public comme stipulé dans l'article 5, 11 (a), 46, et 53, ce qui doit être contrôlé et réglementé par le gouvernement, très bien souligné par l'honorable Manish Gobin.

Désormais, les 3 forages privés à La Ferme Rodrigues, seront du domaine public, dont l'état, dans l'intérêt public, pourrait autoriser le prélèvement d'eau du forage en quantité nécessaire pour répondre aux besoins en eau de la population pendant une période déterminée. M. le président, à Rodrigues, nous avons 2 robinets, dont l'eau de pluie ou de surface et l'eau dessalée. Avec la sécheresse, une baisse de pluviométrie et l'effet du changement climatique, nos rivières ne marchent plus.

La redevance pour l'eau est fixée à une minimale de 22 roupies par an, quel que soit le volume consommé, sous le –

"Clause 11 – payment of water rates of the Rodrigues water rates regulations of 1928' for an owner or occupier of premises supplied with a prise in Rodrigues." of the Courts Act – Rodrigues, St Brandon and Agalega, amended by Act No12 of 1990.

M. le président, à Rodrigues, nous sommes des champions, oui des champions dans l'utilisation et préservation d'eau. Une rupture pour changer nos habitudes avec toutes les formes de gaspillages même peu, ou d'exploitation désordonné et irresponsable de cette ressource vitale, est nécessaire.

M. le président, y-aurait-il vraiment, une urgence en eau ou une crise orchestrée de gestion politique d'approvisionnement en eau à Rodrigues ? Oui, l'eau est rare, le robinet ne coule plus, mais quelle contradiction – « *Si to ena larzan pou aste enn camion delo a R 50 m³ to gagn delo...* » et un camion de 5 à 7 m³ est vendu entre R 2000 à R 3000, « *... si to napa larzan, eh bien mort la soif.* »

Le peuple souffre beaucoup plus, qu'hier. Et on nous retourne 50 ans en arrière, au temps de '*bake yaya lor la tete*' dans un climat d'une guerre d'eau silencieuse et d'instabilité politique grandissante. Le problème d'eau, ne doit pas servir de prétexte à la surenchère politique, ni d'argument pour alimenter des tensions sociales.

M. le président, le Rapport Mondial des Nations Unies sur la mise en valeur des ressources en eau 2024, explore la capacité de l'eau à unir les gens et à servir d'outil pour la paix, le développement durable, l'action climatique et l'intégration régionale. Ceci-dit, dans le cadre de notre autonomie régionale, l'eau doit être gérée et utilisée pour la prospérité commune, et non comme un élément divisionniste et déstabilisante.

L'eau est devenue une arme politique qui divise et moi-même, j'ai dû affronter plusieurs manifestations, qu'on nommait des "*épisodes drums bleu et blok simin*", orchestrée par nos adversaires politiques d'alors. ”

M. le président, le peuple assiste actuellement, au démantèlement du secteur public, plus particulièrement le département des ressources en eau, le '*Water Unit*'. Celui-ci, est source de conflit, une perte accumulée de connaissances et d'une grande problématique de gestion des ressources en eau. Les fonctionnaires attachés à ce département sont en colère, désemparés et maintenant transférés, ce qui me fait penser à une comparaison contrariante de l'épisode du déracinement de nos frères et sœurs de Diego Garcia. Les syndicats se mobilisent pour défendre l'intérêt des fonctionnaires.

Parallèlement, la disponibilité d'une eau de qualité et durable est de plus en plus pénible en raison d'une instabilité dysfonctionnelle de sa gestion, contrairement, à la clause 4, qui est d'assurer une gestion intégrée des ressources en eau.

M. le président, permettez-moi de poser les questions suivantes dans dix ans, dans vingt ans, dans cinquante-ans, aurons-nous –

- (i) Assez d'eau pour le pays?
- (ii) Assez d'eau pour boire?
- (iii) Assez d'eau pour notre agriculture?
- (iv) Assez d'eau pour notre industrie touristique?
- (v) Assez d'eau pour éviter une crise sociale et voire même une guère locale d'eau?

M. le président, pour augmenter la production en eau, l'autorité locale veut installer encore plus de forages au coeur de l'île, pour exploité l'eau souterraine, dont on ne connaît même pas vraiment le volume de stockage naturel. Certains villageois ont exprimé ouvertement leur désapprobation de cette décision unilatérale pour cette exploitation – non soutenable selon eux. A titre d'observation, l'exemple du forage de Lataniers, qui a un certain moment était hors de service, on a vu l'eau de rivière ruisselle de nouveau dans la Rivière Cascade Victoire vers Port Sud Est.

M. le président, nous avons besoin de pouvoir surveiller efficacement les indices d'épuisement d'eau. M. le président, la gestion catastrophique actuelle d'eau, me fait penser à l'expression philosophique, 'la tragédie des biens communs', qu'on doit absolument éviter.

Les projets de dessalement d'eau de mer, comme proposé par l'OPR qui subissait tant de critiques par l'opposition rodriguaise à l'époque, est aujourd'hui considéré comme stipulé par la clause 35 comme l'alternative indispensable en production d'eau à Rodrigues.

Now, Mr Speaker, Sir, having said so, allow me to congratulate the hon. Minister Georges Lesjongard, Minister of Energy and Public Utilities, also then Minister for Rodrigues and one of the key players during the historic process of granting Rodrigues its status of autonomy and decentralised system of administration by the central Government of MSM-MMM-OPR of Sir Anerood Jugnauth, hon. Paul Bérenger and hon. Serge Clair. It is with much appreciation and I am extremely delighted to witness today that this Water Resources Legislation is fully compliant

with a spirit of autonomy and the specificities of Rodrigues as rightly affirmed by hon. Lesjongard.

At Clause 3, application of the Act provides that this Act shall bind the State and at sub clause (b) apply to the island of Mauritius and sub clause (b) (ii) subject to Part VII, to the island of Rodrigues. Part VII, clauses 72 to 75 of the Bill ensure the decentralised form of application to Rodrigues through the Regional Assembly. What a coincidence that the Rodrigues Regional Assembly is enshrined in our Constitution at Article 75. In this Bill, clause 75 of the Bill gives powers to the Regional Assembly to make regulations for Rodrigues. Well thought, hon. Lesjongard !

In particular to adopt, I mean the regulations, a comprehensive and integrated approach to ensure sustainable water management resources, implementing water conservation measures, promoting responsible water practices, mitigate the impacts of water scarcity and build a water secure future.

As per clause at 74 (2) of the Bill, I note the words “solely responsible” for the management and administration of water resources in Rodrigues. Further, Mr Speaker, Sir, the Bill at clause 78(2)(o) provides that the Minister may make regulations for operations, management and development of water resources infrastructure in the islands other the island of Rodrigues which form part of the State of Mauritius. Mr Speaker, Sir, this is exemplary. Such consideration for the autonomy and specificity of Rodrigues through the mutual respect, yes, mutual respect of its properly decentralised functionality within our republic. Thank you hon. Lesjongard, thank you, hon. Minister for this consideration!

Mr Speaker, Sir, Rodrigues suffers, as I said, enormously from a lack of water leading to critical water stress. The current estimated demand is around 12,000 m³ per day while for the supply, the actual average daily production is only 6,500 to 6,800 m³ daily comprising around 30% desalinated water and 70% on land water resources. Mr Speaker, Sir, Serge Clair, as then Chief Commissioner of Rodrigues and his executive team comprising – I remember well, Commissioner Roussety and Commissioner Nicolson Lisette were responsible for water resources in Rodrigues – had the vision and were determined to change and adapt to a new culture of water production in Rodrigues. Because we have no other alternative water sources than to move towards desalination.

In 2021, OPR government incorporated the Rodrigues Public Utilities Corporation (RPUC), a private company wholly owned and funded by RRA. The OPR's vision for RPUC was to produce and sell water to the Commission responsible for water for distribution to the public by the Water Unit which is being dismantled now.

This is no more the case, no more the case with the actual dismantling of Water Unit. Mr Speaker, Sir, OPR secured in principle with Central Government Rs1 billion through the SPV-MIC mechanism for RPUC investment in the construction of desalination plants to increase the potable water production from around 8,000 m³ to 18,000 m³, that is, an additional of 10,000 m³ of water to achieve water autonomy in the island. The following desalination plants are operational, namely –

- Pointe Coton with an actual daily production of 688 m³ of water per day;
- Songes - 800 m³ per day;
- Embric Bay - 368 m³ per day, and
- the solar power driven stations at Caverne Bouteille is out of order.

Mr Speaker, Sir, however, higher energy demands as compared to surface water treatment challenges the adaptation and sustainability of desalination. Surely, the way forward for sustainability of desalination is to couple it with renewable solar power energy. Mr Speaker, Sir, at certain particular point in time, we were bullied with a mantra that came out right across Rodrigues to say no to desalination. *Nou seve pou tombe, kuiyer, robinet pou rouye*, etc. spearheaded by the then Opposition party now governing political parties.

Mr Speaker, Sir, actually no dams are operational. Monday last, I visited the Anse Raffin Dam filled with its maximum capacity of about 70,000 m³ of unexploited stagnant water. Mr Speaker, Sir, as time goes by the pressure on water resources and water scarcity are increasing due to its inadequacy and declining in rainfall. It is imperative that Government, the community, businesses and individuals work together to protect our precious water resources, conserve water and promote equitable access to clean water for all.

Mr Speaker, Sir, the OPR's party vision for water sector in Rodrigues remains to ensure a sustainable water security future for an ecological Rodrigues island. Mr Speaker, Sir, allow me to further put the following questions –

- When will we attain water sustainability for the country to be water self-sufficient?
- When can we ensure that there is enough water to meet our agricultural tourism and industrial needs?
- When will we be able to provide each person and access to the minimum of 20 to 50 litres of daily water requirement to sustain life?

Mr Speaker, Sir, Rodrigues needs to consider seriously about the construction of at least two major dams in the region of Pave Labonte and Anse Baleine. In addition, I hereby acknowledge the proposed investments by the World Bank, the European Union and *l'Agence Française de Développement* to address the water in security problems in Rodrigues as part of a new Plaine Corail Airport development as promised by the hon. Prime Minister. I believe the signature of this historical airport development project, implemented by World Bank and Central Government is most eminent. Hon. Léopold, OPR party and myself we fully support the new Plaine Corail Airport development projects for Rodrigues and for our people.

Mr Speaker, Sir, Rodrigues still has a long way to go for sustainable water cycle, being given there is no water recycle and sewage system in the island. A pilot project for a sewage management study has already been conducted for Port Mathurin town and, as I proposed in my previous speeches, Rodrigues requires an island-wide study. Mr Speaker, Sir, this Bill promotes a smart water culture which is a catalyst for change in the water sector. It goes beyond the volumetric analysis to consider the value of water, that is, who is using it, how much, when, where and for what purpose?

I recently listened to one of the speeches of my good friend, hon. Minister Balgobin, on Artificial Intelligence (AI) potential for disruption. I believe that our Republic can fully engage in an unprecedented time, concerning the speed of innovation in the water sector for the future smart water system.

Mr Speaker, Sir, before concluding, water problems in Rodrigues, will remain unsolved for a while despite the appropriation of Rs540 m. from MIC, to produce an additional 3,000 to 3,500 m³ of water, which still will leave a deficit of 6,000 m³/per day. Without any pessimism, I am not 100% convinced whether the funds in question will prove to be enough and rightly invested.

Mr Speaker, Sir, beyond that, I propose the creation of what I call a ‘Special Water Blue Fund for Rodrigues’ with possible necessary funds obtained by negotiation from Climate Finance International Fund for Water Scarcity. I think it is hon. Dr. Jagutpal who mentioned about the NDC. Yes, the National Determined Contribution for Mauritius by the Ministry of Environment, they did consider the water scarcity problems for Rodrigues, especially during COP 21 with hon. Dayal.

Mr Speaker, Sir, let me conclude, l’eau est un secteur d’avenir pour le développement durable de Rodrigues. Ce projet de loi, qui est un texte législatif important, aura un grand impact sur l’avenir de l’eau et nos vies en période des crises du changement climatique. Ce projet de loi, nous force à prioriser nos programmes importants qui doivent être, comme suit –

- les efforts de conservation de l'eau ;
- la disponibilité et qualité de l'eau potable et l'assainissement ;
- la sécurité alimentaire et la sécurité en ressource en eau pour Rodrigues dans les années à venir.

La bonne gouvernance de l’eau reste l’espoir et une opportunité pour le futur de la population de Rodrigues. Le partage équitable d’eau est susceptible de devenir le plus grand défi social pour Rodrigues *fode pa get figir pou donn delo*.

M. le président, mon collègue l’honorable Léopold et moi-même, nous soutenons le projet de loi et je vous remercie pour votre aimable attention. Merci.

Mr Speaker: Hon. Minister Lesjongard!

(8.19 p.m.)

The Minister of Energy and Public Utilities(Mr G. Lesjongard): Merci, M. le président. Comme il est de coutume, permettez-moi d’abord de remercier les membres de l’Assemblée qui

ont participé aux débats sur ce projet de loi. Il y a eu, M. le président, pendant les débats des interrogations soulevées par les membres de l'opposition et je vais apporter des éclaircissements.

Mais avant tout, permettez-moi d'informer la Chambre et la population aussi que l'introduction de ce projet de loi fait partie de nos engagements pris envers la population en 2020 dans notre programme gouvernemental et au paragraphe 109 –

“Government will introduce a legislative framework for better protection of our water resources and create a water observatory to serve as a public information portal on the quantity and quality of water resources.”

M. le président, il y a eu certains commentaires qui sont raisonnables des deux côtés de la Chambre, mais malheureusement certains membres de l'opposition ont voulu faire de la démagogie et il est important aussi de signaler cela, M. le président. J'ai été un peu choqué d'entendre la déclaration de l'honorable Osman Mahomed *and that this be recorded, Mr Speaker, Sir*, ce qu'il a dit. Il a fait comprendre à la Chambre et à la population que demain au pouvoir – bon, on sait qu'ils ne vont pas arriver au pouvoir – mais demain au pouvoir, ils vont supprimer cette loi, M. le président. C'est-à-dire, l'alliance Parti Travailleuse et MMM vont supprimer cette loi, M. le président.

M. le président, ce projet de loi a été rédigé afin que l'Etat puisse répondre aux défis dans le secteur de l'eau dans les années à venir et donc, approvisionner – ces deux mots sont très importants – raisonnablement et équitablement la population et les secteurs agricoles et économiques de notre pays. Un projet de loi qui permet aussi une plus grande solidarité parmi tous les opérateurs pendant les périodes sèches.

Maintenant, à écouter certaines interventions, c'est clair, M. le président, que certains membres de l'opposition défendent certains lobbys et non pas l'intérêt de la population. M. le président, je vais maintenant aborder les différents points soulevés lors des débats.

Mr Speaker, Sir, let me say it again; I am very disappointed and every time we debate on a piece of legislation, we see that in Parliament Members from the other side of the House, they have been unable to rise above petty politics in their various interventions, Mr Speaker, Sir. *Et je vais reprendre un peu ce qui a été dit par les membres de l'opposition.*

Mr Speaker, Sir, this legislation is one that will bring a significant and meaningful difference to the economic and social development of our island. This legal framework for a holistic, integrated and sustainable development of our finite water resources is already long overdue.

Mr Speaker, Sir, a better and more sustainable management of our water resources will definitely reduce risks of scarcity and will be beneficial for industries heavily dependent on water such as agriculture and energy production.

Mr Speaker, Sir, for the citizens of the country at large, this new legislation will bring more reliable water supply and enhance quality as well as sustainable natural ecosystems. One thing that has been canvassed by Members of the Opposition but let me reassure the House, Mr Speaker, Sir, that every care has been taken in this legislation to embed elements of transparency, accountability and objectivity. In fact, Mr Speaker, Sir, all decision making instances are guided by clear parameters and criteria in the crucial process of water allocation.

Now, with regard to constitutional rights, Mr Speaker, Sir, I am satisfied that the drafting of the Bill has benefitted from the wide and indubitable experience of former Chief Justice, hon. Ashraf Caunhye and again every care has been taken to protect the constitutional rights of holders of concession titles and Supreme Court orders regarding their water use entitlement.

Mr Speaker, Sir, unfortunately few have talked about an essential aspect of the legislation, especially on the other side, which deals with protection of our water resources. Protection and conservation are at the heart of the Water Resources Bill. Mr Speaker, Sir, we are living the impacts of climate change in our daily lives.

This said, Mr Speaker, Sir, allow me to shed light and dispel some of the untruths that we have heard from Members on the other side of the House. I can say that some have merely delivered on a brief that they have received from their leader and not really convinced of what they are saying and others *ont voulu défendre l'indéfendable, M. le président*.

And they have failed in doing so to understand the fundamental principles underlying this vital legislation and they have missed the forest for the trees. I find this very unfortunate, Mr Speaker, Sir.

Now, let me dwell on the powers of the Minister in the Bill, which has been lengthily canvassed by Members on the other side of the House. Mr Speaker, Sir, during my Second Reading, I have taken much care and time to elaborate in great details the different provisions of the Bill, especially related to the powers and duties of the Minister.

Let me start with clause 7. The powers granted to the Minister at clause 7 are a series of compelling obligations. Thus, we see that “the Minister shall set national objectives”; “the Minister shall cause to be developed and implemented strategies”; “the Minister shall ensure coordination”; “the Minister shall issue guidelines” and so on.

Now, other powers of the Minister at clause 7 are bridled by conditions and parameters. For example, and this is important, it is on the recommendations of the Water Resources Technical Committee that the Minister can grant water use permits and the basis on which the Water Resources Technical Committee determines applications is already set out in the Bill.

With regard to the permitting process, I have also clearly explained that the Minister will act on the recommendations of the Water Resources Technical Committee which is a multi sectoral committee of officials hailing from no less than 8 Ministries involved in the subject matter of “water resources”. Mr Speaker, Sir, these representatives will see to it that the concerns of the respective sectors are addressed.

In determining applications for water use permit and making recommendations to the Minister, the Water Resources Technical Committee is bound by clause 4, clause 8, clause 23 and clause 26 of the Bill which concern the criteria already specified in the law for water entitlement, the aspects to be taken into account when determining applications as well as the conditions to which the permit is subjected. This ensures uniformity, transparency and trust in the decision-making process.

Moreover, Mr Speaker, Sir, given the importance of the subject of water, approval of Cabinet of Ministers – as the highest level of authority - will be sought on the grant of permit. Mr Speaker, Sir, you will agree with me that this should enhance public trust in the system.

Mr Speaker, Sir, I have also heard the Leader of the Opposition refer to powers of the Minister to exempt small planters from holding a permit to draw water from a river. This is at

clause 36 (2) and I draw the attention of the hon. Member that there is no ministerial power linked to this provision. It is purely an administrative decision.

Et je pense qu'en tant ancien ministre de l'Agriculture, on n'aurait pas pensé que le leader de l'opposition se serait senti nerveux à l'idée d'aider les petits planteurs ou peut-être ai-je tort, M. le président.

As for comments again on the powers of the Minister and constitutionality, Mr Speaker, Sir, it is critical to highlight that a Minister is bound in the exercise of his duties to take into account and respect all entrenched constitutional rights.

I came across an article in the press with a resounding title seeking to create, as normal in certain press, *du sensationnel* – “*Quand l'État veut accaparer les sources d'eau souterraines!*” *M. le président, cela a été dit par l'honorable Dr. Jagutpal un peu plus tôt, les eaux souterraines ont toujours appartenues à l'État! C'est inscrit dans la Constitution à la section 8(5).*

De plus, l'article 3 du Ground Water Act de 1969 stipule que, je cite –

“(...) all ground water shall vest in the State.”

Et l'article 5(2) du Water Resources Bill qui et devant nous vient reproduire ces même dispositions.

Mr Speaker, Sir, as for those entitled to a “water right”, by virtue of a concession title or a Supreme Court order, the Water Resources Bill provides that they should apply for a registration of such existing water right, by submitting the relevant documentary evidence to the Water Resources Commission within 6 months of the commencement of clause 48 of the Act. The Commission is bound to register such orders following an application for registration in accordance with clauses 50 and 51(1) of the Bill. The definition of “water rights” at clause 2 of the Bill is relevant.

As for one of the comments regarding the loss of a concession title by a person, I wish to draw the attention of the House to clause 49, according to which, a person who makes an application for the registration of an existing water right under this Part shall submit to the

Commission “the title of concession or the order of the Supreme Court or such other title or document that establishes his right”.

Mr Speaker, Sir, furthermore, and let me clarify this, there can be no amendment to any order made by the Supreme Court except by way of an application to the Supreme Court in accordance with clause 52 of the Bill and there may be an amendment only following a determination by the Supreme Court in accordance with clause 53 of the Bill.

Mr Speaker, Sir, there is no discretionary power of the Minister involved; only the Supreme Court can amend any order that it has given. And the powers of the Supreme Court have not in any way been removed or tampered with, in regard to existing water rights, which are the subject of an order of the Supreme Court, unlike what some Members on the other side would like to make the population believe.

Mr Speaker, Sir, the Bill goes further. The constitutional rights, if affected, will be dealt through the provisions of clause 54 and any compensation ensuing therewith will be determined according to clauses 55 and 56.

Now, I must say that, Mr Speaker, Sir, some comments were also made – let me put it this way, sadly –by a Member, with a legal background, on the other side of the House, regarding powers of the Minister to impose fees and waive fees.

Mr Speaker, Sir, as is commonly the case in several other enactments, the Minister is entrusted with the responsibility to impose fees in respect of the issue of permits which falls under his responsibility.

It is significant to note that such powers are exercisable by the Minister under the Water Resources Bill, under prescribed conditions based on objective criteria. For example –

- (1) the Minister may only waive fees under clause 27 where the use of the water is required in the public interest (I refer to clause 27(2)).
- (2) secondly, the Minister may impose fees in relation to the annual cost of a water use permit which, as is laid down under clause 27, has to be calculated based on the volume of water allocated under the permit.

- (3) in addition, the Minister may only do so following and I say it again, the following the recommendation of the Water Resources Technical Committee, which is made up, as I stated some time back, of at least 8 representatives of Ministries who are involved in the subject matter of water resources.
- (4) payment of fees may only be done by the enactment of regulations in accordance with clause 78(2)(p).

In this connection, Mr Speaker, Sir, it is important to bear in mind clauses 20, 21 and 23 of the Interpretation and General Clauses Act with regard to parliamentary control over regulations, which in the present case, would apply to the levying and payment of fees under this legislation. Should the power of imposed fees be made otherwise, then, Mr Speaker, Sir, there would be no parliamentary control over such a matter.

The Leader of the Opposition, Mr Speaker, Sir, also referred and I believe hon. Ms Joanna Bérenger also made reference to powers that have been removed from the Supreme Court. Mr Speaker, Sir, in addition to what I have already said regarding water rights conferred by virtue of concessions of Supreme Court orders, allow me to add that clauses of the Rivers and Canals Act which have been repealed and which concern the Supreme Court, are essentially of an administrative nature as they relate mainly to the control of activities near rivers or the establishment of public facilities. Clause 29 of the Rivers and Canals Act was enacted as far as 1863.

Now, the hon. Attorney General made reference to that, but let me take two examples to make the House understand what I am saying for purpose of clarity –

- Clause 26 of the Rivers and Canals Act titled ‘Control of activities near rivers’ which goes back to 1863 provides, *inter alia*, that and I quote –

“where any premises specified in subclause (1), or any quantity of sugar, cane trash, bagasse, syrup, molasses, wash, manure, dung, or accumulation of matter of any kind, or any sewer, ditch, or drain, appears to the Supreme Court (after a report on the matter by one or more persons of skill, and after the parties interested have been duly called) to be so situated that any water or matter from there can defile any river or stream, the occupier of the premises shall remove the water or matter or make

arrangements, to the satisfaction of the Permanent Secretary, or of some skilled person appointed by the Supreme Court, for preventing the defiling.”

- Clause 29 further provides that –

“the authority of the Supreme Court shall be necessary for the establishment by the Permanent Secretary, of any public drinking-fountain, reservoir, bath or washing-house, in, or in the course of any river or stream, and to the withdrawing from that river or stream from that river or stream, or from any spring, which is public property, of any water for supplying such establishment.”

Mr Speaker, Sir, it stands to reason that these matters are not matters which should fall under the responsibility of the Supreme Court in 2024. Again, the hon. Attorney General canvassed on that - we have letters from the Judiciary, that is, letters from Honourable Chief Justice that they are agreeable to what we have proposed in this piece of legislation. Mr Speaker, Sir, hon. Uteem went further to qualify the provisions regarding water rights as unconstitutional. First of all, I will remind the hon. Member that the Bill has been prepared by Honourable Asraf Caunhye, a former Chief Justice. I am confident that all matters relating to constitutionality has been duly and carefully addressed.

Mr Speaker, Sir, there are detailed provisions for constitutional redress in the Bill under Part V and provisions to question the legality of any acquisition of any existing water right or property and the payment of adequate compensation as required, under Section 8 of our Constitution.

It is also important to bear in mind that the implementation of policies to ensure a sustainable and adequate supply of water for the needs of the population and for the current and future social and economic needs of the people of Mauritius would require both a mid-term and long-term vision for the construction and development of the appropriate infrastructure. This, Mr Speaker, Sir, would involve the building and development of appropriate infrastructure like dams and reservoirs, canals, and other works related to water resources infrastructure.

The Bill also provides the appropriate legal framework and adequate and fair constitutional protection for aggrieved party where such developments may require the taking of possession or acquisition of any existing water right or private property.

Now, several speakers on the other side of the House have raised the issue concerning that there is a lack of provision for appeal in the Bill. Mr Speaker, Sir, let me refer the House to Parts II and III of the Bill with regard to water use permitting process. As I have stated earlier, applications are processed by the Commission and submitted to the Water Resources Technical Committee for examination and for making. It will be for the Water Resources Technical Committee to make recommendations to the Minister for subsequent approval of Cabinet. It is a trite law, Mr Speaker, Sir, that where there is no provision for appeal, any administrative decision may be challenged by way of judicial review.

In the Water Resources Bill, it has been considered more expeditious and convenient to deal with cases of appeal through judicial review. By nature of the Water Use Permit (where decisions mainly relate to permitting and existing water rights) and which involves legal and constitutional aspects, it is more convenient for these to be dealt at the level of the Supreme Court. Appellate procedures are normally for more technical matters.

Mr Speaker, Sir, if there had been an appellate body, there would still be a right of judicial review from the decision of the appellate body by the aggrieved party and this would have required a more lengthy and tedious process. This is what we don't want, Mr Speaker, Sir.

Now, a lot has also been said with regard to the concept of public interest. Mr Speaker, Sir, allow me to dwell on the concept of public interest which is found in the Water Resources Bill, but let me put it this way, some Members on the other side have deliberately chosen to read parts of the Bill in isolation and painted a false picture, thus failing to understand and convey the underlying rationale for catering for public interest when it comes to water as a human right.

Water is essential for life, Mr Speaker, Sir – this has been said in this House. Governments have a duty to protect the health, safety and welfare of our citizens. Public interest is a fundamental concept in a legislation on water resources ensuring that the allocation, management, and protection of water resources serve the collective needs and rights of the population and it is a concept that is widely recognised and integrated in water supply and management practices. Countries like South Africa, Australia, the US and India emphasise ensuring sufficient water supply for human needs before allocating water for other purposes, Mr Speaker, Sir. And, let me put it this way, the Minister cannot depart from the objects of the Act when defining public interest.

Now, hon. Uteem proved to practice very selective reading in his understanding of the Bill. Now, allow me to provide the House with accurate information on what the Water Resources Bill provides in order to address equitable access for sustainable management of water resources and I will take three examples to call off his bluff, Mr Speaker, Sir. Let me refer to clause 27(2), clause 29 and clause 32.

Clause 27(2) of the Bill states –

“The Minister may, where the use of water is required in the public interest, waive any payment under this section.”

The power of the Minister to waive payment is in situations of public interest and public interest has to be substantiated and demonstrated and such waiver is not on the basis of politically motivated ground as the hon. Member wants us to believe. Clause 29 of the Bill states that –

“(1) Nothing in this part shall prevent the Minister from authorising the Director to limit, in whole or in part, the water allocated under any existing water use permit where the Minister has reasonable cause to believe that it is in the public interest during times of water shortage or emergency to vary or modify the terms and conditions of any entitlement to use of water to –

- (a) supply water for the needs of the public; and
- (b) ensure that a reserved use of water contains sufficient water for the purposes specified in section 25(...)”

Or a reserved water use shall only be used for public consumption or for purposes of public utility and safety.

The power of the Minister to vary a water allocation, Mr Speaker, Sir –

- (1) only during times of water shortage or emergency;
- (2) if there is reasonable cause to believe that it is in the public interest, and
- (3) to supply public needs and for public consumption.

We are here, Mr Speaker, Sir, talking of very specific and special circumstances. The Bill has been so couched as to provide the adequate safety parameters to prevent abuse and let me say that clearly: the Bill does not give *carte blanche* to the Commission to vary existing water allocation.

Mr Speaker, Sir, I refer to clause 32 and let me again express my disappointment over the persistence of the hon. Member who raised that issue and also the Leader of the Opposition who canvassed that point, Mr Speaker, Sir. Clause 32 (2) stipulates that –

“The Minister may, in the public interest, exempt any person from the requirement to hold a permit under this Act.”

Again, Mr Speaker, Sir, we are about special circumstances and not to exempt supporters of the regime, as the Leader of the Opposition puts it. Such circumstances, Mr Speaker, Sir, can be a natural disaster where exemption would facilitate access to essential water supplies for a rapid response to meet public needs during a crisis period. I would like, Mr Speaker, Sir, to reassure the House that the inclusion of the concept of public interest in these clauses is in fact a safeguard against unfettered discretion.

Now, let me come to another issue which was canvassed, which is linked to again the concept of public interest and to the comment that considerations relevant to economic operators are not addressed in this piece of legislation. I would like to refer to clause 8 of the Bill where one of the aspects to be taken into consideration by the Water Resources Technical Committee in determining water use entitlement is current and future social and economic needs.

There were also comments, Mr Speaker, Sir, with regard to compulsory acquisition in the public interest.

Clause 7 of the Bill provides that the Minister –

“(h) may, where the compulsory acquisition of any land is necessary in the public interest for the use, control, management, development or protection of water resources, initiate the procedure for the compulsory acquisition of the land which shall be carried out in accordance with the Land Acquisition Act.”

Again, Mr Speaker, Sir, such measure can only be resorted to when public interest consideration has been established and any compulsory acquisition will be as per the Land Acquisition Act which already contains provisions related to compensation, challenge of legality and appeals.

The Water Resources Bill goes further to protect Constitutional rights at clause 55 titled legality and compensation. Mr Speaker, Sir, an application for constitutional redress where a

person alleges that any provision of the Constitution has been contravened may include claim for –

“(a) the determination of the interest or right of the person, the legality of any taking of possession or acquisition of the existing water right or interest;”.

The legality itself can be questioned, Mr Speaker, Sir. The Bill has taken every care to protect the constitutional rights of the citizens.

Hon. Uteem also made reference to the designation of buffer zones. Buffer zones are critical components in water management and conservation efforts. Mr Speaker, Sir, why do we need to have buffer zones is to –

- (1) protect water quality by acting as protective barriers between water resources and the potential sources of pollution;
- (2) control erosion given that the vegetated buffer zones stabilize the soil and therefore reduce sedimentation;
- (3) act as habitat for diverse plant and animal species, and
- (4) promote sustainable development.

Mr Speaker, Sir, according to him land owners or those having an interest in the land concerned, where some designated activities cannot take place, should be compensated. Clause 33 provides for the possibility of works to be carried out with the authorisation of the Commission and compensation would only be applicable if there is an actual prejudice which is established by an aggrieved person. Now, the Members of the other side also canvassed on the argument that, there has not been consultation with stakeholders during the preparation of this Bill although what the Leader of the Opposition said seems *nuancé* because he said, he referred to the lack of “protracted” consultations with stakeholders and admitting that there have been consultations, although not “long-drawn-out” enough, to his mind.

Mr Speaker, Sir, I reiterate that consultations have been held, both on a national basis and individually. In addition, the Mauritius Chamber of Agriculture has officially submitted its memorandum to my Ministry in December 2022 to share its concerns and proposals on the forthcoming Bill. All this has been taken into consideration in drafting the Bill. I reassure the House that all Constitutional rights have been upheld in the Bill.

And for the points, Mr Speaker, Sir, because I had a meeting with Business Mauritius, for the points they had raised in that meeting, these are reflected in the Bill.

I have clarified them in my speeches and again, Mr Speaker, Sir, I would like to reassure the House and stakeholders concerned that the Bill provides for a transition period of 18 months to iron out matters, find acceptable solutions to specific situations, put in place the appropriate mechanisms, protocols and also protocols for a transparent administration of the law.

Mr Speaker, Sir, let me say something with regard to what hon. Osman Mahomed said regarding the URA because I need to clear that Mr. Speaker, Sir. Mr Speaker, Sir, the Water Resources Bill is not a utility legislation. Utility legislation are the CWA, CEB, WMA, as per the First Schedule of the URA Act. Now, the objects of the URA subjects to the relevant utility legislation in accordance to Section 5 of the URA Act is to inter-alia ensure the sustainability and viability of utility services and this is not connected at all with the Water Resources Bill which deals with raw water. When he intervened, he made reference to the setting up of the URA when the legislation was voted and he said that we voted the legislation in 2004, but what he does not tell you Mr Speaker, Sir, that his party was in power between 2005-2014 and they did nothing with regard to the URA. It was only in 2016 that the URA became operational under this government Mr Speaker, Sir. And this is the truth, Mr Speaker, Sir. They know why.

Maintenant. M. le président, permettez-moi de faire quelques commentaires sur les arguments avancés par l'honorable membre Ms Joana Bérenger lors de son intervention. M. le président, par rapport à la *Water Resources Commission* prévue dans le projet de loi, je dois préciser que c'est le *Water Resources Unit*, un département au sein du ministère de l'Énergie et des services publics créés en 1993 qui sera remanié pour la mise sur pied du *Water Resources Commission*. Et ce n'est pas un *one person commission* comme l'a voulu faire croire l'honorable Ms Joana Bérenger. C'est un service qui comprend un directeur et plus des 80 officiers et parmi nous avons des techniciens et des ingénieurs. Le WRU a toute l'expérience requis pour la construction des barrages comme cela a été le cas mais aussi pour faire ce qu'on appelle le *risk assessment* des barrages. Et, cela a été le cas, je vais le dire, pour le Midlands Dam et le Bagatelle Dam.

Concernant le rôle de la CWA, M.le président, la nouvelle loi définit clairement le rôle de chaque service, le *Water Resource Commission* come prévu dans ce projet de loi et ça il faut bien comprendre parce que je pense que les membres de l'opposition n'ont pas compris ça. La loi définit clairement le rôle de la CWA. Le *Water Resource Commission* s'occupera de la mobilisation, de la conservation, de la protection et de l'allocation des nos ressources en eau tandis que la CWA s'occupera du traitement et de la distribution de l'eau potable à ses abonnés et c'est toute la différence, M. le président.

M. le président, let me come to another aspect of this legislation and then I will conclude. I need to clarify that because this was canvassed by members of the Opposition with a possible overlapping of functions with other water management bodies. They made reference to the CWA and the Wastewater Management Authority.

Mr Speaker, Sir, I would wish to emphasise that the Bill demarcates the responsibilities of the Water Resources Commission and other agencies in the water sector. These agencies will continue to operate within their respective legal frameworks. The roles and functions of the Wastewater Management Authority (WMA) are clearly defined in its Act and the Wastewater Management Authority will continue to perform same in relation to collection, treatment and disposal of wastewater.

In ensuring the optimal utilisation of all water resources, the Commission can enter into agreement with public agencies for supply of water resources. Now, as for the CWA, it will be downstream in the water chain as it will receive bulk water from the Commission, will treat same and distribute to its customers.

Mr Speaker, Sir, let me seize this opportunity to correct a misunderstanding from hon. Uteem with regard to part the objects of the CWA, which according to him, have been repealed. It is contended that perhaps the Water Resources Commission has taken over these objects.

Mr Speaker, Sir, this is incorrect. Only those objects, and I said that earlier, that are related to mobilisation, development and sustainable and integrated management of water resources have been transferred to the Water Resources Commission.

Pour conclure m. le président, alors que nous nous trouvons avec l'obligation de faire des réformes significatives, il est impératif d'adopter une approche visionnaire pour relever les défis

complexes de la gestion, du contrôle, du développement, de la protection et de la conservation de nos ressources en eau.

Cette nouvelle législation marque un tournant vers un système plus équitable, durable et qui peut s'adapter aux contraintes liés aux effets du changement climatique. Notre petit état insulaire, vulnérable aux effets néfastes du changement climatique, nécessite une stratégie de gestion de l'eau robuste et dynamique.

M. le président, nombreuses sont les nations développées, moins développées, les États insulaires, qui ont franchi cette étape et qui ont engagé une réflexion et une réforme sur la gouvernance dans le secteur de l'eau. La législation que nous proposons aujourd'hui introduit un cadre holistique et intégré qui assure la participation de toutes les parties prenantes dans la gestion de nos ressources en eau. Cette approche améliore non seulement notre capacité à répondre aux besoins actuels, mais protège également les intérêts des générations futures.

J'en ai dit, M. le président. Je vous remercie. *I commend the Bill to the House.*

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Water Resources Bill (No. VIII of 2024) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Water Resources Bill (No. VIII of 2024) was read a third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Thursday 18 July 2024 at 4.00 p.m.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo) seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned! Adjournment matters!

(9.13 p.m.)

MATTERS RAISED

ROUTE DES PAMPLEMOUSSES & VALLÉE DES PRÊTRES – HEAVY TRAFFIC – POLICE ASSISTANCE

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East): Thank you, Mr Speaker, Sir. The issue I am raising tonight is addressed to the Minister in charge of the Traffic Management Unit. *M. le président, c'est par rapport à l'installation des feux de signalisation à la croisée de la route des Pamplemousses et à l'entrée de Vallée des Prêtres.*

Depuis l'entrée en opération des feux de signalisation, cela a occasionné un énorme embouteillage. Un embouteillage qui prend depuis la rue St-François Xavier, passant par la Route Militaire et jusqu'à la croisée de Vallée des Prêtres. Normalement, ce trajet, même en heure de pointe, dure entre 10 à 15 minutes, mais avec l'entrée des feux de signalisation, maintenant, c'est passé à plus d'une heure.

Donc, je lance un appel au ministre s'il peut revoir cette mise en opération des feux de signalisation et si on peut retourner à l'ancienne méthode, c'est-à-dire placer des policiers aux endroits que je viens de mentionner. Merci.

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I will look into that.

(9.15 p.m.)

KENSINGTON, POINTE AUX SABLES – IRREGULAR BUS SERVICE

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président. Je profite de ce temps d'ajournement pour interpellier également le ministre des Transports terrestres au sujet d'un problème d'irrégularité des horaires de bus à Kensington qui se trouve dans la région de Pointe aux Sables.

Donc, il y a une liaison de transports publics entre Kensington et la gare du Nord à Port Louis. Les habitants et les usagers de bus de Kensington se plaignent quasi quotidiennement parce que les bus n'arrivent pas ou arrivent tard. Donc, est-ce que je peux solliciter le ministre pour qu'une amélioration des services du transport public soit effectuée pour les habitants de Kensington ? Merci.

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I thank the Member, Mr Speaker, Sir. I will look into the matter.

Mr Speaker: So, we have come to the end.

At 9.15 p.m., the Assembly, was, on its rising, adjourned to Thursday 18 July 2024 at 4.00 p.m.