



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 23 APRIL 2024

CONTENTS**ANNOUNCEMENTS****PAPERS LAID****QUESTIONS (*Oral*)****MOTION****STATEMENT BY MINISTER****BILLS (*Public*)****MOTION OF DISALLOWANCE****ADJOURNMENT****QUESTIONS (*Written*)**

THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnood	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo, GCSK	Minister of Land Transport and Light Rail
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Georges Pierre Lesjongard	Minister of Energy and Public Utilities
Hon. Mrs Fazila Jeewa-Daareewoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Financial Services and Good Governance
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Maneesh Gobin	Attorney General, Minister of Foreign Affairs, Regional

	Integration and International Trade
Hon. Jean Christophe Stephan Toussaint	Minister of Youth Empowerment, Sports and Recreation
Hon. Mahendranuth Sharma Hurreeram	Minister of National Infrastructure and Community Development
Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Dr. the Hon. Mrs Marie Christiane Dorine Chukowry	Minister of Commerce and Consumer Protection
Dr. the Hon. Anjiv Ramdhany	Minister of Public Service, Administrative and Institutional Reforms
Hon. Ms Naveena Ramyad	Minister of Industrial Development, SMEs and Cooperatives

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 04 of 2024

Sitting of Tuesday 23 April 2024

The Assembly met in the Assembly House, Port Louis, at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENTS

FINANCIAL CRIMES COMMISSION – PARLIAMENTARY COMMITTEE – MEMBERS

Mr Speaker: Hon. Members, I have a few announcements to make.

Firstly, in regard to the Parliamentary Committee set up for the monitoring of the Financial Crimes Commission.

Pursuant to section 129(2) and (3) of the Financial Crimes Commission Act, the hon. Prime Minister has on 15 April 2024, designated the following hon. Members to serve on the Parliamentary Committee –

- (i) Hon. Marie Joanne Sabrina Tour, Deputy Chief Government Whip;
- (ii) Hon. Nand Prakash Ramchurrun, PPS;
- (iii) Hon. Marie Alexandra Tania Diolle, PPS, and
- (iv) Hon. Ashley Ittoo.

Furthermore, I have to inform the House that the hon. Prime Minister has designated hon. Mohamad Salim Abbas Mamode as Chairperson of the said Committee.

Hon. Members, in regard to Members of the Opposition Side, once the hon. Leader of the Opposition designates Members of the Opposition to serve on the Committee, I shall make the appropriate announcement.

Thank you.

HON. BHAGWAN – *L'EXPRESS* NEWSPAPER – NEW SEATING ALLOCATION

Hon. Members, reference is made to the Sitting of Tuesday 23 April 2024.

The hon. Bhagwan is reported to have stated in *L'Express* newspaper of Wednesday 17 April 2024 in regard to the new seating arrangement, I quote –

« ... a été fait exprès par le Speaker et une fonctionnaire pour embarrasser l'opposition »

I wish to set records straight and refer hon. Members to Standing Order 6 of the Standing Orders which expressly provides as follows –

“The allocation to Members of seats in the Assembly Chamber shall be made by the Speaker.”

Clear!

I totally assume my responsibility in accordance with the aforementioned provision. The dragging of a civil servant in this matter is most regretful, inappropriate and unjust.

Hon. Members, furthermore, regarding the seating arrangement, reference has also been made in the press to the practice which obtains in the House of Commons.

I reiterate that the allocation of seats is expressly - expressly - provided for in the Standing Order 6 of our Standing Orders.

In the light of paragraph 2 of Standing Order 1, since allocation of seats is expressly - expressly - provided for in our Standing Orders, it does not serve any purpose to refer to the practice which obtains in the UK House of Commons.

I thank you for your attention.

HON. JUMAN – CORRESPONDENCE – APOLOGIES FROM MR SPEAKER

I have a third announcement.

I also have to inform the House that I have received a letter from the hon. Juman requesting me to tender apologies.

Surprisingly, the letter, though addressed to me in person, found its way in the press, which in itself is improper.

Hon. Members, I wish to inform the House that, as Speaker, I am accountable to the House and not to third parties acting on behalf of their colleagues.

Concerning the incident of last Tuesday, it is on record that both hon. Paul Bérenger and hon. Bhagwan uttered insulting words such as “*sovaz, batiara, voler, souser*” in Parliament, which is the source of the said incident we are referring to.

When asked whether they were prepared to withdraw and apologise, they categorically refused. In that respect, I find such attitude from two senior Members most regretful.

I would have readily tendered my apologies, had the hon. Members done so and, in fact, one day, I can review all the records and state in an announcement to this House on how many occasions hon. Members have refused to tender apologies and have refused to withdraw unbecoming words and accusations against the Speaker.

I thank you for your attention.

PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

A. Ministry of Finance, Economic Planning and Development

- (a) The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2024. (Government Notice No. 67 of 2024)
- (b) The Economic Development Board (Processing Fees) Regulations 2024. (Government Notice No. 69 of 2024)
- (c) The Economic Development Board (Smart City Scheme) (Amendment) Regulations 2024. (Government Notice No. 70 of 2024)
- (d) The Economic Development Board (Property Development Scheme) (Amendment) Regulations 2024. (Government Notice No. 71 of 2024)
- (e) The Economic Development Board (Invest Hotel Scheme) (Amendment) Regulations 2024. (Government Notice No. 72 of 2024)
- (f) The Economic Development Board (Real Estate Development Scheme) (Amendment) Regulations 2024. (Government Notice No. 73 of 2024)

B. Ministry of Financial Services and Good Governance

The Annual Report and Report of the Director of Audit on the Financial Statements of the Financial Intelligence Unit for the year ended 30 June 2023.

C. Ministry of Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 7) Regulations 2024. (Government Notice No. 68 of 2024)

ORAL ANSWERS TO QUESTIONS

2024 FLOODING – DRAIN PROJECTS, MITIGATION MEASURES & COMPENSATION

The Leader of the Opposition (Mr S. Mohamed) (*by Private Notice*) asked the Minister of National Infrastructure and Community Development whether, in regard to the flooding of 15 January and 21 April 2024, he will –

- (a) for the benefit of the House, obtain from the Land Drainage Authority, information as to the number of drain projects implemented and completed, including at Ruisseau du Pouce, Monseigneur Leen, Canal Dayot, La Butte and Les Salines and additional outlet from Place d'Armes to Caudan, indicating the –
 - (i) cost;
 - (ii) name of the contractors, and
 - (iii) starting and completion dates thereof;
- (b) state the measures taken by Government to mitigate the impact thereof, and
- (c) state if consideration will be given for a dedicated complaints desk to be put in place for the fast tracking of compensation to be paid to all victims.

Mr Hurreeram: Mr Speaker, Sir, I wish at the very first instance to express my sympathy and solidarity and that of the Government to all the families affected by the flooding of 21 April 2024.

The House will appreciate that the question of the Leader of the Opposition is quite broad and for the benefit of the House and in the interest of the population, it requires a comprehensive and detailed reply. So, please, bear with me.

Mr Speaker, Sir, it is a fact that with climate change, we are witnessing extreme weather conditions across the world...

Mr Mohamed: On a point of order, Mr Speaker, Sir. My good friend, the hon. Minister has stated that he has to be comprehensive. I totally agree, but the Standing Orders say that you,

Mr Speaker, have control not on the contents of the answer but you have control over relevance. That is in our Standing Orders.

So, I would like you, Mr Speaker, Sir, to pay very much attention...

Mr Speaker: No.

Mr Mohamed ... to what is being said...

Mr Speaker: No, I disregard your point of order! You are giving me an order!

Mr Mohamed: I am not!

Mr Speaker: You are giving me! You said: "I would like you to pay much attention"!

Mr Mohamed: It is a request!

Mr Speaker: Stop there! There is no request in a point of order!

Hon. Minister, continue!

Mr Mohamed: There is no request? To be relevant?

Mr Hurreeram: Thank you, Mr Speaker, Sir.

Mr Mohamed: To be relevant?

Mr Speaker: I have already ruled!

Mr Hurreeram: Thank you, Mr Speaker, Sir. I will start this paragraph again.

It is a fact that with climate change, we are witnessing extreme weather conditions across the world. Not far back as last week, Dubai, Oman, Pakistan and the Republic of China, which we learned this morning *est passée en alerte rouge*, amongst others, have been severely hit by heavy rainfall which caused unprecedented flooding and, in some cases, even leading to casualties.

Mauritius, being one of the vulnerable Small Island Developing States, has unfortunately not been spared. The highest rainfalls recorded as per the Mauritius Meteorological Services on 15 January 2024 and 21 April 2024 are as follows –

- 15 January 2024 –
 - (i) Albion: 133.4 mm;
 - (ii) Beau Bassin: 140 mm;
 - (iii) Bell Village: 107 mm;
 - (iv) Chitrakoot: 143 mm;
 - (v) Moka: 150 mm;
 - (vi) Nouvelle Découverte: 156 mm;
 - (vii) Providence: 174 mm;
 - (viii) Quatre Bornes: 164 mm;
 - (ix) Port Louis, Champ de Mars: 123 mm ;
 - (x) Rivière Noire: 78 mm.
- On 21 April 2024 –
 - (i) Albion: 302 mm. Mr Speaker, Sir, this is a record level of rainfall intensity in the region of Albion;
 - (ii) Domaine les Pailles: 232 mm;
 - (iii) Champ de Mars: 194 mm;
 - (iv) Beau Bassin: 190 mm;
 - (v) Bell Village: 183 mm;

- (vi) Moka: 165 mm;
- (vii) Chitrakoot: 163 mm;
- (viii) Port Louis: 162 mm;
- (ix) Nouvelle Découverte: 119 mm;
- (x) Riche Terre: 103 mm;
- (xi) Quatre Bornes: 102 mm.

Mr Speaker, Sir, the main regions impacted in January 2024 were Caudan, Labourdonnais Street, Pailles, Tranquebar, Vallée Pitot, Canal Dayot, Place d'Armes, La Chaussée Street, La Poudrière Street, Motorway M1, City Centre, Monseigneur Leen, Vallée des Prêtres, and Le Cornu, Sainte Croix.

Whereas on 21 April 2024, the main regions impacted were Port Louis, Tranquebar, Caro Lalo, Vallée des Prêtres, Pointe aux Sables, Richelieu, Canal Dayot, Albion, Geoffroy Bambous, Meldrum, Beau Bassin, Coromandel, and Bell Village, amongst others.

Mr Speaker, Sir, on several occasions, I have stated in this august Assembly itself that Government has taken bold initiatives to provide an unprecedented budget of Rs11.7 billion for the implementation of the National Flood Management Programme which has been prepared during the elaboration of the Land Drainage Master Plan.

With regard to part (a) of the question, I am informed that as at 31 March 2024, under the National Flood Management Programme, on a total of 1,742... Here, Mr Speaker, Sir, I would like to highlight that during the preparation of the Land Drainage Master Plan in July 2021, we identified 1,400 projects. And now, it has become 1,742, which means that we are here dealing with a very dynamic situation.

These 1,742 projects are deemed to be implemented over a period of five financial years. 539 projects to the tune of Rs3.8 billion have been completed as at date. Some 114 projects for a total amount of Rs3.3 billion are ongoing, that is, there are works on site and they are at different

stages of construction. Moreover, 150 drain projects for an estimated amount of Rs2.8 billion are at bidding stage. If we want *un ordre de grandeur*, Mr Speaker, Sir, for the years 2005 to 2014, there were only Rs3.8 billion spent. That is what this Government has spent in three years what they took 10 years to execute!

It is to be noted that Rs737 m. under the NFMP was disbursed for the Financial Year 2021/22 and Rs1.6 billion for the Financial Year 2022/23 and Rs1.5 billion for the Financial Year 2023/24.

The Land Drainage Authority has identified so far 306 flood prone areas, of which 62 have been declared 'high-risk flood prone.' 20 projects in those 'high-risk flood prone' have been completed, 13 are under construction, and another 10 are at bidding stage.

The implementation of the National Flood Management Programme falls under four bodies, namely the Drain Infrastructure Construction Ltd, the National Development Unit, the Road Development Authority and the local authorities, spearheaded by the Land Drainage Authority.

Mr Speaker, Sir, I wish to emphasise that climate adaptation is not a one-off undertaking for this Government, and/or any other government for that purpose, but it is a long-term planning and implementation of various programmes. In this respect, I wish to reiterate that my Ministry has already implemented 539 drain projects and not 34 projects or any other number which is being misreported. In fact, for Financial Year 2022/23, 34 new drain projects were awarded for implementation by NDU only.

Mr Speaker, Sir, I wish to inform the House that Port Louis is bordered, as we know, by the mountain range upstream and is, in fact, a trough, that is, a '*cuvette*' by nature of its topography, and downstream, it is bordered by the sea. Accordingly, the discharge of surface run-off is highly dependent on the tidal levels. In the event of a concurrent scenario of a torrential rain and storm surge, the evacuation of floodwaters is inhibited due to the effect of tidal locking. This causes a rapid rise in the water level in the low points, namely at La Poudrière Street, Caudan and La Chaussée Street.

Mr Speaker, Sir, all the possible scenarios for flood mitigation measures have been investigated and the following structural measures have been recommended to mitigate the flooding in the City Centre of Port Louis –

(i) Ruisseau du Pouce:

- Raising of existing bank walls varying from 0.5m to 3m at different locations.
- Reconstruction of several bridges across Ruisseau du Pouce, including Gayasingh Bridge and two bridges in Caudan premises.
- Demolition of Baden Powell Bridge.
- Demolition of the cover slab on Ruisseau du Pouce from Majestic Cinema to La Chaussée Street (the hawkers' area).
- Relocation of services hindering flow along Ruisseau du Pouce.
- Demolition of the existing slabs covering Ruisseau du Pouce.
- Making good and reinstate the existing canal, including the bedding, jointing, etc.

(ii) Monseigneur Leen, La Butte and Les Salines:

- Construction of RC Covered Drains along Mgr Leen over a stretch of approximately 860m.
- Construction of RC Covered Drains along Old Moka Road over a stretch of approximately 535m.
- Construction of RC Covered Drain along Paul Furcy Adele Street;
- Construction of RC Covered Drain along A1 Road over a stretch of approximately 875m.
- Upgrading of Open Drain adjacent to Courts Building across Menagerie Road up to existing drains along Motorway M1 to an RC Canal of dimension 1m wide by 1m deep.

- Construction of RC Covered Drain varying from 500-1500mm wide by 500-1200mm deep in the region of Les Salines.
 - Construction of RC Covered Drain at Caudan Roundabout up to the sea outlet.
- (iii) Canal Dayot:
- Reconstruction of Rousell Bridge.
 - Raising of wall on both banks at Canal Dayot.
 - Desilting of the Canal Dayot itself.
 - Extension of internal drains and installation of flap valves at the outlet to prevent backflows.
- (iv) Place d'Armes to Caudan:
- Construction of an additional outlet drain of 55m and size 2000mm by 600mm across Port Louis Waterfront.
 - Construction of a new flap valve and relocation of services.
 - Reinstatement works to enable the placing of a high volume submersible pump to allow the Mauritius Fire and Rescue Service to evacuate water in extreme conditions.

Moreover, for Caudan, in the context of the metro project, two drain projects of size 2m by 1m and over a stretch of 120m have already been implemented.

Mr Speaker, Sir, the impact of flooding noted on 21 April 2024 was much lesser as compared to the flooding event of 30 March 2013. At Caudan Waterfront, in 2013, along Motorway M1, a flood mark of 900mm was recorded, causing several vehicles to be trapped and also causing loss of lives whereas on 21 April 2024, a flood mark of around 20cm was recorded for a higher rain intensity.

These outcomes bear testimony that all our efforts geared towards mitigating flooding in the region of Port Louis have been effective.

Mr Speaker, Sir, with regard to part (a) (i), (ii) and (iii) of the question, the hon. Member will appreciate that the information sought in respect of the list of contractors involved in each of the 539 completed projects with the cost of each project as well as the starting and completion

dates, is quite voluminous and is a time-consuming exercise. I will accordingly table the required information at a later stage as this is being compiled.

Mr Speaker, Sir, with regard to part (b) of the question, this Government is sparing no effort to implement any technically feasible measure to mitigate flooding problems in Mauritius. It is for the first time ever that a government has commissioned a Land Drainage Master Plan for Mauritius and again, it is this Government that has provided such an unprecedented budget to implement the National Flood Management Programme.

The problem of flooding is being looked into in a scientific and holistic manner as opposed to a piecemeal and localised approach. The world is facing dramatic challenges of climate change where each and every year, records in terms of temperatures and torrential rain are being registered.

Accordingly, full avoidance of flooding is not feasible as it is greatly related to climate-related impacts.

Mr Speaker, Sir, I have to stress that strategically, it is incorrect to talk about avoidance but rather mitigation as it is the case worldwide.

I wish to reiterate that there is no dry feet policy to combat flooding events. No government can eliminate the impact or the risk of flooding and climate change. We can only implement mitigating measures and protect the lives of our citizens, and this is what we have been doing with the 539 projects.

As a proactive measure, the LDA has been nominated in the following committees –

- the Land Conversion Committee;
- the Morcellement Board, and
- the EIA Committee.

The LDA also advises the local authorities in the processing of BLUPs. All future developments are being examined in respect of the land use planning and appropriate recommendations are issued accordingly.

Mr Speaker, Sir, much has also been said about the number of projects so far implemented, which is deemed to be a slow progress. But, Mr Speaker, Sir, dealing with flooding is not – to borrow the words of my GM of the RDA – a set of question papers where you have 10 questions and you tick them all and then you are done. Here we are into mitigation; it is a fight against climate change.

Mr Speaker, Sir, I have to point out that the challenges encountered in the implementation of projects, namely issues related to land acquisition, unsuccessful bidding exercises and way leaves have resulted in unpredictable delays. However, despite these constraints, my Ministry and in particular the LDA are sparing no efforts to achieve the desired outcomes in building resilience to flooding problems.

Furthermore, it is noteworthy that the design parameters are reviewed by the LDA on a regular basis to adapt to the dynamic of climate change. Innovative measures are thus being introduced and implemented such as detention basins, Sustainable Urban Drainage System and major cut-off swales.

Mr Speaker, Sir, I wish to inform the House that despite all constraints I have enumerated so far, I am satisfied that the projects completed by the implementing agencies, that is, the NDU, the RDA, the DICL and the local authorities, have given the desired outcomes.

For instance, in the recent past, the region of St Jean was adversely impacted during heavy rainfall, and this was subject to a PNQ in November last. In fact, my Ministry has implemented measures in a very short span of time, which have proven to be effective.

In spite of 102mm of rainfall recorded on 21 April 2024 in the region of Quatre Bornes, both the St Jean cemetery and the inhabitants downstream along Colleville and Broad Avenues have been protected against inundation.

Certainly, road users have not forgotten their...

Mr Speaker: Hon. Minister, do not refer to Quatre Bornes! I think this question refers to Port Louis area.

Mr Hurreeram: No, it includes.

Mr Speaker: Continue with that!

Mr Hurreeram: Mr Speaker, Sir, the question also asks me specific answers about Port Louis, but it is a very general one.

Mr Speaker, Sir, certain road users have not forgotten their *calvaire* due to the flooded bridges at Anse Jonchée, Takamaka, St Denis Chamarel, Choisy Bridge at Poste de Flacq, just to mention a few. In addition, the following projects are either ongoing or in the pipeline by the RDA, namely Roussel Bridge at Canal Dayot, Bruniquel Bridge, culvert on Motorway M1 near Food Canners and STR Marketing, Froppier Bridge Pamplemousses, and additional outlets at Caudan, amongst others.

Mr Speaker, Sir, major retention basins have been constructed to contain substantial overland flows and this was done a bit all over the island.

Mr Speaker, Sir, several residential flood prone areas are located downstream of major agricultural land and mountain slopes. Conventional drainage infrastructure will not be able to contain the flooding problems. To that effect, major cut-off swales have been designed and are being implemented in several localities across the island once again.

Mr Speaker, Sir, slopes and embankments along our roads are other features which are severely impacted by floods, and this may endanger the lives and livelihoods of our citizens and the road users. We have not ignored this aspect and constantly, we are implementing measures to stabilise slopes. To mention a few, the recent works which have been successfully completed and which have stood the test of recent floods are landslide works at Chamarel, at Rivière des Créoles, Batelage Souillac. There has also been rock purging at Macondé. In addition, similar works at Rivière des Anguilles and Chamarel are ongoing.

Mr Speaker, Sir, with your permission, I will now elaborate on measures...

(Interruptions)

... initiated in the regions which have been impacted during the rainfall of Sunday last, and which I have mentioned earlier. These include –

- (i) Drain works at Raoul Rivet Street and Lord Kitchener;

- (ii) Raising of wall along Ruisseau du Pouce;
- (iii) Construction of bridges at Mère Barthelemy and Labrillane Streets;
- (iv) Demolition of slabs and other structures;
- (v) Raising of walls along Ruisseau Créole;
- (vi) Upgrading works along La Poudrière Street;
- (vii) Raising of wall along Canal Dayot;
- (viii) Drain works at Cité Mauvillac and Soreze;
- (ix) Upgrading of drains at Mamelon Vert, Vallée Pitot;
- (x) Extension of drain along Inkerman Street, Vallée Pitot;

Mr Mohamed: Mr Speaker, Sir, he can table all this! That is the practice.

Mr Speaker: Is it a point of order that you are raising?

Mr Mohamed: It is!

Mr Speaker: You have to ask me. You have to intimate...

Mr Mohamed: Mr Speaker, Sir, could you please ask him...

Mr Speaker: Please, listen to me first. Please! You, please, listen to me first. You have to intimate your point of order. I should know it is a point of order. You cannot, like in a discussion, in a speech or in a reply, just stand up or shout. This is not parliamentary...

Mr Mohamed: I did not stand up!

Mr Speaker: This is not parliamentary behaviour, hon. Leader of the Opposition! Try to be polite, that's all!

Mr Mohamed: Mr Speaker, Sir, could you please try to take into consideration...

Mr Speaker: No, no, you can't do that! You must say this is a point of order and I'll listen to your point of order!

(Interruptions)

You can't engage a conversation with the Speaker. You can't do that! You are a seasoned lawyer!

(Interruptions)

Quiet here!

Mr Mohamed: So, may I raise a point of order?

Mr Speaker: You are a seasoned lawyer, you should know...

Mr Mohamed: May I raise a point of order?

Mr Speaker: ...how to address the Speaker!

Mr Mohamed: May I raise a point of order therefore?

Mr Speaker: Please!

Mr Mohamed: Therefore, on a point of order, he has taken more than 23 minutes out of 30. Could you please...

Mr Speaker: This is not a point of order! This is my jurisdiction!

(Interruptions)

You are questioning my jurisdiction!

Mr Mohamed: No!

Mr Speaker: You keep quiet! Let the Minister continue!

Mr Mohamed: Let me finish!

Mr Speaker: Minister, continue!

Mr Hurreeram: Mr Speaker, Sir, besides the structural works I have mentioned so far, cleaning and desilting of watercourses have also been undertaken to mitigate inundation due to riverine flooding. So far, we have desilted 160 km of rivers, which involve Ruisseau du Pouce, Latanier, Rivulet Terre Rouge, and many others.

Mr Speaker, Sir, with regard to part (c) of the question, as the hon. Member is aware, the issue of compensation of victims of flooding does not fall under the purview of my Ministry. This concerns other authorities and I am informed that there are well-established procedures for payment of compensation. For instance, I am informed by the Commissioner of Police that as at 9.00 a.m. this morning, 735 persons have requested for assistance for compensation.

However, I wish to highlight that irrespective of the compensation payable to affected families and depending on the nature and the severity of each case, appropriate additional support is provided to these persons. For example, in the case of the affected persons at Tranquebar, the hon. Prime Minister himself met the families yesterday and necessary measures are being undertaken to provide appropriate support and relief to them. There could not be any faster track than this, than being received by the hon. Prime Minister himself. Here, I wish to assure the House that every possible measure will be undertaken in consultation with these families.

On a concluding note, Mr Speaker, Sir, we are at war with the challenges of climate change and we should all rally behind the Prime Minister and the Government to win this war. There is no space for cheap political gain or *vautours* trying to use those families for their political gain.

Thank you, Mr Speaker, Sir.

Mr Mohamed: Mr Speaker, Sir, he has taken 26 minutes. I hope that you will exercise your discretion to give me some more time to put five important questions of national importance on the issue of flooding.

Mr Speaker: No, no, you cannot quantify your questions! You start by one!

Mr Mohamed: Mr Speaker, Sir, the Director of Audit in his report says that, I quote page 348 –

“During the Financial Year 2022-23, only 34 drain contracts were awarded for Rs457 million, compared to 84 contracts awarded in the preceding financial year (...) significant funds remaining unspent and several projects are not being implemented.”

It goes on to say at page 349 –

“Out of the 72 projects identified in the high-risk flood-prone areas, 26 were transferred to DICL and one to RDA (...). No project was transferred to the Local Authorities.”

The Director goes on to describe how everything is slow in terms of implementation. He says –

“The slow implementation of projects implies that these projects were not made available to citizens on a timely basis, thus may cause harm to the population.”

This report of the Director of Audit, where he condemns and says that there has been failure at the level of the hon. Minister’s Ministry and Departments, is he saying that the Director of Audit is wrong?

Mr Speaker: Now, don’t indulge in any debate. You have already put three questions! If you don’t know, you have put three questions. Let the Minister answer!

Mr Hurreeram: Mr Speaker, Sir, I have already given all the details of what my Ministry has spent over different financial years. As at date, we have already implemented 539 projects. I do not want to repeat myself; the hon. Member may take a point of order. But, then, as I have said already, it was 34 new projects. There are also so many other projects ongoing and being implemented.

I have also already mentioned the difficulties that sometimes we face to allocate contracts. There is the way leave issue, the land acquisition issue that takes its own time and very often, we have challenges that we have to defend in court. So, we have to deal with all these. Despite all that, the proper procedures are being respected. We follow all required procedures and projects are being implemented.

Regarding projects being allocated to local authorities, it is not my Ministry which allocates projects to local authorities. They have their own set of projects. They request funding from the LDA to implement their projects. They have their own set of projects. I cannot be held liable for what has not been done at the level of local authorities.

Mr Mohamed: Mr Speaker, Sir, on 28 March 2023, hon. Dr. Aumeer as well as on 15 March of this year, hon. Osman Mahomed, both wrote. The first one was to the hon. Minister, whereby the issue of Ruisseau du Pouce and the danger represented precisely to those houses – the house *qui a cédé* – because of works going on at Ruisseau du Pouce that is being wrongly done. There was a petition that was also sent to the hon. Minister back in 2023. This year, on 15 March, hon. Mahomed wrote an e-mail to the PPS, hon. Mrs Mayotte, whereby both those correspondences, which I beg leave to table, with all the photographs that were sent to you, hon. Minister, and hon. PPS, have been left unattended.

Therefore, could he please explain to the House why is it that ever since last year, there has been no supervision whatsoever with regard to those projects that have led to those houses being affected? The damage, prejudice and criminal negligence against those people is at your footstep, hon. Minister! Could you, please, therefore, apologise at least to those people?

Mr Speaker: No, please, please! I stop you there! I stop you there! The Minister doesn't have to apologise for anything!

Mr Mohamed: I don't need to ...

Mr Hurreeram: Mr Speaker, Sir, firstly, I have not received any of those letters which the hon. Leader of the Opposition is talking about.

(Interruptions)

They may laugh as much as they want! We have a despatch book. Whenever letters are received, someone has to sign. We have our records; we know we can retrace them, and I invite the Leader of the Opposition to come and check for himself the despatch book of the Ministry.

Secondly, Mr Speaker, Sir, whether there has been negligence or not, my Ministry has already set up an independent committee that will be led by the engineers of the National

Infrastructure Division of the Ministry and also by the engineers of the LDA to investigate into the whole matter.

You will agree that this may eventually also involve the insurance of the contractor or that of the consultant. So, at this point, I do not think that it will be proper for me to comment on this as it may hinder the inquiry and eventually a *procès en cour*. So, I do not want that whatever I say in Parliament may become part of the case eventually. I will let the engineers advise accordingly in the report. Then, if we need to share the report in Parliament, we will do so.

Mr Speaker: Time over!

Mr Mohamed: Mr Speaker, Sir...

Mr Speaker: Time over!

Mr Mohamed: I have one more question of national importance.

Mr Speaker: We move to Prime Minister's Question Time!

Mr Mohamed: You allowed him to take 27 minutes ...

(Interruptions)

Mr Speaker: Hon. Members, the Table has been advised that PQ B/233 will be replied by the hon. Minister of Public Service, Administrative and Institutional Reforms. PQ B/250 will be replied by the hon. Prime Minister, time permitting.

I now call hon. Ramful!

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM – LIFESPAN

(No. B/230) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) 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 Automated Fingerprint Identification System, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the system has reached its lifespan and, if so, since when.

The Prime Minister: Mr Speaker, Sir, fingerprint identification is a unique and valuable system used by Law Enforcement Agencies worldwide for the identification of suspects involved in crimes.

I am informed by the Commissioner of Police that pursuant to Sections 221 and 222 of the Criminal Procedure Act, the Police are empowered to collect fingerprints of any person arrested on suspicion of having committed a crime and also of any person who has been convicted of a crime.

As such, the fingerprints are taken on Police Form 19 and 20 for male and for female, respectively. The prints are thereafter matched with prints collected from scenes of crime or with existing database for identification of suspects at the Police Crime Record Office by trained and authorised Police personnel.

I am further informed by the Commissioner of Police that, with technological advancement in the field, the Mauritius Police Force decided to digitalise the process of scanning, storage and matching of fingerprint slips/crime scene prints.

The existing digital system allows for the rapid comparison of fingerprints found at scenes of crime with those stored in a database of known fingerprints, helping the Police to identify suspects or link individuals to past criminal activities. The system is also used for background checks, identity verification and maintaining criminal records. The main features of the system comprise –

- (i) Scanning of all fingerprints slips and crime scene prints;
- (ii) Storage of prints of convicted persons as well as unsolved scene of crime prints;
- (iii) Matching of fingerprints, including detection and identification of suspects/accused, and
- (iv) Generating a short list of similar prints from database for verification and comparison by fingerprint expert.

Thus, the State Informatics Ltd was awarded a contract to implement a Fingerprint Analysis and Criminal Tracing System commonly known as FACTS 3 for the digitalisation of

fingerprints. State Informatics Ltd enlisted the services of Computer Maintenance Corporation Ltd, Hyderabad, India for its implementation.

Subsequently, the State Informatics Ltd was ensuring hardware maintenance of the system under a Hardware Maintenance Agreement. As regards software maintenance, same was provided by the State Informatics Ltd with the assistance of Computer Maintenance Corporation Ltd, India under a Software Maintenance Agreement.

In 2004, the system software was upgraded to FACTS 5 and its new additional operational functions were as follows –

- (i) Matching of fingerprints speed enhanced by 50%;
- (ii) Bulk matching of Unsolved Crime Scene Prints;
- (iii) Generating matching reports; and
- (iv) Higher connectivity of Remote Query from Police Stations, including those in Rodrigues.

In 2015, State Informatics Ltd recommended another upgrade of the whole system from FACTS 5 to FACTS 7 comprising the following additional features –

- (i) Upgrading of Operating System;
- (ii) Live scanning of fingerprints and palm prints;
- (iii) Matching of palm prints, and
- (iv) Enhanced searching capabilities and hit ratio.

However, State Informatics Ltd informed that as its partner, Computer Maintenance Corporation Ltd, India which was giving assistance for software implementation and maintenance was taken over by another Indian company in the year 2016, it would not be possible to upgrade the system from FACTS 5 to FACTS 7 as recommended at that point in time.

However, State Informatics Ltd did keep a working arrangement with the new company to ensure the smooth running of the software while continuing the hardware maintenance.

Mr Speaker, Sir, the average lifespan of complex IT System is 7 to 10 years which can be extended by proper maintenance and technology refresh through upgrading and replacement of obsolete sub-components with a view to keeping pace with digital evolution and technological advancements. It is in this context, that the present system has been refreshed in 2004 from FACTS 3 to FACTS 5 and also the main server was replaced in 2017.

Furthermore, in the light of rapid evolution in crime management, sophistication of the mode of operation of criminals and also development in the ICT field, the Police at the end of the year 2016 proposed to acquire a new Hi-Tech system with the latest technological features, called the Automated Fingerprint Identification System, to replace FACTS 5.

I am informed that, consequently, the services of the Central Informatics Bureau were sought by the Police in February 2017 for the technical specifications and cost estimate of the new project.

The Automated Fingerprint Identification System was expected to provide a full-fledged system to replace the existing servers and equipment and to interface with the Criminal Attribute Database of the Mauritius Police Force. The main features of the new system were expected to –

- (i) Provide a state-of-the-art image processing and pattern recognition algorithm to capture, encode, store and match fingerprints and palm prints automatically at very high speed and precision;
- (ii) Match fingerprints and palm prints not only for Personal Identification cases but also for highly reliable matching of scene-of-crime prints;
- (iii) Provide an integrated system so that it is compatible with latest Operating System on the market;
- (iv) Put in place a system that is also compatible with Criminal Attribute Database systems;

- (v) Migrate the existing data such as fingerprints and data from the Criminal Attribute Database to the new system;
- (vi) Streamline the flow of data among several offices of the Crime Record Office and other Remote Query Stations, including Rodrigues;
- (vii) Provide adequate inbuilt redundancy to ensure resilience of key data, and
- (viii) Prevent access to unauthorised persons by implementing appropriate access control on the system.

Mr Speaker, Sir, I am further informed by the Commissioner of Police that with a view to procuring the new Automated Fingerprint Identification System, tenders were launched a first time on 19 February 2018 through the E-Procurement System. Five bids were received at the bid opening. Whilst three bidders were technically not responsive, the remaining two responsive bidders quoted above the estimated cost. The Departmental Bid Committee thus recommended the re-launching of a tender with revised specifications and estimated cost.

On 11 November 2020, tender was re-launched. Four bids were received and only one bidder was responsive. On 27 August 2021, a Letter of Award was issued to the only responsive bidder. However, the bidder failed to submit the performance security as per the terms and conditions of the award, despite the validity period having been extended twice at his request. Consequently, the award was cancelled on 10 November 2021.

In view of the complexity of the system and the past unsuccessful procurement processes, new tenders were launched a third time on 14 February 2023 with the closing date being 26 April 2023.

The tendering process was cancelled on 24 April 2023 inasmuch as the Police, in consultation with the Central Informatics Bureau found that a new integrated system which combines both the Criminal Attribute Database and Automated Fingerprint Identification System would be more efficient to operate.

However, in view of the fact that many foreign law enforcement agencies were using another system called the Automated Biometric Identification System, consideration was given

to implement the Automated Biometric Identification System which will have additional crime prevention and detection features.

The specifications of the new system have already been prepared by the Central Informatics Bureau in consultation with the Police. This exercise has been completed on 16 April 2024. Based on these specifications, the Police are also examining the legal framework that need to be put in place for its implementation.

Taking into account the fast technological advancement and the complexity of the proposed new system, the assistance of friendly countries is currently being sought for its implementation.

Thank you.

Mr Ramful: Can the hon. Prime Minister tell us since when has this system become obsolete? Can he also tell us how can there be effective policing given the situation of law and order when we have such a system which is so important for the Police to identify suspects?

The Prime Minister: Mr Speaker, Sir, it depends what the hon. Member means by 'obsolete' because in the IT sector, once you acquire an equipment, every year there is improvement in the technology. So, if we say 'obsolete' means that there are new equipment on the market with new features, with added provisions to enhance the issue of fingerprint identification and so on, then, it is an ongoing process.

Like I have just said in my answer, the Police decided to launch a tender at one time and then there have been numerous problems as I have stated, because bidders did not abide by the conditions and, therefore, the bid had to be cancelled. I do not want to repeat what I have said again. I hope the hon. Member has listened carefully.

But, in the meantime, there has been great progress in terms of technology. Now, the latest technology that is being used by other law enforcement agencies for example, like in the UK, France, India, and so on, is that they have also included biometric features. So, if we have to purchase an equipment, be it that we purchase an equipment that is up-to-date and that is available with the latest features as at today. So, that is why, I must say, it has taken time.

I have also looked at the Audit Report where it has been said why is it taking so much time and that the prices also have been increasing. Yes! Because technology is fast-evolving and fast-

growing. Now, we hope, with the support of experts from friendly countries, we will be able to launch the procurement exercise because in terms of the procurement process, we do not exactly know how we will go about for procuring this equipment.

Mr Ramful: The hon. Prime Minister will agree with me that as per the observations of the Director of Audit, there has been inadequate management of the tender exercise, the specifications and so on. Will the hon. Prime Minister agree that the initial cost of the project, back in 2018, was Rs20 m. and now, the cost of the project is costing the taxpayers more than Rs100 m.? This is because of the lack of management by the Police with regard to the tender exercise.

The Prime Minister: I would not be blaming the Police by saying lack of management. What do you do when you launch a tender, when you have bidders and when some are eliminated? And then, when you have bidders who have quoted an excessive price? What do we do? What will the Police do? They say: we just accept - the lowest bidder, of course -, but then, which has quoted maybe three, four or five times higher the estimate? I am sure the hon. Member will then ask the same question: why is it that there is a cost estimate and that we have accepted a price that is far beyond? So, we have to go according to the procurement regulations. Then, the tender would not materialise.

Now, for the second tender, as I mentioned in my answer, there was another bid and there was at least one bidder who satisfied the technical conditions and even the financial conditions. There was one issue. I think I mentioned a security performance which he was expected to furnish. On two occasions, that bidder asked for an extension of time. On two occasions, the Police had agreed for the extension of time. Even after that, he was not able to provide security for performance.

So, what do we do? We still go ahead and accept? Then we will be criticised! And then, if something happens, we will be blaming the Police. So, hon. Member, what I am saying is that there are unfortunate circumstances which have led to time that has elapsed.

Yes, the Director of Audit has said! In the meantime, there has been an escalation of cost. Of course! Because nothing is static, Mr Speaker, Sir. As I have said, we are not going to purchase old technology, old equipment. With new features, obviously, the cost has increased!

I am also told that the cost estimates which have increased pertain to the project as the system is a specialised one and in view of its complexity and specificity, obviously, it was difficult to get accurate cost estimates. Therefore, we now wish to acquire the latest technology that is available on the market.

Mr Speaker: We move to the next question!

AGALÉGA - INFRASTRUCTURAL DEVELOPMENT PROJECTS - AGREEMENT DISCLOSURE

(No. B/231) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) 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 infrastructural development in Agaléga and the recent inauguration of the new airstrip and jetty, he will state if consideration will be given for the Agreement between the Government of Mauritius and the Government of India to be made public.

The Prime Minister: Mr Speaker, Sir as I have stated previously in this House, it is only after 2014 that the development needs of Agaléga started to receive the attention that it really deserved as an integral part of the territory of the Republic of Mauritius.

And I must say, it is thanks to the vision of the then Government, led by late Sir Anerood Jugnauth, that certain bold and major initiatives were taken, which set the foundation for the future development of the Islands of Agaléga. We can already see today, some of the very meaningful and visible changes on the Island. These changes, along with those which are contemplated by this Government, will continue to transform the lives of the Agalegans for the better in the years to come.

Mr Speaker, Sir, as we all know, the two main infrastructures which connected the island of Agaléga to the outside world, that is, the old runway and the old jetty, had deteriorated to such an extent that they had to be put out of service. Consequently, access to the island was severely constrained. At the same time, Mauritius had to address the pressing need to reinforce its capabilities to ensure a better and more effective surveillance of our vast EEZ. There was, therefore, an urgent need to address these infrastructural deficiencies in order to improve sea and air connectivity in Agaléga.

It is in this context that the help of the Republic of India was sought and a Memorandum of Understanding was signed between our two countries during the visit of His Excellency Shri Narendra Modi to Mauritius in March 2015 for the improvement of the sea and air transportation facilities at Agaléga.

Subsequently, an Agreement was signed in May 2017 between the Government of India and the Government of Mauritius on maritime security within the framework of the Agaléga Project. That Agreement subsumed the understanding reached in the 2015 Memorandum of Understanding.

Mr Speaker, Sir, as I have stated on several occasions in this House, the main objectives of the Agreement signed with the Government of India on the Infrastructural Development Projects in Agaléga are to improve sea and air connectivity in Agaléga and also to protect and reinforce our maritime security needs in the following areas, amongst others –

- (i) surveillance and monitoring of our vast EEZ of 2.3 million square kilometres;
- (ii) counter-piracy, counter-terrorism, counter-narcotics and human trafficking;
- (iii) controlling poaching, and illegal, unreported and unregulated fishing;
- (iv) provision of hydrographic services;
- (v) promoting economic development, including blue economy initiatives;
- (vi) emergency response, including search and rescue;
- (vii) marine pollution response, and
- (viii) Humanitarian Assistance and Disaster relief activities.

Mr Speaker, Sir, as the House is also aware, both the Government of India and the Government of Mauritius are bound by the clause of confidentiality contained in the Agreement. But I have also, on several occasions in the past, both inside and outside the House, emphasised the fact that, notwithstanding the clause of confidentiality, the Agreement signed between the Government of Mauritius and the Government of India satisfies the principles of mutual benefit as well as that of being in strict compliance with the sacrosanct principles of sovereignty and territorial integrity.

Mr Speaker, Sir, in spite of all the clarification and assurances provided by the Government, it is a matter of regret that the Opposition here in Mauritius have, for quite some time now, been trying to instil doubts in the minds of the people and make believe that India has no objection to make public the Agreement between our two countries and insinuating that it is the Government of Mauritius which is reluctant to disclose the Agreement. As a matter of fact, during a press conference held on 16 March 2024, the Leaders of the three parties which then constituted the *L'Alliance de L'Espoir* stated the following with regard to the clause of confidentiality, and I quote –

“nu discute avec inde directement donc seki nun dire la li baser lor bann faits sa...

... nu information à plusieurs reprises nun gagne information ki le gouvernement indien pena problème pou rann sa accord la publique.”

Mr Speaker, Sir, that was clearly another attempt of their part to create a false and misleading impression on the Agaléga Project. Let me say it most emphatically: the Government of India has never, directly or indirectly, officially or unofficially, given its consent to make the Agreement public. On the contrary, in response to a query from the local media, the Indian High Commission in Mauritius issued a communiqué on 22 August 2018 in which it was highlighted that, and I quote –

“Any statement that the Government of India is willing to disclose bilateral agreements between India and Mauritius in areas including bilateral assistance projects and commercial cooperation, whereas the Government of Mauritius is not willing to do so, is entirely incorrect”.

Mr Speaker, Sir, it is also noteworthy that in an interview given by the former High Commissioner of the Republic of India to Mauritius, His Excellency Mr Abhay Thakur, to *L'Express* newspaper, published on 22 December 2018, the then High Commissioner, responding to a specific question regarding the involvement of India in Agaléga and the disclosure of the Agreement thereon with Mauritius stated, and I quote –

“Project Agalega envisages development of a jetty and an airstrip on the outer island, which will improve connectivity and facilitate economic development of the island as well as enhance our maritime security cooperation, without affecting Mauritian

sovereignty or freedom of movement. It is a win-win collaboration to our mutual benefit.

All agreements between Mauritius and India are transparent and India has never entered into any clandestine agreement with Mauritius, irrespective of the Government in power in Mauritius. At the same time, any disclosure of agreements is also based on considerations such as protection of intellectual property and designs, commercial confidentiality, safety and security of major installations and any other objective criteria. Subject to these considerations, all relevant information on bilateral agreements, be it the Metro Express or the line of credit or Project Agalega, has been furnished and thoroughly debated on the floor of the Mauritian National Assembly over the last two years. I would also like to emphasize that intellectual, commercial or safety considerations are vital and cannot be overlooked in the name of transparency. And from the angle of foreign affairs, such disclosure cannot be sought selectively for one country or for one project alone. I would add that any statement that the Government of India is willing to disclose bilateral agreements on Government of India-assisted projects whereas the Government of Mauritius is not willing to do so, is factually incorrect.”

Mr Speaker, Sir, as at now, the Government of India has not changed its stand on the question of disclosure of bilateral agreements with Mauritius, which is after all a question of principle and trust. I must point out here that such confidentiality clause in an Agreement is not unprecedented. There were in fact other Agreements in the past with similar confidentiality clause. The question of making the Agreement on Agaléga public therefore does not arise. Clearly, by trying to make believe that India is prepared to disclose the Agreement on the Agaléga projects, the Opposition is acting in total bad faith and causing prejudice to the excellent and special relations that exist between Mauritius and India. That is highly regrettable and condemnable.

Mr Doolub: Thank you, Mr Speaker, Sir. The hon. Prime Minister in his reply stated that in the past, there were other Agreements between the Government of Mauritius and other parties with in-built confidentiality clauses. Can he provide more information with regard to those Agreements? Thank you.

The Prime Minister: Mr Speaker, Sir, the Agreement between the Government of Mauritius and the Government of India concerning infrastructural developments in Agaléga is certainly not the first Agreement bearing a confidentiality clause, which prevents the disclosure of information to third parties. There were many cases in the past, where Government, bound by a confidentiality clause, had not provided information requested by Members of the National Assembly with regard to such Agreements.

On 10 June 2008, in reply to a PNQ from hon. Bérenger, then Leader of the Opposition, asking the then Minister of Finance to table a copy of the Agreement concerning the Tianli/Jin Fei project, Minister Sithanen replied as follows, and I quote –

“Mr Speaker, Sir, I am unable, unfortunately, to table the Framework Agreement as it contains a confidentiality clause.

(...) when there is an agreement with two signatures, I have to respect - there is also *la permanence de l'État* (...)

(...) I can assure the House that whatever has been contained in the agreement and has been agreed between the two parties will be honoured.”

Mr Speaker, Sir, to a Parliamentary Question asked by late hon. Guimbeau on 15 June 2010 on whether the Ministry of Finance will table a copy of the Jin-Fei Agreement, hon. Sithanen replied, and I quote –

“(...) I am not in a position to table the Framework Agreement as there is a confidentiality clause which provides that the parties to the Agreement should ensure strict confidentiality on the Agreement.”

On 18 December 2012, I asked a supplementary question to a question addressed by hon. Lesjongard with regard to the Jin Fei project, as to whether the lease needed cancelation in view of the fact that the lessee failed to complete the construction works of Phase 1 within the specified time frame. The then Vice-Prime Minister, Minister of Finance and Economic Development, hon. Duval, replying on behalf of then government stated, and I quote –

“The hon. Member (...) is quoting extensively from the confidential document, I presume, which we have signed as Ministry of Finance (...) and it says clearly that it is a confidential document, and somewhere along line, something is wrong.”

The then Vice-Prime Minister stressed on the confidentiality of the lease agreement which could not be made public.

Mr Speaker, Sir, on 08 November 2011, to a Parliamentary Question put by hon. Uteem on the Betamax contract, hon. Sayed-Hossen, then Minister of Industry, Commerce and Consumer Protection, evoked and quoted the confidentiality clause in the said contract, later underlying in his reply that, and I quote –

“The confidentiality clause being what it is, Mr Deputy Speaker, Sir, I have to respect that confidentiality clause.”

On 16 April 2013, hon. Uteem again put a question on the Betamax contract and in his reply, the Minister of Industry, Commerce and Consumer Protection again reminded that the contract agreement between the STC and Betamax Ltd contained a confidentiality clause.

On 22 June 2010, hon. Balamoody put a supplementary question to the then Minister of Housing and Lands, whether he is prepared to lay on the Table of the Assembly a copy of the lease agreement between the Government of Mauritius and the promoters of the Neotown project. The then Minister stated, and I quote –

“We must see how the clauses are before I can pronounce on that.”

The then government always invoked a confidentiality clause and did not make that lease agreement public.

Therefore, Mr Speaker, Sir, it is not uncommon to have a confidentiality clause in agreements between the Government of Mauritius and other parties.

Having said that, Mr Speaker, Sir, in the case of the Agreement between Mauritius and India concerning Agaléga, I must reiterate that it is intended only to promote, protect and safeguard our maritime security needs, besides creating the conditions for the socio-economic development of the Islands.

Mr Speaker: I have to inform the House that PQ B/235 has been withdrawn. I am sorry, time is over! We move to Questions to Ministers.

I will now call hon. Ms Tour.

13TH AFRICAN GAMES – MAURITIAN DELEGATION

(No. B/237) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the 13th edition of the African Games, which was held in Accra, Ghana from 08 to 23 March 2024, he will state the composition of the Mauritian delegation having participated therein.

Mr Toussaint: Mr Speaker, Sir, I would like to save the opportunity to once again congratulate the delegation which participated at the 13th African Games in Ghana and particularly our 35 medallists who showcased resilience in challenging conditions contributing to historic victories. The technical details of the competition in the different sports are currently being compiled and our athletes will be duly rewarded acknowledging their dedication and significance to our country's sporting legacy.

With your permission, Mr Speaker, Sir, I will now table the list of persons who form part of the Mauritian delegation at the 13th African Games. Thank you.

Mr Speaker: Next question. MP Ameer Meea!

HIGH COMMISSIONER, MOZAMBIQUE – APPOINTMENT DETAILS

(No. B/238) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Attorney-General, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to expenses incurred by his Ministry for H.E. J-F.C., High Commissioner for the Republic of Mozambique, he will table a list thereof since his appointment to date, indicating the quantum thereof in terms of –

- (a) accommodation;
- (b) furniture purchased, and
- (c) *per diem* and medical expenses claimed.

Mr Gobin: Mr Speaker, Sir, I would like to inform the House that our High Commissioner to Maputo Mr. J.F. Chaumière was appointed on 24 May 2022 as High Commissioner and the replies as to parts (a), (b) and (c) are now being tabled.

Mr Ameer Meea: Mr Speaker, Sir, at page 171 of the Audit Report, the Director has criticised the Ministry of Foreign Affairs for inadequate control and non-compliance with procedures. Therefore, can I ask the hon. Minister why is it that there was no breakdown of expenses for hotel invoices of Rs2.5 m. which was incurred by the High Commissioner in Maputo?

Mr Gobin: Mr Speaker, Sir, the House will appreciate that this is a very specific question as to the breakdown of the invoices. I would need notice of this question.

Mr Ameer Meea: Mr Speaker, Sir, I have another question with your permission.

Mr Speaker: Do you have a good supplementary question?

Mr Ameer Meea: Yes, I always have very good supplementary questions!

Mr Speaker, Sir, when the Mission launched the quotation for a fully furnished house – even if the Minister does not have it, maybe later he can circulate it – offers for bids ranging from 3,480 USD to 5,000 USD per month were launched. But at the end of the day, there was a high-value house which was rented for 7,000 USD per month which is approximately Rs350,000. Therefore, can I ask the hon. Minister is there not a ceiling for rent that is being set for Ambassadors? I am sure you will appreciate the question.

Mr Gobin: Once again, this is a very specific question. However, I wish to add, the hon. Member will appreciate, Mr Speaker, Sir, when we rent premises for our High Commissioners and Ambassadors, the premises have to commensurate with the post as well as one of the top most priority for us is the aspect of security. We all know that the premises we prefer are located in safe and secure areas, commonly called diplomatic corners for obvious reasons. Therefore, it stands to reason that those premises fetch higher prices for rent.

Mr Ameer Meea: It must be substantiated!

Mr Speaker: Next question!

CAPITAL PROJECTS – IMPLEMENTATION DELAY

(No. B/239) **Mr D. Ramful (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Finance, Economic Planning and Development whether, in regard to capital projects as announced in the Budget for financial years 2019 to date, he will, for the benefit of the House, obtain from the Project Implementation and Monitoring Agency, information as to the projects whose implementation has been delayed, giving and tabling a detailed list thereof.

Dr. Padayachy: M. le président, je souhaite informer l'honorable parlementaire que la mise en œuvre des projets d'investissement tombe sous la responsabilité de plusieurs organismes du gouvernement dont entre autres, les différents ministères, les collectivités locales, les corps parapublics, et les *State Owned Companies*.

Le *Project Implementation and Monitoring Agency* qui a été mis en place en octobre 2021 fait le lien entre les différents organismes d'implémentation de projets pour compiler les informations de l'année financière de 2018-19 à ce jour, demandé par l'honorable député de Mahébourg et Plaine Magnien. Ces informations, qui concernent plusieurs milliers de projets, seront déposées à la Chambre très prochainement. Merci.

Mr Ramful: Is the hon. Minister aware of the foreword of the Director of Audit where mention is made about two particular projects, firstly, that 96% of the number of drain projects at the NDU have not yet been implemented and secondly, the internet connectivity project in secondary schools has not been implemented since years back. Will the hon. Minister direct the Project Monitoring Unit to look into those two projects and see to it that those two projects are implemented as they are essential to the population at large?

Dr. Padayachy: M. le président, je remercie l'honorable membre pour cette question supplémentaire. Je ferai le nécessaire avec l'organisme *PIMA*. Merci.

Mr Speaker: MP Ms Anquetil !

HEFORSHE CLUBS – MODUS OPERANDI –MEMBERSHIP DETAILS

(No. B/240) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the HeForShe Clubs in Community Centers, she will give a list thereof, giving details of the –

- (a) modus operandi thereof, and
- (b) members thereof, indicating their age groups.

Mrs Koonjoo-Shah: Mr Speaker, Sir, pursuant to the efforts towards promotion of gender equality and women’s empowerment to ensure that nobody is left behind and also in our endeavour to ensure that women’s rights are being respected, my Ministry has deemed it crucial to enlist the support of men in that process. Subsequently, the HeForShe project has been conceptualised with the objective to bring about male peer groups for reflection and to take collective action for accelerated behavioural change.

My Ministry, with the collaboration of this Sugar Industry Labour Welfare Fund, has in the first phase, spanned the project across 25 community centres across the island. Since then, my officers have conducted nine focus group discussions with officers from the Sugar Industry Labour Welfare Fund whereby a *modus operandi* was elaborated to allow all stakeholders to be fully engaged in the smooth implementation of the project. This comprised of the composition of the Club, the terms of office, the fees for members, the tasks or activities assigned to each club and the eligibility criteria for membership.

Mr Speaker, Sir, I would like to inform the House that my Ministry has elaborated a calendar of Capacity Building Programme for the focal officers of SILWF and the members of the HeForShe Clubs in order to enable them to smoothly manage their respective clubs. They would also be empowered to undertake activities in line with the task stated in the *modus operandi*, accordingly. The members of the HeForShe Clubs are also being roped in into training of the trainers programme on women issues which are being conducted by different ministries for their own enhancement. The knowledge gained will subsequently be disseminated at community level to bring about a transformational change in the mindset at grassroot level.

Mr Speaker, Sir, as regards part (b) of the question, I would like to inform the House that the member of the club are men aged from 18 to 55. I will be tabling details pertaining to the number of members in each club. Thank you, Mr Speaker, Sir.

Ms Anquetil: Je vous remercie, M. le président. Peut-on savoir de la ministre le nombre de *HeForShe Clubs* présent en milieu urbain ainsi que celui des clubs dans les zones rurales ? Merci.

Mrs Koonjoo-Shah: Mr Speaker, Sir, in my initial reply, I did say that I am going to table but to give an *aperçu* of the number of clubs, for example –

- 1) In the district of Rivière du Rempart – 3 clubs already set up; the number of members in each club is as follows: 14, 14 and 12;
- 2) In the district of Pamplemousses – 3 clubs already set up;
- 3) In the district of Flacq, 3 again;
- 4) For Moka: 3 clubs;
- 5) The district of Plaine Wilhems, there are 3 clubs again;
- 6) In Grand Port district – 3 clubs;
- 7) In Savanne district – there are 2 clubs;
- 8) In Black River: 3 clubs ,and
- 9) In Port Louis: 2 clubs.

Mr Speaker: Next question!

PUBLIC HOSPITALS – ACCRUED OVERTIME & ALLOWANCES – PAYMENT

(No. B/241) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to overtime and allowances

accruing for four to seven months to officers employed in public hospitals, he will state when payment thereof will be effected.

Dr. Jagutpal: Mr Speaker, Sir, my Ministry has also received a correspondence from the State and Other Employees Federation informing that payment of overtime has not been effected for the last 4 to 7 months in many hospitals.

Performance of overtime in the health services is regularly payable in view of the nature thereof. In this respect, relevant Standing Authority is approved in advance by the Ministry for six monthly periods. In certain cases, overtime is also performed on an *ad hoc* basis. As for allowances, they are of two types namely, fixed PRB allowances which are paid automatically on a monthly basis and those allowances which are variable depending on work performed.

Mr Speaker, Sir, with regard to monitoring of overtime expenses, on 22 June 2022, a circular was issued requesting, amongst others, Head of Sections to ensure that officers concerned should be informed that there should be no delay in the submission of overtime claims and processing of payment thereof. Additionally, the officers are required to submit their claims within a period of two weeks after performance of overtime. This matter was also highlighted in another circular dated 12 September 2023.

Mr Speaker, Sir, however, I am informed by the Finance and HR sections across all regions of my Ministry that claims for overtime and variable allowances are still being submitted by the officers with considerable delay varying from 2 to 4 months after the overtime has been performed. In addition, claims are not duly certified which is mandatory before the claim is processed for payment. This forcibly results in payment of overtime and variable allowances with a delayed frame time of 4 to 6 months.

I am also informed that notwithstanding the above situation, eligible officers benefit from payment of overtime and allowances on a monthly basis for previous periods.

Mr Speaker, Sir, from July 2023 to-date, a sum of Rs508,917,283 has been paid in respect of overtime while a total of Rs961,836,393 has been disbursed in respect of allowances.

Mr Speaker, Sir, I also want to make reference to what hon. Juman has posted on his Facebook page –

« 14 mois pas ine paye overtime chauffeurs et ambulancier l'hopital Bruno Cheong, enn strategie deliberer pou baisse niveau service pou alle vers clinique privé. »

This is completely false and demagogical.

Mr Speaker, Sir, let me enumerate the facts. At Bruno Cheong Hospital from January to March 2023, the attendance for this year is 58, 641; that is, better compared to last year. The attendance at Accident and Emergency, and Unsorted Outpatient Departments was 49,000. So, already this is not deliberately asking people to go to the private clinics but instead to come to the hospital.

Mr Speaker, Sir, deliveries from January 2024 till date are 310. Again, compared to last year, more deliveries are being conducted in the hospital while Government has invested in massive Rs2.6 billion for the construction of the state-of-the-art, that is, a new hospital.

Again, this reflects that the Government is investing in better infrastructures and services in the public health sector.

Mr Speaker, Sir, I also want to highlight, government contribution, especially during COVID-19 pandemic, Government has given to all frontliners, that is, for the health sector, more than 14,000 officers, an allocation of Rs15,000. This is again how we are protecting and safeguarding the interest of officers.

Mr Speaker, Sir, last but not least, payment of allowances for employees working on Sundays. This is again a reality. They will benefit twice the daily rate for work performed on Sunday. So, again, these are what the Government has been doing for the officers working in the public health sector. Thank you.

Mr Speaker: Hon. Juman, let me first before I give you a supplementary question, state what is in the Standing Orders –

“26. (1) Supplementary questions may only be put for the further elucidation of the information requested, and shall be subject to the ruling of the Speaker (...).”

So, go ahead, I listen to you!

Mr Juman: Thank you, hon. Minister for closely monitoring my Facebook page! Do you find it acceptable that ambulance drivers and attendants...

Mr Speaker: No, no, this is asking for the opinion. In a question in Parliament, you cannot ask the opinion of a Minister!

Mr Juman: I am not...

Mr Speaker: I give you a chance, continue!

Mr Juman: Do you have for me...

Mr Speaker: You do not have the right to ask the opinion of a Minister.

Mr Juman: Mr Speaker, Sir, thank you. Hon. Minister, is it true that for ambulance drivers and attendants at Bruno Cheong Hospitals, like in other hospitals, overtime has not been paid for the last 14 months?

Dr. Jagutpal: Mr Speaker, Sir, I have stated in my reply why there has been a delay. The delay is because officers have not submitted their claims and even if some officers have submitted their claims, it has to be verified and checked. It takes two months to process the payment. At the same time, on whether it is ‘acceptable,’ is it acceptable to take four and a half years to conclude an *alliance*, but four weeks...

(Interruptions)

It is not acceptable!

(Interruptions)

Mr Speaker: I have to inform the House that PQs B/244 and B/269 have been withdrawn! So, at this stage, I will suspend the Sitting for one and a half hour.

At 1.04 p.m., the Sitting was suspended.

On resuming at 2.38 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! MP Dr. Gungapersad!

**MODEL UNITED NATIONS PROGRAMME – GRADE 12 STUDENTS –
IMPLEMENTATION**

(No. B/242) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the Model United Nations programme for Grade 12 students, she will state where matters stand as to the implementation thereof.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, in my reply to PQ B/1612 at the Sitting of 28 November 2023, I informed the House that Model United Nations would be reinstated by the Ministry in 2024.

Owing to the several days of school closure during the first term of 2024, the organisation of the MUN has been delayed. The competition has accordingly been slated to be held during the second term holidays. The preliminaries will be carried out during this term and the final event is scheduled for the winter holidays.

Dr. Gungapersad: Hon. Minister, normally in the same reply that you gave here on 28 November 2023, you recognised that the preliminaries normally have to take place at a zonal level during the first term so that the best delegates and best delegations of the zonal MUN are identified so that then during the second term, the MUN at national level takes place. Now that the first term has elapsed, how will this take place?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, the hon. Member has rightly put it. The competition has to start at zonal level and we intend to do it during this term. I have just stated that there has been a delay because of the school closures, but we intend to do it during this term. As I have stated earlier, the final, the event will take place during the winter holidays, that is, in July.

Dr. Gungapersad: Hon. Minister, the person who was responsible for organising the MUN at the level of the Ministry has now got a promotion. Has someone else been identified to take charge of MUN at the level of the Ministry?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, my PS responsible for school management will surely do the needful. Even if someone has been promoted, someone else will take up the assignment.

ANNOUNCEMENT

HON. DR. AUMEER – LETTER TO HON. HURREERAM – IRRECEIVABLE

Mr Speaker: Hon. Members, I have to announce the House that a letter tabled by the Leader of the Opposition, addressed to hon. Hurreeram, reached my desk. And I can see no mark, no indication, and no proof. It is a blank letter addressed, of course, to hon. Bobby Hurreeram and signed by Dr. Farhad Aumeer, but there is no sign of reception. There is no sign, no indication that this letter went through the Ministry. As hon. Bobby Hurreeram said earlier, he is not aware of any letter that came to his Ministry. So, I declare this letter fake and irreceivable.

Mrs Navarre-Marie: Fake?

Hon. Members: Fake?

Mr Speaker: Fake and irreceivable! Fake for the purpose of Parliament!

Dr. Aumeer: For your purpose!

Mr Speaker: For the purpose of Parliament, this letter is fake...

Dr. Aumeer: You can't accuse me of doing a fake letter!

Mr Speaker: ... and irreceivable!

Dr. Aumeer: You cannot accuse me of doing a fake letter.

Mr Speaker: Honourable...

Mr Juman: *Pa montre ledwa ta!*

Mr Speaker: Hon. Member, I am making an announcement with regard to the Leader of the Opposition.

Dr. Aumeer: But you mentioned my name!

Mr Speaker: You are not any Leader!

Dr. Aumeer: You mentioned my name!

Mr Speaker: You are a simple Member! Keep quiet!

Dr. Aumeer: Not simple Member! I am an elected Member! You are not elected!

Mr Speaker: You are... Okay, please, leave the House!

Dr. Aumeer: I will!

Mr Speaker: You are insulting the Chair, leave the House!

Dr. Aumeer: You insult everybody!

Mr Speaker: Leave the House!

Dr. Aumeer: I will! No problem!

Mr Speaker: You continue!

Dr. Aumeer: You keep insulting everybody at your whims and bids!

Mr Speaker: I am naming you.

Dr. Aumeer: You can do so as well!

Mr Speaker: I am naming you.

Dr. Aumeer: You can say!

Mr Speaker: Next question!

Dr. Aumeer: You have to protect people! You are a disgrace to this House!

RECREATIONAL CENTRES – REHABILITATION & REOPENING – FUNDS EARMARKED

(No. B/243) **Mr R. Woochit (Third Member for Pamplémousses & Triolet)** asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the three recreational centres, namely Lady Sushil Ramgoolam in Pointe aux Piments, James Burty

David in Pointe aux Sables and Sir Seewoosagur Ramgoolam in Belle Mare, she will state the amount of funds earmarked for the rehabilitation and reopening thereof, giving details thereof.

Mrs Jeewa-Daureeawoo: Mr Speaker, Sir, hon. Members of the House will recall that the three recreational centres were used as COVID-19 quarantine centres...

Dr. Aumeer: Fake letters!

Mrs Jeewa-Daureeawoo: ... by the Ministry of Health and Wellness from March 2020 to March 2022. When the three recreational centres were handed over to my Ministry, we noted that major damages were caused to the infrastructures and furniture. Refurbishment works needed to be carried out to put the recreational centres as they were before COVID-19.

Upgrading works such as domestic water pipeline accessories, fire equipment, procurement of furniture, medical equipment, installation of submersible pump, reinstatement of swimming pools, tiling works, painting, repairs to fire alarm panel, repairs to solar water heaters, amongst others had to be carried out.

So, with regard to the question, a budget of Rs25 million has been earmarked in the current financial year for those works.

Mr Speaker: Next question!

Mr Woochit: Mr Speaker...

Mr Speaker: You have one?

Mr Woochit: Can the hon. Minister provide a time frame for the planned reopening of these mentioned recreational centres?

Mrs Jeewa-Daureeawoo: Good question, Mr Speaker, Sir. So, we are planning to reopen these centres on the completion of the works. Let us hope at latest by July this year.

Mr Speaker: Next question, MP David!

SPORTS FEDERATIONS – ALLEGED DISCRIMINATION & VIOLENCE AGAINST WOMEN – CASES

(No. B/244) **Mrs K. Foo Kune-Bacha** (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to

alleged cases of discrimination and violence against women within Sports Federations since 2019 to date, he will state the number of reported cases thereof, if any, indicating the actions taken thereon.

(Withdrawn)

**E-IMS – PUBLIC HOSPITALS, MEDICLINICS & AREA HEALTH CENTRES –
IMPLEMENTATION & OPERATIONALITY**

(No. B/245) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the Electronic Inventory Management System (E-IMS), he will state the number of Public Hospitals, Mediclinics and Area Health Centres, if any, already connected thereto, indicating if same is fully operational and, if not, why not.

(Withdrawn)

**DÉBARCADÈRE, POINTE AUX SABLES – HEALTH TRACK – BUDGET
EARMARKED**

(No. B/246) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the setting up of a health track at Débarcadère in Pointe aux Sables, he will state the –

- (a) scope and schedule of works thereof;
- (b) total cost budgeted therefor, and
- (c) number of consultation meetings held with the public prior to the start thereof.

Mr Ramano: Mr Speaker, Sir, in line with its mission for a cleaner, greener and safer Mauritius as well as for inculcating healthy habits in citizens, my Ministry undertakes, *inter alia*, the construction of health tracks across the island based on requests received at its level and in the context of celebration of religious festivals at national level through funds made available under the National Environment and Climate Change Fund.

On 21 September 2021, the hon. Second Member of Grand River North West and Port Louis West, hon. Dr. Mrs Dorine Chukowry, after consultation with the Forces Vives of Pointe aux Sables, approached my Ministry for the development of part of a wasteland located near the

Débarcadère with a view of enhancing the welfare of the inhabitants thereat and reducing the proliferation of nuisances resulting from illegal dumping of waste.

Consequently, a site visit was undertaken on 23 September by officers of the Living Environment Unit of my Ministry in the presence of the hon. Second Member of Grand River North West and Port Louis West, a representative from the Forces vives of the region and some inhabitants whereby it was agreed to set up a health track.

Mr Speaker, Sir, with regard to parts (a) and (b) of the question, further to discussions undertaken during the site meeting in the presence of inhabitants of the region, it was agreed to upgrade some 10,680 square metres of that wasteland for the proposed setting up of a mini health track at the estimated cost of Rs3,052,400 and which would, *inter alia*, include works, namely –

- fixing of an open gym;
- setting up of a dedicated tarred parking area;
- installation of inter-racing paviers;
- fixing of wooden handrails, basket bins for waste disposal, timber signage to prohibit illegal dumping, and
- installation of composite benches with concrete footrest.

Moreover, my Ministry, through its in-house labour, would be embellishing the area through the plantation of 500 decorative plants.

On 27 December, pursuant to a tender exercise, my Ministry awarded a five-month contract to SmartWork Company to implement the project along with eight additional projects to be implemented in other regions across the island. In line with the contract agreement, the works were expected to start in January 2023.

Due to festive seasons, SmartWork Co. Ltd had requested an extension of time until 20 January. It is to be noted that the contract completion date was revised to 20 May 2023. So, further to the submission of those documents, the site of Pointe aux Sables was handed over to the contractor by officers of the Living Environment Unit of my Ministry.

Mr Speaker, Sir, it is to be noted that in May 2023, further to project monitoring undertaken by the Project Management Unit of my Ministry, it has been observed that no works

had been initiated by SmartWork Co. Ltd at Pointe aux Sables. In that respect, the Project Management Unit had, on three occasions, namely, on 10 July 2023, 21 July 2023 and 16 August 2023, notified the contractor that it had delayed the completion of works by the number of days for which the maximum amount of liquidated damages would be payable.

Further to close follow-up undertaken thereon, the contractor had, on 09 February 2024, informed my Ministry that the setting up of the health track at Pointe aux Sables was expected to be completed by March 2024. On 15 April 2024, SmartWork Co. Ltd mobilised on site without prior notification and my Ministry has been informed that the latter has wrongly demarcated the project area. On 19 April 2024, pursuant to a site visit effected by officers of the Living Environment Unit, the contractor informed that the works are now expected to be completed by August 2024.

I can reassure the House that there is a close monitoring of the Living Environment Unit concerning the works undertaken there.

Mr David: M. le président, les pêcheurs de la localité que j'ai rencontrés déplorent le fait de ne pas avoir été consultés et informés des détails du projet et s'inquiètent de l'impact de ces nouvelles infrastructures sur leurs activités. Puis-je demander au ministre si l'aménagement des installations prévues a bien pris en compte l'espace et l'accès pour les pêcheurs et leurs équipements, notamment lorsqu'il s'agira de ramener leurs bateaux à terre en cas de mauvais temps ?

Mr Ramano: Je peux rassurer l'honorable membre que cela a été pris en considération. Je me rappelle très bien, moi-même j'étais présent lors d'un *site visit*, cela a été pris en considération.

Mr David: Puis-je demander au ministre la raison pour laquelle le projet actuel de son ministère ne prévoit pas l'installation des toilettes publiques sur la plage de Débarcadère, aménagement qui est attendu par les habitants depuis quasiment 10 ans ?

Mr Ramano: S'il y a eu une proposition dans ce sens-là, nous allons bien sûr avoir le *financial clearance* du ministère des Finances pour cela parce que cela va encourir des frais additionnels en ce qui concerne le parcours de santé. Donc, bien sûr, une fois que nous aurons le *clearance* du ministère des Finances, nous allons prendre cela en considération.

Mr Speaker: MP Bodha!

CIGARETTES IMPORTS – QUANTITY & TAXES

(No. B/247) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Finance, Economic Planning and Development whether, in regard to cigarettes, he will, for the benefit of the House, obtain information as to the quantity thereof imported since January 2023 to date, indicating the –

- (a) amount paid therefor;
- (b) country of origin, and
- (c) amount of taxes collected therefrom.

Dr. Padayachy: M. le président, je remercie l'honorable membre pour cette question. Je vais déposer les informations demandées, qui ont été obtenues auprès de la *Mauritius Revenue Authority* pour la période du 1 janvier 2023 au 17 avril 2024.

Mr Bodha: Puis-je consulter les documents avant de poser mes questions supplémentaires, M. le président ? Bon, en attendant, je peux toujours poser une question à l'honorable ministre. Est-ce qu'il y a eu un changement drastique par rapport au pays d'origine ces derniers temps ?

Dr. Padayachy: Je ne peux pas dire s'il y a eu un changement parce que j'ai les informations par rapport aux différents pays. Je pense que l'honorable membre va voir sur les documents que j'ai déposés que c'est toujours le Kenya qui est le principal fournisseur de cigarettes à Maurice.

Mr Bodha: Ma deuxième question, est-ce que le ministre est au courant que les cigarettes en provenance du Kenya, dans beaucoup de cas, ont des *fake trademarks* ?

Dr. Padayachy: M. le président, c'est quelque chose d'assez grave. Non, je ne suis pas au courant de cet état de choses parce que toutes les cigarettes qui rentrent à Maurice sont contrôlées par la *Mauritius Revenue Authority*. Donc, c'est pour cela qu'il y a le tampon de la *MRA* dessus. Je ne suis pas au courant et je vais vérifier avec la *MRA*.

Mr Bodha: Je ne fume pas, mais j'en ai fait l'expérience en ouvrant certaines cigarettes. J'ai une photo que je vais faire parvenir à l'honorable ministre. J'aurais aimé, si c'est possible, que la *MRA* fasse une étude de *forensic* concernant le contenu de ces cigarettes ?

Dr. Padayachy: M. le président, quand je vais recevoir les photos, comme je viens de le préciser, je vais demander à la *MRA* d'initier une enquête par rapport à la demande de l'honorable membre. *Thank you.*

Mr Speaker: MP Quirin!

CLUB M – COUPE D'AFRIQUE DES NATIONS 2025 – NATIONAL COACH

(No. B/248) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to football, he will state the actions his Ministry proposes to take following the elimination of Club M in the preliminary round of the *Coupe d'Afrique des nations 2025* and, if not, why not, indicating if the national coach thereof, Mr F.R., is under contract with his Ministry and, if so, indicate –

- (a) the terms and conditions thereof, and
- (b) if same will be renewed.

Mr Toussaint: Mr Speaker, Sir, I would like to inform the House that monitoring of the performance of our athletes is an ongoing process between officers of my Ministry and the National Sports Federations.

In the same vein, officers of my Ministry are having consultations with representatives of the Mauritius Football Association (MFA) to assess Club M's performance during the preliminary round of the 2025 African Cup of Nations. Besides analysis of the match outcomes, I look forward to their recommendations to firm up Club M's preparation for forthcoming continental and international tournaments.

Regarding the national coach, Mr F. R., I wish to inform the House that he is not under contract with my Ministry. Thank you.

Mr Quirin: M. le président, on ne compte plus les entraîneurs qui se sont succédés à la tête du Club M depuis ces cinq à sept dernières années. De ce fait, le ministre peut-il nous dire quel est le plan qui a été mis en place pour donner une nouvelle orientation à la sélection nationale et s'il y a un objectif bien clair, bien précis qui a été fixé par son ministère pour les deux à trois prochaines années ?

Mr Toussaint: Non, M. le président. Comme je l'ai dit, la responsabilité totale de n'importe quelle discipline demeure avec la fédération et bien sûr, la fédération travaille en étroite collaboration avec le ministère en ce qu'il s'agit de plusieurs aspects techniques. Donc, je l'ai dit dans ma réponse, c'est vrai que l'entraîneur Fidy a appris l'équipe depuis l'année dernière en vue de la préparation pour les Jeux des Iles et il a continué avec différentes compétitions. Nous attendons les recommandations de la *MFA* pour essayer de faire avancer et d'améliorer la performance du Club M.

Mr Quirin: M. le président, après la réponse du ministre, on peut déduire que c'est la *MFA* qui assure les salaires de l'entraîneur national. D'après les informations qui me sont parvenues, il n'y a aucun contrat qui lie l'entraîneur à la *MFA*. Donc, on peut déduire qu'il n'y a aucun plan de travail, ni aucun objectif à atteindre pour l'entraîneur national. Peut-on savoir, de ce fait, dans de telles conditions, comment un entraîneur peut travailler convenablement ainsi pour apporter des résultats positifs ?

Mr Toussaint: M. le président, je suis d'accord avec l'honorable membre par rapport au fait que l'entraîneur du Club M n'a pas de contrat officiel avec la *MFA*, ce dont je trouve regrettable. Nous avons attiré l'attention de la *MFA* à plusieurs reprises sur ce sujet. Cependant, je ne suis pas d'accord avec l'autre parti qui dit que le fait qu'il n'y a pas de contrat, il n'y a pas de plan de travail. Donc, je le redis, la *MFA* doit revenir vers nous avec des recommandations. Je le redis, je suis entièrement d'accord qu'il est regrettable que l'entraîneur n'a pas de contrat fixe avec la *MFA* et nous avons fait appel à la *MFA* à plusieurs reprises pour qu'elle puisse finaliser quelque chose avec l'entraîneur.

Mr Speaker: Hon. Doolub!

HAEMOPHILIA – TREATMENT

(No. B/249) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Wellness whether, in regard to Haemophilia, he will state the number of patients suffering therefrom since 2022 to date, indicating the treatment available therefor.

Dr. Jagutpal: Mr Speaker, Sir, haemophilia is an inherited bleeding disorder due to deficiency in one of the clotting factors, namely proteins in the blood that help in the clotting process. People with haemophilia normally experience excessive bleeding after injuries and spontaneous bleeding in severe cases.

There are two main types of haemophilia –

- Haemophilia A, which is the most common form and is caused by a deficiency in clotting factor VIII and affects one boy in every 5,000 births, and
- Haemophilia B, which is a deficiency in clotting factor IX and affects one boy in every 25,000 births.

Haemophilia is diagnosed based on clinical presentation and confirmed by laboratory tests. Diagnostic facilities are available at the Central Health Laboratory as well as Regional Hospital Laboratories which perform screening tests and specific factor assays for diagnosis.

Mr Speaker, Sir, from 2022 to date, 103 patients have been diagnosed with haemophilia, namely 83 patients with Haemophilia A, 10 patients with Haemophilia B, 4 patients with factor VII Deficiency, 1 patient with factor X Deficiency, and 10 patients with platelet function defects.

My Ministry is working in close collaboration with the Haemophilia Association of Mauritius to improve and sustain treatment of people with Haemophilia and other inherited bleeding disorders. This complementary partnership with the Haemophilia Association has helped to meet the needs of patients suffering from haemophilia and there are many joint projects in the pipeline to further improve treatment, care and management of haemophilia.

Mr Speaker, Sir, patients diagnosed with haemophilia are treated in specialised wards in four regional hospitals, namely Jawaharlal Nehru Hospital, Victoria Hospital, Dr. A.G. Jeetoo

and SSRN Hospitals. In addition, a specialised ward will be set up at the new Flacq Hospital soon.

The primary treatment provided for the disease is mainly the use of clotting factor replacement concentrates where the missing clotting factors are infused into the patient's bloodstream and the use of Prophylaxis factor concentrates for severe haemophilia patients to prevent bleeding.

Mr Speaker, Sir, I wish to point out that since 2020, during the COVID-19 outbreak, home therapy treatment for Haemophilia patients was introduced with a view to ensuring adequate treatment for these patients at all times. Out of 50 severe haemophilia patients, some 25 patients are currently on home therapy. In addition, through my Ministry's collaboration with the Haemophilia Association of Mauritius, patients have been adequately trained on self-infusion of Clotting Factor Concentration for home therapy. This home therapy initiative has greatly improved the quality of life of patients diagnosed with Haemophilia, thus allowing them to lead a perfectly healthy and normal life.

Mr Speaker, Sir, I wish to also inform the House that as from 2023, Hemlibra (Emicizumab), which is a humanised bispecific monoclonal antibody providing effective bleeding prevention in persons with haemophilia A was introduced. The Emicizumab therapy led to a significantly lower bleeding rate than previous factor VIII prophylaxis. In children less than 12 years old, the annual rate of treated bleeding events is reduced by 99%, while resorting to transfusion factors, bleeding is still present despite regular prophylaxis.

Moreover, Hemlibra is administered through the subcutaneous route only once monthly as compared to Factor VIII concentrates which has to be administered twice or thrice times weekly. Hemlibra also significantly improves the quality of life of children by reducing bleeding, including hemarthroses (bleeding into the joints), which are very painful and often require surgical interventions and long hospital stays, potentially leading to severe disabilities.

Mr Speaker: Next question! Do you have one supplementary?

Mr Doolub: Thank you, Mr Speaker, Sir, for allowing me this supplementary. In his reply, the Minister mentioned that Haemophilia A is one of the most common types of Haemophilia.

Thus, can the Minister give an indication of the cost incurred for treating such patients and its cost-effectiveness? Thank you

Dr. Jagutpal: Mr Speaker, Sir, the monthly cost for children with Haemophilia A, treated with Hemlibra is around Rs114,000 per child. It means more than Rs1 million yearly. Hemlibra is cost-effective because it considerably reduces hospitalisation and number of surgical interventions and reduces the use of anti-hemotropic factors which are very expensive. In addition, access to Hemlibra has greatly helped children to attend school regularly as there is no need for injections every week.

Mr Speaker: Next question!

RIVERS - PUMPED WATER – POTABLE WATER NETWORK

(No. B/251) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Energy and Public Utilities whether, in regard to water pumped from rivers and distributed in the potable water network, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the –

- (a) location where such pumping facilities have been installed;
- (b) regions concerned therewith;
- (c) details of the water treatment process applicable prior to distribution, and
- (d) testing protocol followed therefor.

Mr Lesjongard: Mr Speaker, Sir, I am informed by the Central Water Authority that the Authority abstracts water from 19 rivers across the island to supplement the water distribution. Water is also abstracted from the Irrigation Authority network in the northern part of the island which itself taps water on La Nicolière Reservoir. The pumping facilities are located on the river reserved and the pump is installed on a concrete platform and the suction pipe with a foot valve is submerged into the river.

The water is treated through Containerised Pressure Filters (CPF) and disinfected with chlorine prior to injection in the existing network and into reservoirs. There are currently 52 CPF's across the island producing some 105,000 m³ of water daily.

Mr Speaker, Sir, with regard to part (a) and part (b) of the question, I am tabling the information concerning the location of CPFs and the regions that they serve.

As for part (c) of the question, I am informed by the Central Water Authority that the core of a CPF plant consists of pressure filters which are vessels that contain silica sand and activated carbon as filtering media designed to remove particles, chemicals and microorganisms from water. The operation of a containerised pressure filter involves four stages of water treatment process.

Firstly, depending on the quality of the raw water entering the CPF plant, pre-treatment may be necessary. Coagulant chemicals such as Aluminium Sulphate and Polyelectrolyte are then added to facilitate the filtration process.

Secondly, the Filtration Stage is where the raw water is passed through pressure filters. As water flows through the filter media, contaminants are trapped and clean water exits the system.

Thirdly, following filtration, water is stored in tanks or reservoirs before using liquid chlorine as disinfectant to ensure compliance with the World Health Organisation's guidelines and Mauritius Drinking Standards of Environment Protection Act.

Finally, the filter media are cleaned periodically through backwashing where water is flowed backward through the filters to remove the accumulated debris. This process is particularly initiated at pre-set intervals or when pressure differentials reach predefined thresholds.

Mr Speaker, Sir, concerning part (d) of the question, I am informed by the Central Water Authority that following the identification of a new water source, the Scientific Services Section of the CWA performs Chemical and Bacteriological analyses of the water. The CWA laboratory then undertakes an investigation of the surrounding activities of the water source for potential sources of pollution and consequently, the Laboratory decides of the parameters that need to be tested to ascertain the potability of the water source. The parameters that are normally tested are physico-chemical tests (pH, Turbidity, Conductivity, total Dissolved Solids, suspended solids) nutrients (nitrate, nitrite, phosphate) organic and inorganic ions, bacteriological analyses (coliform organisms and E. coli).

Thereafter, sampling is effected and both chemical and bacteriological tests are carried out at the Water Quality Laboratory of the CWA. In the event, the water source is situated in a highly agricultural zone. Additional parameters such as pesticides are tested. The parameters tested are accredited to ISO 17025: 2017. Once the test results showed that the parameters are compliant with ambient water norms, the CWA goes ahead with the installation of the CPF.

In the event, the parameters tested do not comply, then, the water source is not considered for treatment by CPF.

Mr Speaker, Sir, once the pressure filter has been installed, the laboratory performs tests on the treated water and regularly monitors the water quality at the source and in the distribution system to ensure that the treated water meets the drinking water standards for parameters tested. Furthermore, the CWA has a sampling plan whereby constant monitoring of the water quality is performed at identified sampling points in accordance with the Ministry of Health and Wellness which is the enforcing agency for drinking water. On average, some 3,000 parameters are tested on a monthly basis.

It is to be noted that the Ministry of Health and Wellness also carries out water quality tests on the distribution system across the island. I thank you, Mr Speaker, Sir.

Mr Osman Mahomed: Thank you. I understand from the explanation provided by the hon. Minister that the pressurised filter is a very important component in the distribution system. Can I ask him what happens when this filter breaks down sometimes for several days because of poor maintenance leading to poor quality supply?

One case in point is Serial Number 27 provided by the list he has just submitted. Mare d’Australia presumably from Rivière Jamblon, which is not written here, but which I am aware of and which supplies to Brisée Verdière regions, has been the subject of several complaints for poor quality water at the CSU. So, can I ask the hon. Minister, I repeat my question, what happens when this component breaks down? Is the water supply interrupted or is it distributed, notwithstanding the fact that the filter is not working and perhaps mixed with La Nicolière water which he has mentioned himself?

Mr Lesjongard: I have stated in my reply, Mr Speaker, Sir, that the quality of potable water that we distribute to the population is of top quality with regard to what is provided for in our legislation. The CWA ensures that it is of that quality, Mr Speaker, Sir. With regard to CPF, whenever there are problems related to muddy water during heavy rainfall, the CPF which are affected are switched off until CWA finds that the water is of good quality so that it can be distributed to the population. We have these problems, Mr Speaker, Sir, because with regard to the first order of CPF, the CPF was of low turbidity specifications. We have reviewed that and now in most of the areas where we have CPF, we have CPF of high turbidity which can tackle even muddy water after heavy rainfall.

Mr Speaker: This question has sufficiently been canvassed. So, we move to the next question. Hon. Ms Tour!

DIALYSIS CENTRES – CASES

(No. B/252) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to Dialysis Centres in public hospitals, he will state, in each case, the number of patients over the last 4 years on a yearly basis –

- (a) attending same, and
- (b) having passed away, indicating the –
 - (i) causes thereof, and
 - (ii) centres concerned therewith.

(Withdrawn)

M1, LABOURDONNAIS – TRAFFIC CONGESTION – REMEDIAL MEASURES

(No. B/253) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of National Infrastructure and Community Development whether, in regard to the daily traffic congestion along M1 at Labourdonnais, he will, for the benefit of the House,

obtain from the Road Development Authority, information as to the remedial measures envisaged to address same.

Mr Hurreeram: Mr Speaker, Sir, I am informed by the Road Development Authority that traffic studies have been carried out at Labourdonnais Roundabout along Motorway M2. It has been observed that the Labourdonnais Roundabout is presently operating beyond capacity during peak hours resulting in queuing along motorway M2 and Beau Plateau Road, B43. Moreover, traffic along the motorway represents around 60% of the total number of vehicles converging towards the roundabout during both morning and afternoon peaks. The traffic congestion is, to some extent, due to vehicles heading towards the private schools situated along B43 Road which is being used as a drop-off zone for students, thus causing a bottleneck at Labourdonnais Roundabout.

With regard to the possible remedial measures being envisaged to address the problem of traffic congestion at this location, I am informed that the best option would be to eliminate the existing roundabout and replace same with grade-separated junction. The objective is to segregate traffic along the motorway M2 and B43 Road which will enable free flow of both north-bound and south-bound traffic along the motorway. A topographical was carried out by the RDA to determine the most technically feasible grade-separated junction configuration. Accordingly, the following remedial measures are being proposed –

- Removal of this existing roundabout allowing free flow of traffic along motorway M2;
- Construction of a flyover across the motorway connecting to B43 Road;
- Provision of the slip lanes connecting the motorway to B43 Road;
- Provision of roundabout at existing T-junction for better connectivity in the region, and
- Construction of a foot bridge for the safety of pedestrians.

Mr Speaker, Sir, I wish to highlight that the above-proposed project is still being examined for its feasibility. My Ministry and the RDA will have further consultations with

stakeholders with a view to finalising the design and subsequently initiating land acquisition procedures. With a view to providing a holistic solution to address the traffic congestion along B43 Road, the RDA in consultation with the TMRSU will advise the private school thereat on appropriate mitigating measures to be implemented at their level such as the provision of dedicated drop-off zones for the students to prevent queuing along the road. Thank you.

Mr Speaker: Next question!

BELMONT, GOODLANDS – GAS INCINERATOR

(No. B/254) Dr. M. Gungapersad (Second Member for Grand Baie & Poudre d’Or) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the gas incinerator at Belmont, Goodlands, he will, for the benefit of the House, obtain from the Rivière du Rempart District Council, information as to the –

- (a) date of the coming into operation thereof;
- (b) number of times it broke down, and
- (c) current status thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the District Council of Rivière du Rempart that the new incinerator which was installed at Belmont crematorium in replacement of a faulty one came into operation in December 2022.

As regards part (b) of the question, I am informed that there has been a breakdown of the date during the operation of the incinerator.

As far as part (c) of the question is concerned, I am informed that the last incineration was effected on 24 February 2024 at the crematorium.

Mr Speaker, Sir, I wish to inform the House that the present incinerator equipment along with 15 other incinerators were supplied by Kanta Electricals India Ltd. under the Indian line of credit. The contract was awarded on 26 July 2019, but no provision for maintenance of these incinerators was made in the bidding document. Given that the incinerators at Belmont crematorium are not covered by any maintenance agreement, it has been felt advisable to stop the

incineration thereat. However, all requests for incineration from the public are being done at the Petit-Raffray and Piton crematoriums, respectively.

My Ministry has already invited bids on 27 March 2024 for the repairs and maintenance of 16 incinerators on a customised basis to allow local service providers to bid and the closing date for submission of bids is 25 April 2024. It is expected that the contract will be awarded in mid-June this year and the duration of repairs work, whenever required, is five months.

Dr. Gungapersad: Hon. Minister, initially in 2019, on 26 July, the contract was signed between your Ministry and Kanta Electricals India Ltd. for a sum of 2,256,000 USD. Now, that you are talking about a new undertaking between your Ministry and Kanta Electricals, who will foot the bill?

Dr. Husnoo: As I have just said, Mr Speaker, Sir, we have to find another company which can maintain these incinerators because after the 16 incinerators were commissioned, there was defects liability for one year. After that, we have to find another company to maintain the incinerators. That is what I am talking about – the maintenance of the incinerators.

Mr Speaker: Clarification!

Dr. Gungapersad: Hon. Vice-Prime Minister, in your reply to my PQ B/328 on 11 May 2021, you informed the House that the burners and the Pollution Control Unit by the technical team of Kanta Electricals India Limited were not done. This time, how will this be taken care of?

Dr. Husnoo: That's why I mentioned in my reply, Mr Speaker, Sir, that my Ministry has already invited bids on 27 March 2024 for the repair and maintenance of the 16 incinerators on a customised basis. This means that we are going to change the system that was provided to us earlier. Then we can do the maintenance.

Mr Speaker: MP Juman!

PATEL ENGINEERING LTD VS. MAURITIUS – ARBITRAL PROCEEDINGS – DAMAGES

(No. B/255) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Attorney-General, Minister of Foreign Affairs, Regional Integration and

International Trade whether, in regard to the arbitral proceedings brought by Patel Engineering Ltd., against the Republic of Mauritius, he will state the stand adopted by the State thereon, indicating if the damages to the tune of Rs1,35 billion together with interests, accrued since February 2015, have already been paid and, if not, why not.

Mr Gobin: Mr Speaker, Sir, the stand of the Republic of Mauritius is that Mauritius has complied with the Partial Award delivered by the Arbitral Tribunal and therefore Mauritius has transferred the amount awarded in the Award to an account in the name of Patel Engineering Limited together with interest thereon.

Mr Speaker: Next question!

Mr Juman: Thank you...

Mr Speaker: Do you have a supplementary?

Mr Juman: Yes, I have. Thank you. How much has it cost the State of Mauritius so far in terms of legal fees and to whom has all these legal fees been attributed?

Mr Gobin: Mr Speaker, Sir, this supplementary does not form part of the main question and therefore, I do not have it with me.

Mr Speaker: So, let's move to the next question. MP Anquetil!

VACOAS BUS TERMINAL – UPGRADING WORKS

(No. B/256) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the upgrading works being carried out at the Vacoas Bus Terminal, he will state where matters stand.

The Vice Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, this issue has been raised to me personally by my colleague, hon. Bablee sometime ago. I am informed by the Municipal Council of Vacoas Phoenix that presently, there are no upgrading works that are being carried out at the Vacoas Bus

Terminal. However, the Council intends to undertake renovation and upgrading works in two toilet blocks, male and female at the Vacoas Bus Terminal, comprising of the following –

- Replacement of amenities such as taps, sinks, urinals, doors and tiles;
- Painting work;
- Provision of a new air extractor, and
- Provision of a toilet for persons with disabilities.

Mr Speaker, Sir, the renovation and upgrading works will be undertaken in-house by the Council and will start by mid-May 2024. The works which will cost around Rs1 million are expected to be completed by the end of September 2024.

I further wish to apprise the House that my Ministry has launched a Request for Proposal for the development and operation – Design, Build, Finance, Manage and Operate of a modern Urban Terminal at Vacoas through an international bidding exercise on Tuesday, 13 February 2024. The closing date for the submission of the proposal is on Tuesday, 14 May 2024. One of the mandatory requirements of this project is the integration of a bus station within the new Urban Terminal. Therefore, the Council is proposing to carry out minor renovation and upgrading works pending the operation of this integrated bus terminal which will be funded by the successful promoter.

Mr Speaker: Next question! Do you have one? Clarification and no new question!

Ms Anquetil: M. le président, j'ai une question supplémentaire puisque j'avais posé la même question l'année dernière et les travaux étaient prévus pour décembre 2023. Je réalise qu'ils ont été reportés...

Mr Speaker: Ask the Minister to clarify!

Ms Anquetil: Le vice-Premier ministre peut-il indiquer à la Chambre quelle mesure son ministère envisage-t-il de prendre pour résoudre les infiltrations d'eau ? On a un gros problème d'eau en cas de pluie à la gare de Vacoas, c'est une passoire. Alors, quelle mesure son ministère

envisage-t-il de prendre pour résoudre les problèmes d'infiltration d'eau à travers le plafond causant des inondations irréalistes à l'intérieur de la gare ? Merci.

Dr. Husnoo: Mr Speaker, Sir, I have just mentioned that we are going to do the repair works and that it is going to be done in-house by the Council.

Mr Speaker: Okay, let's move on to the next question. MP Woochit!

RABINDRAH GHURBURRUN STADIUM, TRIOLET – LIGHTING FACILITIES

(No. B/257) Mr R. Woochit (Third Member for Pamplemousses & Triolet) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Rabindra Ghurburrin stadium in Triolet, he will state –

- (a) when lighting facilities thereat will be restored, and
- (b) the maintenance facilities provided therefor for the benefit of the users thereof.

Mr Toussaint: Mr Speaker, Sir, I am informed by the Mauritius Sports Council that the stadium is currently closed to the public for safety purposes since 15 December 2023. The facility is regularly subject to vandalism and theft and suffers significant damages including the main electric panel. The lighting facilities will be restored when funds are made available.

With regard to part (b), I am informed that the Mauritius Sports Council is responsible for the management and maintenance of the facility. Thank you.

Mr Woochit: Thank you, Mr Speaker, Sir. In light of the prolonged period without lighting at the football ground, can the Minister inform the House whether his Ministry has conducted any assessment to see the costing of the new installation of lighting? And if so, can the Minister provide assurance that this issue will be prioritised in the forthcoming budget?

Mr Toussaint: M. le président, je pense qu'au niveau de la section infrastructures, il y a eu un travail qui a été fait. Je n'ai pas les renseignements avec moi pour savoir combien cela coûterait. En ce qu'il s'agit de donner l'assurance, ça, c'est autre chose.

Mr Speaker: We move on to the next question. MP Ramful!

MULTISPORTS INFRASTRUCTURE LTD – FUNDS DISBURSED

(No. B/258) **Mr D. Ramful (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Mauritius MultiSports Infrastructure Ltd., he will state the amount of funds disbursed by his Ministry thereto for financial years 2022-23 and 2023-24, giving a breakdown of the expenditures incurred.

Mr Toussaint: Mr Speaker, Sir, with your permission, I am tabling the information regarding the funds disbursed by my Ministry for Financial Year 2022-2023 to the MMIL. With regard to the current Financial Year 2023-2024, expenditures are still ongoing and are being disbursed and will be available at the end of this financial year. Thank You.

Mr Ramful: I am sure that the Minister is aware that the Director of Audit has made an observation concerning the lack of accountability in the management of public funds by the Mauritius MultiSports Infrastructure Ltd. What does the Minister propose so that there is more effective management of public funds in the future with regard to that particular organisation?

Mr Toussaint: Je remercie l'honorable membre, M. le président, mais il serait beaucoup plus sage de venir avec une question directement sur ce que le Directeur de l'audit a fait, parce que la question principale concerne les dépenses et je n'ai pas les renseignements. J'ai besoin d'analyser. Donc, éventuellement si l'honorable membre vient avec une question au niveau de l'audit.

Mr Speaker: MP Bodha!

LA VIGIE - FLIC EN FLAC – LINK ROAD PROJECT – LAND ACQUISITION & COMPENSATION

(No. B/259) **Mr N. Bodha (Second Member for Vacoas & Floréal)** asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the La Vigie to Flic en Flac link road project, he will, for the benefit of the House, obtain information as to the number of land owners in La Marie and Henrietta whose land has been the subject of compulsory acquisition, indicating, in each case, if compensation has been paid thereto.

The Deputy Prime Minister: Mr Speaker, Sir, I stand informed that in regard to the implementation of the La Vigie to Flic en Flac link road project, the Ministry of National Infrastructure and Community Development has, as of date, requested my Ministry to initiate action for a compulsory acquisition of 45 plots of land belonging to 42 private land owners in the region of La Marie and Henrietta. I am further advised that information as regards payment of compensation to each of these landowners is being compiled and will be placed in due course in the Library of the National Assembly.

Mr Bodha: May I ask the hon. Deputy Prime Minister whether there was acceptance of the sum which was the value under protest and how many cases have gone to the Review Panel?

The Deputy Prime Minister: I do not know whether I have such information at hand but what I do know Mr Speaker, Sir, is that all in all, there has been a private agreement in respect of 61 plots of land. That has already been in agreement. So, presumably, land owners would have agreed but are contesting the value would be amongst those 61.

Sorry, if I may add, the 61 include Medine Ltd, where we chose 28 of these projects and negotiations are still ongoing.

Mr Bodha: One more supplementary. Can the hon. Deputy Prime Minister give us an idea of when the payment can be made because there have been so many cases where there are lots of arrears as regards compulsory acquisition?

The Deputy Prime Minister: I could not agree more, Mr Speaker, Sir. The procedure is very lengthy and causes tremendous frustration among those whose land is either acquired by agreement or compulsorily acquired, and it takes a lot of time. I do request my officers to handle such matters as expeditiously as possible, but the procedures are long and cumbersome.

Mr Speaker: Is it related to a clarification?

Mr Bodha: All the questions are related.

Mr Speaker: Yes, but I am asking you for this one.

Mr Bodha: Yes, it is. Can I ask the Deputy Prime Minister whether he cannot put a fast track, a special desk to deal with these issues because there is a lot? He has himself accepted that there is a lot of frustration and a lot of people waiting for the payment of this compulsory acquisition.

The Deputy Prime Minister: Absolutely, Mr Speaker, Sir! We would have liked to and I am constantly pressing for fast-tracking. The problem is my Ministry is under immense pressure; this Government has so much work on its hands and is trying to undertake so many projects. Earlier, we were discussing drains, for instance. We can also refer to small community projects or sports facilities. We are under pressure from a host of Ministries and public authorities to acquire land for various purposes. As the hon. gentleman knows very well, the State itself is not a major landowner. So, we are under immense pressure and we try our best to deliver as fast as possible.

Mr Speaker: Next question!

VICTORIA URBAN TERMINAL – STALLS OCCUPANCY – REALLOCATION & FEES OWED

(No. B/260) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the Victoria Square Urban Terminal, he will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to the –

- (a) number of stalls presently unoccupied, indicating the process for the reallocation thereof and date thereof, and
- (b) quantum of fees currently owed by the existing stallholders.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Municipal City Council of Port Louis that initially a total of 1,000 stalls were earmarked for stallholders to operate on the first and second floors of the Victoria Urban Terminal.

Out of the 1,000 stalls, provisions for 594 stores were made on the first floor and 406 on the second floor of the building. Given that the traders initially operating on the second floor expressed concerns about the fact that they were having difficulty to market their products owing to the fact that the place is not visited by many customers, a decision was taken to shift them to vacant stalls on the first floor, provided that they were regular with the payment of their monthly rental.

For those who were not consistent with the settlement of the monthly rental, a decision was taken to terminate their lease agreement and they were given the option to be shifted to the first floor on the condition that they settle all their dues.

I am further informed by the Municipal City Council of Port Louis that till date, a total of 582 stalls are unoccupied at the VUT, 406 are located on the second floor and 176 on the first floor. At present, there is no trader operating on the second floor. Therefore, my Ministry is looking into the possibility of making an alternative use of the second floor such as conversion into office space.

As far as the reallocation of those 176 unoccupied stalls on the first floor is concerned, the Municipal City Council of Port Louis has, by way of a Press Notice dated 20 December 2023, invited potential occupiers to apply for same. As of date, the Municipal City Council of Port Louis has received several applications and same have been assessed and approved at a different Council meeting. The reallocation exercise is still in progress.

Mr Speaker, Sir, regarding part (b) of the question, I am informed by the Municipal City Council of Port Louis that as of 18 April 2024, an amount of Rs40,082,650 is currently owed by the existing stallholders. In a bid to recover that amount, the Municipal City Council of Port Louis has initiated legal action against those debtors.

Moreover, the Municipal City Council has terminated the lease agreement for those stallholders who have not been settling their rental amount for a long period. Their respective stalls have been recovered by the Council.

Mr Ameer Meea: Mr Speaker, Sir, I have two clarifications. The first one, in PQ B/966, the hon. Minister informed the House that an amount of Rs45 m. is being paid to the landlord on

a yearly basis. Can I ask the hon. Minister how is the difference between rent, that is, rent being paid by the stallholder and rent that has not been paid, how is it funded to pay the landlord?

Dr. Husnoo: In fact, for the difference in rent, in income rather, we contact the Ministry of Finance to help us to pay the company.

Mr Speaker: Last clarification!

Mr Ameer Meea: Thank you, Mr Speaker, Sir.

Mr Speaker: That's a gentleman! At least, you thank the Speaker! You see, because according to the Standing Orders...

Mr Ameer Meea: No, I have to thank you because my colleagues were getting one supplementary and I am having two!

Mr Speaker: Let me finish. According to Standing Orders, it is the Speaker whom you have to thank, not the Minister!

Mr Ameer Meea: I said the Speaker.

Mr Speaker: Yes, of course! You are a gentleman!

Mr Ameer Meea: Okay!

Mr Speaker: Some hon. Members thank Ministers: 'thank you, hon. Minister.'

Mr Ameer Meea: *Li pou fer mwa gagn problem la!*

Mr Speaker: This is not the way!

Mr Ameer Meea: Yes.

Mr Speaker: You should thank the Speaker for allowing you, for giving you a supplementary question. It is never too late to learn!

Mrs Navarre-Marie: *Enn privilege sa !*

Mr Speaker: Please!

Mr Ameer Meea: So, I was asking...

(Interruptions)

Mr Speaker: Take your time!

Mr Ameer Meea: It is coming, it is coming. Don't worry. It is coming!

The project of Victoria Urban Terminal, in fact, in terms of its infrastructure, the new and old building, was a good project. But unfortunately, with the figures that the hon. Minister just gave to the House in terms of rent that is being paid by the Municipal City Council and the rent being received, it is a total fiasco. There were two floors that were awarded to the stallholders and now we have heard that only one floor is occupied and the other one is not yet occupied or has been declared vacant. Therefore, can I ask the hon. Minister what incentive is the Municipality of Port Louis considering to fill up the blank spaces?

Dr. Husnoo: Mr Speaker, Sir, firstly, I will not say that it is a 'fiasco' because these people, the hawkers, were working on the pavement, in the gutter, in the sun, in the rain and now they have a proper place to work. So, for these people, it is not a fiasco. Secondly, as far as the space that is left on the second floor is concerned, I have mentioned in my reply that we are trying to convert it into office space and rent it out.

Mr Speaker: We move to the next question! Hon. Léopold!

RODRIGUES – RAINWATER HARVESTING

(No. B/261) Mr J. B. Léopold (Second Member for Rodrigues) asked the Minister of Finance, Economic Planning and Development whether, in regard to plastic/fibre glass water reservoir, he will state if consideration will be given for subsidising the freight thereof with a view to encouraging a larger number of persons to resort to rainwater harvesting in Rodrigues.

Dr. Padayachy: M. le président, je remercie l'honorable membre pour cette question. J'ai été informé que le *Rodrigues Rainwater Harvesting Scheme* est mis en œuvre par la *Rodrigues*

Public Utility Corporation (RPUC) et est financé par le budget de l'Assemblée régionale de Rodrigues.

Selon le programme, des réservoirs d'eau préfabriqués de 5,150 litres sont fournis aux bénéficiaires éligibles selon les critères de priorité. Avec un budget de R10 millions pour l'année fiscale 2023-2024, le *RPUC* fournira 400 réservoirs d'eau aux bénéficiaires. À ce jour, le *RPUC* a déjà livré 166 réservoirs d'eau aux bénéficiaires éligibles pour l'année financière en cours. L'entité est en train de finaliser l'exercice d'évaluation pour attribuer à d'autres bénéficiaires éligibles à fin d'atteindre son objectif de 400 d'ici juin 2024.

M. le président, j'ai aussi été informé par la *Mauritius Shipping Corporation Ltd. (MSCL)* que le *Rodrigues Subsidy Account* fournit une subvention sur les produits pétroliers, l'essence et le diésel, le *dual purpose kerosene* pour un usage domestique et le *Liquified Petroleum Gas*, ainsi que sur le riz et la farine exportés à Rodrigues.

En 2021-2022, le gouvernement avait annoncé qu'un rabais de 20 % sur le coût du fret entre Maurice était étendu à toutes les marchandises expédiées depuis Maurice. Cette subvention a été maintenue en 2022-2023 et 2023-2024. Ainsi, sur le fret pour les réservoirs d'eau en plastique fibre de verre, les résidents de Rodrigues bénéficient déjà d'une subvention de 20%.

Merci, M. le président.

Mr Speaker: Do you have a supplementary? Next question, MP Foo Kune-Bacha!

MAUPASS & MOKLOUD APPLICATIONS – REGISTRATION – PHOTOGRAPH UPLOAD

(No. B/262) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Information Technology, Communication and Innovation whether, in regard to MauPass and MoKloud Government Applications, he will state if the uploading of a photograph is a mandatory requirement for registration thereto.

Mr Balgobin: Mr Speaker, Sir, the MauPass platform is the gateway to access Government e-Services as well as the MoKloud platform and is available to citizens on the Government's online portal or through the MoKloud mobile application available on Playstore,

Google Play and Huawei App Gallery to download documents ported on it such as birth certificates, marriage certificates amongst others.

Allow me to elaborate on the MauPass which is a National Authentication Framework (NAF) which allows citizens and non-citizens to authenticate securely with Government and other agencies through a single sign-on portal and has been in operation since 2020. The registration for a MauPass account can be done on the MauPass portal or the MauPass mobile application which is also available on Playstore, Google Play and Huawei App Gallery by providing the surname, name, gender, date of birth, address, email address, and citizenship. In fact, it consists of two stages as follows –

- (i) Stage one – creation of the one factor authentication account where the user gets the username and password, and
- (ii) Stage two – the two factor authentication account.

The two-factor authentication account is mainly used for high-level e-Services requiring additional security. As MoKloud platform can be activated through the following, there are two options to do so –

- (i) by visiting the nearest Post Office where an officer verifies the ID card of the user with his or her MauPass profile and on successful verification, the 2FA of the corresponding MauPass is activated;
- (ii) by performing an e-KYC on the Maupass mobile application which involves uploading a photo of his or her ID card and doing a liveness test on the mobile app. The system verifies and compares the live selfie with the photograph of the ID card. Once the attempt is successful, the 2FA is thus activated.

This content-based feature was implemented in December 2020, mainly to facilitate the diaspora because they are not present in the country. As of date, 34,000 users have availed of the e-KYC and have expressed their full satisfaction.

Mr Speaker, Sir, I wish to inform the House that the photograph uploaded from the National ID card and the live selfie are immediately deleted after the verification and comparison

process is completed and this is well documented in the terms of use of the e-KYC and privacy statement which is publicly available on the MauPass portal. Furthermore, my Ministry is a registered data controller with the Data Protection Office to ensure compliance with the Data Protection Act (2017) for processing personal data. Also, before doing a live with the e-KYC feature, a data protection assessment was carried out and it was only when the go-ahead of the DPO was conveyed that the e-KYC went live.

Mr Speaker, Sir, with regard to the MoKloud platform, there is no photograph uploading requirement.

Thank you.

Mrs Foo Kune-Bacha: Merci. Selon les informations, tous les fonctionnaires, sans exception, doivent s'enregistrer à ces applications mobiles, car c'est désormais le seul moyen pour eux d'accéder à leurs fiches de paie. L'honorable ministre peut-il nous dire quelles sont les raisons d'avoir modifié les conditions d'enregistrement et avoir tout récemment rendu obligatoire, donc exiger que chaque fonctionnaire procure une photo ou un selfie pour pouvoir s'enregistrer et accéder à leurs fiches de paie ?

Mr Balgobin: Mr Speaker, Sir, this is not true. This is completely wrong to say that all civil servants are obliged to get a MauPass account to get their payslips. This is not true at all. I request the hon. Member to verify her information well before saying such things in Parliament. An officer can request a printed payslip from the HR of his or her Ministry concerned. With regard to payslips available online, it is a very laudable initiative we have taken to reduce paper printing because you imagine the number of civil servants that would print a copy of their payslip when that is available online but even though, Mr Speaker, Sir, as I mentioned in my reply, all those options, all those features are optional. If you do not want to upload a photograph to have an account, you could verify your identity at a Post Office for the MauPass.

Mr Speaker: Next question, MP Quirin!

YOUNG DRUG USERS – METHADONE TREATMENT – DISTRIBUTION & CONDITIONS

(No. B/263) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to the decision of his Ministry to allow young drug users to have access to methadone treatment as from the age of 15 years, he will state the reasons therefor, indicating –

- (a) the number of drug users concerned therewith, gender-wise;
- (b) how same will be distributed and the conditions attached thereto, and
- (c) if Non-Governmental Organisations engaged in the treatment and rehabilitation of drugs users have been consulted prior to the implementation thereof.

Dr. Jagutpal: Mr Speaker, Sir, according to the 2023 United Nations Office on Drugs and Crimes (UNODC) report on drug use, globally –

- In 2021, 1 in every 17 people aged 15–64 years in the world had used a drug in the past 12 months.
- The estimated number of users grew from 240 million in 2011 to 296 million in 2021, that is, 5.8% of the global population aged 15–64. This is a 23% increase, partly due to population growth.
- The number of people injecting drugs is 13.2 million in 2021, 18% higher than in 2020, that is, 11.2 million.
- There are numerous risks facing people who inject drugs. The risk of acquiring HIV is 35 times higher for those who inject drugs than for those who do not inject drugs. Injecting drug use continues to be an important facilitating driver of the global epidemic of hepatitis C, with WHO estimating that 23% of new hepatitis C infections are attributable to unsafe drug injection. Overall, liver diseases attributed to hepatitis C account for more than half of deaths attributed to the use of drugs and drug overdoses account for a quarter of drug related deaths.

- Young people are the most vulnerable to drug use and are also more severely affected. The adolescent brain is still developing and drug use can have long term negative effects. In addition, overdoses are much more frequent among adolescents.

Mr Speaker, Sir, the situation in Mauritius is not different. In the face of this global epidemic, we must constantly be vigilant to ensure the best possible access to optimal treatment for all drug users, especially adolescents. Thus, in view of international recommendations, including those of the UNODC 2023 report, it is being proposed to authorise access to methadone for minors from the age of 15, who have severe drug use and are in therapeutic deadlock.

A national protocol was prepared by a group of professionals. It has been validated by Dr. David Mété, *Chef de Service d'Addictologie*, at the *Centre Hospitalier Universitaire Bellepierre de l'île de la Réunion*. The protocol does not concern all adolescents who have drug injections, but those who, despite one or two withdrawal treatments, with psychosocial support, have relapsed into a severe addiction and are in a therapeutic deadlock.

Mr Speaker, Sir, it is to be noted that the consent of parents or legal guardians will be mandatory prior to enrolling minors on the Methadone Substitution Therapy Programme, and psychosocial care will be essential, as is customary for other beneficiaries.

For those who have relapsed after one or two detoxification treatments, based on medical records and after a multidisciplinary consultation meeting, methadone treatment will be considered. The goal is to prevent the young person from relapsing repeatedly after repeated detoxification sessions, which increases the risk of overdose, reduces self-esteem, and exposes them to HIV, Hepatitis C, and other serious complications.

Mr Speaker, Sir, with regard to part (a) of the question, the exact number of minors who will have access to methadone cannot be ascertained precisely at this point in time.

However, there exists data from various sources. In 2023, 55 adolescents aged between 15 and 19 were hospitalised for drug use in regional hospitals. 46 adolescents, comprising 44 boys and 2 girls, underwent rehabilitation and/or detoxification treatment. The reality is that the vast majority of them relapsed in the weeks or months following their treatment.

I am informed that according to international studies, the relapse rate for detoxification is between 70% and 90% in the world. Mauritian adolescents are no exception.

The adolescents who will require Methadone Substitution Therapy will receive it at a healthcare centre according to the established protocol.

Mr Speaker, Sir, as for part (c) of the question, I wish to highlight that the proposal to introduce methadone was made during the working groups set up for the drafting of the Plan on Addiction, which involved several doctors from the Harm Reduction Unit, the Consultant in Charge Psychiatry and three Non-Governmental Organisations chosen by their peers to represent them.

Further meetings will be conducted by the Ministry of Health and Wellness with all NGOs involved in the fight against drugs as well as other stakeholders.

Mr Speaker: Clarification!

Mr Quirin: *As always!* Merci, M. le président, l'honorable ministre est probablement au courant que c'est une décision qui a été très mal accueillie par la population et qui suscite l'incompréhension, même chez certains travailleurs sociaux. De ce fait, l'honorable ministre peut-il nous dire quels sont les accompagnements, dits psychosociaux, que son ministère a mis en place ou que son ministère compte mettre en place pour aider ces jeunes sous méthadone à sortir de l'emprise des drogues ?

Dr. Jagutpal: Mr Speaker, Sir, I want to re-clarify. If this decision is taken to introduce methadone for those above 15 years old – I have explained it clearly – it is a recommendation of the UNODC. These adolescents are prone to various diseases and if we do not introduce such treatment for them, they are going to relapse and be exposed. Also, we have to look at the aspect of whether the programme offered to them for rehabilitation is working or not. That is why we need to introduce this medication for them to stop going in that direction and keep on consuming drugs.

Mr Speaker, Sir, of course, we need to have strong psychosocial support for these adolescents. The NGOs are working in close collaboration with the Ministry. The psychologists

and all these different stakeholders are doing their best to offer the best psychosocial treatment to these adolescents who will be concerned for treatment.

Mr Quirin: Le ministre peut-il nous dire quel est le nombre de jeunes concernés par cette mesure qui sont scolarisés et quelles sont les mesures que son ministère a mis en place afin qu'ils puissent, en même temps qu'ils sont sous traitement, poursuivre leurs études ?

Dr. Jagutpal: At this point in time, it is very difficult, Mr Speaker, Sir, to give the number. But what I have been informed is that, in a year, we will more likely have two or three adolescents concerned with such programme.

Now, it is good also to point out that in South Asian countries, where the drug penalties are very severe, where they have death penalties, the increase in drug consumption, if you compare it from 2022 to 2023 is increasing by more than 5-7%. And what has been offered to adolescents? It is methadone. I think that this is the right way to deal with such a problem.

Mr Speaker: MP Juman!

MORCELLEMENT RAMLUGUN, VALLEE DES PRETRES – BRIDGE – UPGRADING

(No. B/264) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of National Infrastructure and Community Development whether, in regard to works for the upgrading of the bridge along the main road in Vallée des Prêtres with a view to mitigating flooding in Morcellement Ramlugun, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

(Withdrawn)

HOUSEHOLDS' ELECTRICITY CONSUMPTION – REVENUE COLLECTED

(No. B/265) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Energy and Public Utilities whether, in regard to electricity consumption by households, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the amount revenue collected therefor since January 2015 to March 2024, giving a breakdown thereof.

Mr Lesjongard: Mr Speaker, Sir, I am informed that the Central Electricity Board (CEB) has some 520,000 subscribers, both in Mauritius and Rodrigues, including 477,285 residential customers. The residential customers are classified in four categories and a differentiated tariff is charged in accordance with electricity consumption.

The first three categories under Tariffs 110, 120 and 140 are charged a minimum tariff of Rs3.16 per kilowatt hour (kWh), for the initial 25 kWh consumed. Differentiated tariff is then applied depending on the consumption of electricity. The fourth, namely Tariff 110A concerns households benefitting from Government Social Allowances and socially-vulnerable households registered with the National Empowerment Foundation and they are charged a tariff minimum of Rs2.18 per kWh.

They benefit from an exemption from electricity charges and the eligibility threshold of this exemption has been increased from 75 kWh to monthly to 85 kWh monthly in 2015, further decreasing their electricity bill.

Mr Speaker, Sir, I am informed that the last electricity tariff reviews took place as follows –

- a) on 03 January 2006;
- b) on 01 September 2007;
- c) on 01 April 2008;
- d) on 01 December 2010, and
- e) on 01 February 2023.

The average increases from January 2006 to December 2010 have been of the order of 12 per cent, 15 per cent, 22 per cent and 10 per cent, respectively.

As for the last exercise, the Utility Regulatory Authority had approved the tariff review on 15 December 2022, which was effective on 01 February 2023. Under this new tariff structure, no increase in tariff has been applied to residential customers consuming up to 300 kWh

monthly, implying that these customers are still, as at date, paying the tariff that was fixed in December 2010.

This represents 386,152 out of 477,285 subscribers, representing 81% of the Residential category customers.

In addition, some 34,200 customers in the Commercial tariff category were also exempted from any increase during the last tariff review effective in February 2023. This represents 78% and again, these customers are paying, as at date, the same tariff that was applicable before the tariff review.

Mr Speaker, Sir, as requested, I am tabling the yearly revenue collected by the Central Electricity Board during the period January 2025 to 31 March 2024.

Mr Speaker, Sir, I wish to highlight that with a view to further alleviate the burden of vulnerable households, the CEB has introduced a Home Solar Project, consisting of free installation, operation and maintenance of rooftop solar PV kits of 1 to 1.5 kW for vulnerable households, being implemented in different phases. This measure allows such households to decrease their electricity bills through production of energy free of charge and export to the CEB grid. These households benefit from an exemption of 75 units, representing around Rs307 monthly on their electricity bills. These customers will benefit from the Scheme for a period of 20 years. To date, 3,000 households have benefitted from the Home Solar Project. The Central Electricity Board plans to install a total of 10,000 PV kits and this measure will benefit many more households in the coming years.

Mr Speaker, Sir, the CEB has furthermore introduced a Net Billing Scheme for the free deployment, operation and maintenance of solar PV kits of capacity 2 kW each to residential customers. Again, these beneficiaries can produce energy free of charge and export to the CEB grid, thereby obtaining a relief on their electricity bill. Since 11 January 2024, the initial eligibility criteria of monthly consumption of 200 kWh have been raised to 300 kWh to enable additional target households to benefit from such facilities. Some 600 households have benefitted from the Scheme. The CEB plans to install a total of 1,900 PV panels in the coming years under the Net Billing Scheme.

I thank you, Mr Speaker, Sir.

RIYADH, SAUDI ARABIA – MAURITIAN EMBASSY – BUDGET ALLOCATED

(No. B/266) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Mauritian Embassy in Riyadh in the Kingdom of Saudi Arabia, he will state the –

- (a) budget allocated yearly thereto since the opening thereof to date, and
- (b) number of staff employed thereat, indicating their respective nationalities.

(Withdrawn)

Mr Speaker: MP Anquetil!

CHILD PORNOGRAPHY – VICTIM’S HOSPITALISATION – OFFICER PRESENT

(No. B/267) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the alleged case of child pornography involving a 4-year-old girl, she will state if an officer from her Ministry was present at the victim’s bedside during her hospitalisation and, if not, why not.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I thank the hon. Member for the question.

I wish to inform the House that according to Article 2 of the United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ‘child pornography’ is defined as –

“... any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.

The case of the minor, aged 4 years old, was referred to my Ministry through Hotline 113 of the Child Development Unit (CDU) by an anonymous caller on 23 March this year at around 15 00 hrs, reporting that a video is circulating on Social Media, showing the minor being a victim of an alleged attempt upon chastity by a foreign worker. In line with working

arrangements and protocol, the on-call Child Protection Team intervened promptly as appropriate. A request was immediately made to have the video removed from social medias.

I am informed by the Ministry of Information Technology, Communication and Innovation that the video which was posted on Facebook was reported to Computer Emergency Response Team of Mauritius (CERT-MU) on Monday 25 March 2024 and as at 28 March, the video had already been removed from all platforms.

Mr Speaker, Sir, officers of my Ministry intervened promptly to secure the child and to provide her with a safe therapeutic space through in-depth psychological and emotional support so that she can open up and express herself to the Police for a first-hand declaration in the matter. Thereafter, the officers arranged for conveyance of the minor to the hospital for a full medical check-up.

I am also informed that all medical personnel involved in the matter were thoroughly briefed by officers of my Ministry in writing as well as verbally regarding all support to be provided to the minor during her stay at the hospital. These officers stayed at the hospital till very late at night in view of ensuring every comfort, be it psychological, emotional, physical and material, is being dispensed to the child.

Officers of my Ministry including the Psychologist visited the minor every day during her stay. Utmost care was taken to ensure that the mood and emotions of the minor were stable and that the child remains resilient all throughout the initial enquiry, hospitalisation and child protection process.

With regard to the enquiry, I am informed by the Commissioner of Police that an alleged case of Causing a Child to be Sexually Abused was reported at Petite Rivière Police Station, bearing OB No. 500/2024. On 01 April 2024, the mother and the perpetrator, a Nepali National were arrested and provisionally charged before the Bambous District Court and remanded to Police Cell. On 08 April 2024, the mother was released on bail and the perpetrator was remanded to Melrose Prison.

Thank you, Mr Speaker, Sir.

Ms Anquetil: M. le président, j'ai deux supplémentaires. La ministre peut-elle indiquer à la Chambre pour quelle raison aucun officier de son ministère n'était au chevet de cette fillette pendant son hospitalisation alors qu'il s'agit d'un cas allégué de pornographie juvénile ? Merci.

Mrs Koonjoo-Shah: Mr Speaker, Sir, had the hon. Member paid slight attention to my initial answer, she would have recorded that I have just listed that CDU officers were alongside this minor all the way until 22 00 hrs on the night of the event. There is an array of medical professionals and personnel that accompany the child during the overnight stay and the officers of my Ministry are present first thing in the morning. The child is in a secure place and has been provided with all the support that is required. I have personally enquired about that child throughout the night during her stay and she was comfortable, she was catered for and she was fast asleep. First thing in the morning, all the officers of the Child Development Unit and that is, it is a multidisciplinary team that involves the police, officers of my Ministry and that of the Ministry of Health as well. So, it's a multi-disciplinary team; everybody is there, shouldering their part of the process.

Ms Anquetil: Je vous remercie, M. le président. La ministre considère-t-elle comme acceptable le fait que le mardi 26 mars vers 15hr30 lors de la sortie de la fillette de l'hôpital, deux officiers de son ministère étaient présents, l'un étant une femme et l'autre un homme portant une boucle d'oreille ? Merci.

Mrs Koonjoo-Shah: Mr Speaker, Sir,...

Ms Anquetil: Dans un cas de pornographie.

(Interruptions)

Mrs Koonjoo-Shah: Mr Speaker, Sir, it begs the question of whether the hon. Member is actually concerned about the welfare of a child where there is an alleged case of sexual exploitation. Is the Member actually concerned about the health or the status or the protection of the child or she is concerned about a gender bias question of a man wearing an earring?

Ms Anquetil: Vous auriez mieux fait d'envoyer deux femmes officiers !

Mr Speaker: No debate! This is Parliamentary Question.

Ms Anquetil: She is over excited! What can I do?

Mrs Koonjoo-Shah: Elle est à côté de la plaque, M. le président!

Mr Speaker: You should thank me for allowing you to put the question.

Ms Anquetil: Incompétente ! C'est du...

Mr Speaker: The Table is advised that PQs B/264 and B/268 have been withdrawn. Time not over, but there are no more questions!

GOODLANDS – NEW MARKET FAIR

(No. B/268) Dr. M. Gungapersad (Second Member for Grand' Baie and Poudre d'Or) asked the Vice-Prime Minister, Minister of Local Government & Disaster Risk Management whether, in regard to the new market fair of Goodlands, he will, for the benefit of the House, obtain from the Rivière du Rempart District Council, information as to when same will be operational.

(Withdrawn)

RODRIGUES – COST OF LIVING – COMPARATIVE STUDY

(No. B/269) Mr J. B. Léopold (Second Member for Rodrigues) asked the Minister of Finance, Economic Planning and Development whether he will state if consideration will be given for a comparative study to be conducted by his Ministry regarding the actual cost of living in Rodrigues and that of mainland Mauritius with a view to determining the disparity, if any, and to come up with corrective measures to address same.

(Withdrawn)

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister seconded.

Question put and agreed to.

STATEMENT BY MINISTER

(4.15 p.m.)

PUBLIC BEACHES – DANGEROUS BATHING WARNING SIGNPOSTS

The Prime Minister: Mr Speaker, Sir, I wish to make a statement to the House to set the records straight following the Private Notice Question at our sitting of Tuesday last during which the hon. Leader of the Opposition stated amongst others the following, and I quote –

“(...) because at one of the places, at Souffleur, where those youngsters disappeared in the ocean, I have confirmation that there is no sign whatsoever on the beach to say that it is dangerous to go and venture”.

Mr Speaker, Sir, it is very unfortunate that two persons lost their lives at Le Souffleur a few days back in such tragic circumstances. I wish to inform the House that the statement made by the hon. Leader of the Opposition is erroneous and devoid of veracity as I am informed by the Commissioner of Police that in the northern, eastern, western and southern regions of the island, including Le Souffleur, there are warning signposts at public beaches indicating ‘dangerous bathing’ where necessary.

For the northern region, such signposts are displayed at –

- (i) Le Goulet;
- (ii) Côte d’Azur, Pointe aux Canonnières ;
- (iii) Pointe aux Piments;
- (iv) Pointe aux Biches;
- (v) Roches Noires, and
- (vi) L’îlot Bernache.

As for the eastern region, the beaches concerned are –

- (i) Belle Mare;
- (ii) Trou d’Eau Douce;
- (iii) Quatre Cocos;
- (iv) Poste Lafayette, and
- (v) Bras d’Eau

For western region, we have three such beaches –

- (i) Flic-en-Flac;
- (ii) Tamarin, and
- (iii) Le Morne.

For the southern region, the beaches are as follows –

- (i) Telfair;
- (ii) Le Bouchon;
- (iii) Blue Bay;
- (iv) Gris Gris;
- (v) La Prairie;
- (vi) Riambel;
- (vii) Rivière des Galets;
- (viii) Pomponette, and
- (ix) Le Souffleur.

Mr Speaker, Sir, I wish to point out that there are, in fact, two signposts at Le Souffleur, as follows –

- (i) One located at the entrance of Le Souffleur which reads as follows –
“DANGEROUS BATHING - *BAIN DANGEREUX*

Deep water - *Eau profonde*

Strong current - *Courant fort*”.
- (ii) The second one at about 5 metres from the first signboard and about 2 metres from the security wall reading –
“DANGEROUS BATHING - *BAIN DANGEREUX*”.

Mr Speaker, Sir, the hon. Leader of the Opposition wants to make believe that there was no warning sign at Le Souffleur and I would therefore invite him to verify his information in order not to mislead this august Assembly and the public.

I am tabling also the list of places where there are such signposts and the photographs of such signposts and people can see that of Le Souffleur where it is clearly indicated ‘dangerous bathing’.

Mr Speaker, Sir, these signposts would be enhanced and standardised with a view to including the distance from the danger zone. The concerned authorities are being requested to take appropriate actions in this respect.

Thank you.

PUBLIC BILLS

(Second Reading)

THE FRENCH-SPEAKING UNION BILL

(NO. XV OF 2023)

Order read for resuming adjourned debate on the Second Reading of the French Speaking Union Bill (No. XV of 2023).

Question again proposed.

Mr Speaker: Hon. Minister Seeruttun!

(4.15 p.m.)

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): Merci, M. le président, de me donner l'occasion d'intervenir sur le *French Speaking Union Bill*. M. le président, après avoir écouté tous ceux qui ont intervenu jusqu'ici, il y a unanimité pour l'introduction de ce projet de loi.

Après le *Bhojpuri Speaking Union*, le *Telugu Speaking Union*, le *Tamil Speaking Union*, le *Creole Speaking Union*, l'*Urdu Speaking Union*, l'*English Speaking Union*, nous aurons sous peu, le *French Speaking Union*.

M. le président, le détenteur de la médaille d'or du Centre National de la Recherche Scientifique en 1995, Claude Hagège, linguiste et professeur au Collège de France, est d'ailleurs l'auteur de plusieurs livres à succès, observe qu'en moyenne, meurent environ 25 langues chaque année. Claude Hagège ajoute que selon lui, dans une centaine d'années, si rien n'est fait, la moitié de ces langues seront mortes. D'après ses études, à la fin du XXI^e siècle, il n'en est resté qu'environ 2 500 langues et peut-être beaucoup moins compte tenu de l'accélération fort possible du rythme de leur disparition. Claude Hagège ajoute que comme l'utilisation, les

langues sont mortelles et le gouffre de l'histoire est assez grand pour tous. Pourtant, dit-il, la mort des langues a quelque chose de tout à fait insolite et exaltant quand nous avons la vision.

Les langues sont capables de résurrection, mais la vigilance s'impose, faute de quoi toutes sont menacées, y compris le français. M. le président, ceci étant dit, je dois donc saluer l'initiative prise par mon collègue, le ministre des Arts et du patrimoine culturel et ce gouvernement sous la direction du Premier ministre pour la présentation de ce projet de loi, car ce gouvernement est engagé à la préservation de toutes les langues vivantes qui font partie de notre histoire et de notre patrimoine.

Les principaux objectifs de ce projet de loi ont été bien expliqués dans le texte de loi et sont entre autres de promouvoir la langue française tant qu'à l'oral, qu'à l'écrit, de promouvoir l'amitié et la communication entre les peuples de la vaste famille francophone, de promouvoir des activités culturelles, éducatives et artistiques, d'encourager la publication d'œuvres littéraires et d'organiser les expositions entre autres.

M. le président, la langue française existe à Maurice depuis l'arrivée des colonisateurs français qui remontent aux années 1715 à 1810 et plusieurs orateurs de cette Assemblée se sont d'ailleurs déjà appesantis sur cette partie de l'histoire. Pendant ladite période, la langue française n'était pratiquée que par ceux qui la maîtrisaient. Avec l'arrivée de Mahé de Labourdonnais, les structures mises en place et le côtoiement quotidien ont permis à ceux venus des pays Afriques et de l'Inde de se saisir de certains mots et d'expressions français.

Au fil des ans, grâce aux esclaves et aux travailleurs étrangers, cette langue a gagné du terrain même si la prononciation était quelque peu difficile. M. le président, la décision des colonisateurs de lier français de donner à plusieurs régions de notre pays des noms propres français tels que Rose-Belle, Cap Malheureux, Grand Sable, Bambous, Port-Louis, Belle-Mare, Grand-Bassin, Petit-Verger, Beau-Séjour, Pamplemousses, Plaines-des-Papayes et aussi le nom des saints tels que Saint-Pierre, St-Félix, Saint Rémy, Saint Antoine, Saint-Jean, entre autres.

M. le président, après la colonisation de l'île par les Britanniques en 1810 et ce jusqu'à notre indépendance en 1968, même si l'anglais est devenu la langue officielle de notre pays, la langue française est restée très présente à Maurice tant dans le parler que dans l'écrit.

M. le président, la langue française a toujours eu une place prépondérante dans notre système éducatif, professionnel et légal, et aussi dans notre quotidien notamment dans la presse ce qui est encore le cas aujourd'hui et également ici au Parlement. Son enseignement, sa promotion n'ont jamais été interrompus. La langue française est utilisée et enseignée dès le pré-primaire et est d'ailleurs une matière obligatoire jusqu'à la *School Certificate* et est sanctionnée par un examen par l'université de Cambridge.

Depuis plus de 300 ans, la langue française est au cœur de notre spécificité, de notre nation et est restée un des véhicules de notre vivre ensemble. La beauté de la langue française est qu'elle possède des qualités d'expression, de transmission, de précision et de syntaxe qui ont fait qu'elle a été, pendant quelques siècles, la langue mondiale de la diplomatie. Elle peut sembler facile à parler mais elle reste moins facile à l'écrit. Cela m'amène à dire que la langue française n'est pas la langue d'un pays. Ce trésor appartient à tous et une fois qu'on la maîtrise,

M. le président, on ressent le besoin de l'explorer pour s'enrichir tant qu'au niveau linguistique qu'au niveau culturel. Permettez-moi, M. le président, de citer Anatole France, écrivain français, qui a vécu entre 1844 et 1924, et je cite –

« La langue française est une femme. Et cette femme est si belle, si fière, si modeste, si hardie, touchante, voluptueuse, chaste, noble, familière, folle, sage, qu'on l'aime de toute son âme, et qu'on n'est jamais tenté de lui être infidèle. »

Nous avons donc, M. le président, un devoir essentiel de veiller à sa promotion, à sa qualité et à sa vitalité d'où la présentation de ce projet de loi pour la création d'un *French-Speaking Union*.

La France, M. le président, de par ses liens historiques et amicaux avec l'île Maurice et cela date, comme je l'ai souligné, de plus de trois siècles, s'est beaucoup investie pour la promotion et la préservation de la langue française à Maurice. La France par le biais de ses institutions notamment le Centre culturel d'expression française, l'Institut français de Maurice, le Lycée Labourdonnais, entre autres, offre l'accessibilité linguistique et culturelle française, l'opportunité aux Mauriciens à travers les débats, la lecture, le théâtre, et les concours de dictées entre autres. Je souligne ici, M. le président, le soutien au Centre de lecture publique et d'animation culturelle qui compte une quinzaine d'antennes à travers les pays et qui encourage les Mauriciens à l'apprentissage de la langue française incluant la lecture.

M. le président, nous avons connu à l'île Maurice les auteurs récipiendaires de distinction littéraire en France tel qu'Édouard Maunick, Jean Fanchette, Marcel Lagesse, Pierre Renaud, Marcel Cabon, Nathacha Appanah, Ananda Devi, entre autres. Et pour consolider la langue française, M. le président, à l'île Maurice nous nous sommes adhésés en 1970 à l'Organisation internationale de la francophonie. Je voudrais ici, M. le président, profiter de l'occasion pour féliciter le Premier ministre, l'honorable Pravind Kumar Jugnauth, d'être élevé au grade de Grand-Croix de la Pléiade, d'Ordre de la Francophonie et du dialogue des cultures, une distinction internationale qui fait honneur à toute la nation mauricienne, M. le président.

C'est pour vous dire, M. le président, l'importance que la langue française à l'île Maurice a. Elle est non seulement une des langues parlées et écrites à l'école et au quotidien mais est aussi la langue de communication et d'interaction sociale et internationale ; la langue utilisée dans les médias, à l'Assemblée nationale et dans les commerces.

M. le président, avec l'évolution de la technologie, les plates-formes de messagerie vocale ou *SMS*, l'utilisation de l'orthographe a été modifiée, vue estropiée et des nouveaux mots font leur entrée dans notre vocabulaire. Le *French-Speaking Union* aura un rôle important à jouer pour éviter toute déformation, tout massacre de la langue française.

M. le président, nous compterons énormément sur le *French-Speaking Union* pour valoriser davantage la langue française qui soit dite, est l'une des cinq langues les plus parlées à l'échelle mondiale après l'anglais, le mandarin, le hindi et l'espagnol.

Aussitôt le *French-Speaking Union Bill* voté et son *Board* constitué, il devra entre autres promouvoir la qualité du français, mettre l'accent sur l'origine de la découverte de la langue de Molière et toutes les langues ont leur place dans notre île Maurice plurielle tout comme le créole mauricien, le bhojpuri, l'urdu, le tamil, le telugu, l'arabe, l'anglais, le mandarin, le hindi, le sanskrit, le gujarati et quelques autres langues parlées à Maurice.

M. le président, il y a 200 États dans le monde et ils abritent, d'après certaines estimations, entre 4 500 et 6 000 langues. Beaucoup des pays font tout pour préserver les langues existantes. La préservation de la langue française est l'affaire de tous et ce gouvernement s'est engagé de consolider et de promouvoir la langue française, comme nous le faisons pour les douze autres langues pratiquées à Maurice.

Monsieur Robert Furlong, président du Centre culturel d'expression française dans une entrevue à la presse en 2023, et je me souviens, il se demandait pourquoi pas un *French-Speaking Union*. Voilà un cadeau au Centre culturel d'expression française qui fête ses 65 ans d'existence cette année.

M. le président, pour conclure, on dit souvent qu'à Maurice on pense en créole, on parle en français et on écrit en anglais.

J'en ai terminé, M. le Président. Merci.

Mr Speaker: MP Bodha!

(4.30 p.m.)

Mr N. Bodha (Second Member for Vacoas & Floréal): M. le président, j'aimerais ajouter ma voix aux débats sur ce projet de loi.

J'aimerais bien quand même poser quelques questions à l'honorable Ministre. Il y a certes beaucoup de *Speaking Unions*. La question qui se pose, c'est comment, dans le cas de la *French-Speaking Union*, on peut créer la meilleure synergie avec tous les autres acteurs et toutes les autres plateformes où la vitalité et le dynamisme de la langue française sont réels et fonctionnent avec beaucoup de force. Quel sera le rôle de la *Speaking Union* ? Ce n'est pas du tout pareil si on compare avec les autres langues. Il faudra quand même le dire.

M. le président, nous sommes une terre où la langue française a connu ses lettres de noblesse. Nous sommes une terre qui a inspiré Baudelaire ; qui a inspiré Bernardin de Saint-Pierre qui a écrit Paul et Virginie, qui est considérée une des plus grandes histoires d'amour à part Roméo et Juliette.

Il a eu la modernité avec Ananda Devi, Nathacha Appanah, Barlen Pyamootoo. L'honorable ministre Seeruttun a évoqué la liste, notamment Édouard Maunick. Je voudrais ajouter le prix Nobel de littérature qui est d'origine mauricienne, Jean-Marie Le Clézio. La question qui se pose aujourd'hui, c'est comment ce projet de loi, à moins que l'union ne devienne qu'une institution symbolique, parce que ce qu'il faut créer, c'est la synergie, et que l'union, la *Speaking Union*, puisse être un moteur, avec sa force propre. Pourquoi M. le président

? Parce que le long et parfois tortueux parcours de notre histoire nous permet aujourd'hui l'apaisement et le recul pour enfin admettre et reconnaître le français comme un bien commun, comme une valeur essentielle au dialogue des cultures. C'est un véhicule nécessaire, sinon essentiel à l'exposition de nos idées aujourd'hui, de nos valeurs démocratiques, à l'acceptation des formes novatrices, et surtout aussi à l'ouverture sur le monde extérieur. Le français a toujours été un soutien à la langue créole, à tel point que le créole est une arme nationale, et l'évolution du français et de la langue créole a fini par en faire une langue de proximité.

M. le président, le rôle prépondérant du français dans les médias parlés et écrits, les grands tribuns, j'en ai parlé, les grands discours qui ont eu lieu ici même à l'Assemblée nationale, tout cela démontre une histoire riche et notre éducation. Dans les années 70, après l'indépendance, nous avons eu le système français avec le Lycée La Bourdonnais. Et aujourd'hui, le système français avec l'académie d'Aix-Marseille reste un choix pour beaucoup de parents. Il n'y avait pas beaucoup d'étudiants qui sont partis dans les universités françaises au départ, mais dans les années 70, avec l'allocation d'un certain nombre grandissant de bourses. Imaginez quand dans les années 70, alors qu'il n'y avait que quatre lauréats côté garçon et deux lauréats côté fille, la France avait offert 60 bourses dans les meilleures universités françaises, ce qui explique qu'il y a une génération de personnes, de femmes et d'hommes qui ont été formés dans les universités françaises qui sont revenus à Maurice.

Alors là, je voudrais rendre un hommage à tous les professeurs de la langue française qui nous ont fait aimer Le Grand Meaulnes, qui nous ont fait aussi aimer Molière, les autres écrivains – les nôtres aussi, bien sûr. Et c'est un moment pour moi de rendre hommage à tous ceux qui ont justement marqué notre vie et aussi le rôle de l'Alliance Française qui a créé un boulevard d'opportunités pour les jeunes, même dans les milieux ruraux et aidé à la longue marche pour une société égalitaire.

J'ai parlé aussi de l'ouverture vers les universités françaises, et dans notre quête du savoir, nous avons donc des Mauriciens qui sont formés à la fois dans les universités de langue anglaise et dans les universités de langue française. Nous sommes parmi les experts bilingues les plus compétents. C'est une intelligence extraordinaire que nous pourrions exporter demain ou aujourd'hui dans beaucoup de domaines.

Donc, le français est un héritage et un patrimoine, et cette démarche de reconnaître ses lettres de noblesse, comme je dis, je pense que c'est une bonne chose, mais il faudra l'apprentissage de la langue très jeune. Ce qui nous manque à Maurice, ce sont des laboratoires de langue pour qu'on puisse parler la langue parfaitement, pour qu'on puisse être parfaitement bilingue ou trilingue ou polyglotte. Et je voudrais rappeler le rôle économique et diplomatique que nous ambitionnons avec notamment la francophonie. Après l'espace culturel, il avait été question de créer un espace économique ; nos liens avec nos voisins d'Afrique. Il y a aussi les organisations francophones, les nombreuses organisations, et récemment l'organisation parlementaire que vous avez présidée.

Donc, pour nous, la maîtrise de la langue nous donne l'accès à l'université, l'accès au savoir, à la recherche, et nous pouvons devenir des grands ambassadeurs de notre savoir, parce que nous avons ce désir d'apprendre, de partager. Et il y a eu beaucoup de Mauriciens qui ont eu des postes clés dans beaucoup d'institutions internationales à cause de la maîtrise française ou la formation française, et nous avons ici même accueilli le Sommet de la Francophonie dans les années 90 ; le président François Mitterrand est venu ici. Et pour beaucoup de Français, de touristes français, Maurice reste une terre française. Et là, il y a un dynamisme de cette francophonie ; l'Afrique francophone au-delà du Cambodge, de la Moldavie.

Et aujourd'hui, moi, ce que je propose justement au niveau de l'union, c'est un retour à la lecture et faire de sorte que les enfants puissent aimer et maîtriser cette langue, qui n'est pas facile, c'est une langue difficile, mais ça nous permettra, tout comme je l'ai dit, d'être excellent dans la maîtrise de cette langue. Alors, les professeurs, je leur ai rendu hommage. La question pour moi, c'est quand on voit - il suffit d'aller sur internet et de voir un peu ce que propose l'Institut français à Maurice - le dynamisme, la maîtrise, l'expertise, le ciblage, la variété des possibilités, quand on voit ce que propose l'Alliance Française. À ce moment-là, je me pose la question : que ferait l'union, la *French-Speaking Union* ? Quel sera son rôle ? Est-ce que ce sera une organisation qui sera là uniquement symboliquement présent ? Non ! La question, c'est une grande ambition, c'est un grand défi.

Est-ce que la *French-Speaking Union* pourra créer la meilleure synergie, créer l'espace, créer les activités ? Nous avons les ateliers de théâtre, nous avons les ateliers de l'écriture. Il n'y a pas longtemps, Barlen Pyamootoo, à Trou d'Eau Douce, en a animé un autre. Édouard

Maunick l'avait fait. Est-ce qu'on peut faire des grands salons du livre pour réconcilier la nouvelle génération avec le livre au-delà du *smartphone* ? Et c'est là que l'Union a énormément de défis et énormément d'opportunités aussi.

Beaucoup dépendra de qui sera le président de l'union, de qui sera le directeur de l'union, quel sera son rôle, comment va-t-il se faire l'interaction avec le directeur de l'Alliance française, avec le directeur de l'Institut français. Donc, c'est un champ immense.

Bien sûr, nous savons qu'aujourd'hui, l'espace francophone s'agrandit, mais il faut aussi voir que même en France, les présidents s'expriment en anglais. Jacques Chirac l'avait commencé, le président Macron parle anglais. Donc, tout dépend de la vivacité de la langue, mais tout dépend aussi du temps qu'on va mettre pour maîtriser la langue. C'est pour cela que je pense qu'on devrait faire en sorte que l'apprentissage puisse se faire plus jeune et qu'il y ait des laboratoires de langues pour que nous puissions bien maîtriser cette langue et cette culture. C'est une richesse extraordinaire, il y a eu un grand débat là-dessus et il y a beaucoup de choses qui sont françaises dans ce pays.

Alors, moi, ce que je pense que c'est une bonne chose d'avoir une union, mais beaucoup dépendront de qui sera le président, qui sera le directeur, quelle est la synergie, comme je l'ai dit, entre cette union et les autres institutions qui existent déjà et comment on pourrait valoriser l'expertise mauricienne à l'extérieur, la littérature mauricienne à l'extérieur et comment faire de sorte que la littérature finalement est universelle et faire de sorte que les grands écrivains puissent venir à Maurice et inspirer tous ceux qui veulent écrire et tous ceux qui veulent faire du théâtre. Alors, c'est une bonne entreprise, mais ma grande question reste comment l'union, le directeur de l'union, le président de l'union pourraient dans un pays comme Maurice faire en sorte qu'il y ait la meilleure synergie pour le bien de la culture et de la langue française.

Merci.

Mr Speaker: Hon. François!

(4.42 p.m.)

Mr J. F. François (First Member for Rodrigues): Merci, M. le président. Quelle coïncidence, alors que nous débattons ce projet de loi sur le *French-Speaking Union Bill* et

comme annoncé, notre Assemblée nationale a accueilli la 15^e Conférence des Présidents d'Assemblées et de Sections de la Région Afrique de l'Assemblée Parlementaire de la Francophonie.

La Conférence a parmi les analyses encouragé les pays francophones d'Afrique à s'inspirer des modèles démocratiques africains qui démontrent la solidité du fonctionnement de leurs institutions étatiques pour un retour rapide à l'ordre constitutionnel et une paix durable pour le bonheur des populations et à l'intensification de la diplomatie parlementaire dans le pays où la situation l'exige. Je note la pertinence de la question de stabilité politique, des intérêts du peuple, du bien-être de la population, de la liberté et de ne pas mettre en danger la gouvernance comme obligation prioritaire pour les pays francophones d'Afrique.

M. le président, lors de votre discours, vous avez bien rappelé l'engagement de notre république et les efforts soutenus dans la promotion de la francophonie pour construire un meilleur avenir pour le continent africain. De plus, avec fierté et grand honneur, comme aussi cité par mon ami l'honorable Seeruttun, nous avons assisté à la décoration prestigieuse de notre Premier ministre, Pravind Jugnauth au grade de Grande Croix de l'Ordre de la Pléiade, Ordre de la Francophonie et du Dialogue des Cultures pour son dévouement à l'épanouissement et rayonnement international de la langue française et les valeurs de la francophonie dans un esprit de coopération et de fraternité. Toutes mes félicitations au Premier ministre et à toute la république de Maurice pour ce mérite.

Ceci dit, permettez-moi aussi de féliciter l'honorable Shakeel Mohamed pour sa nomination au poste du chef de l'opposition et aussi de remercier le leader de l'opposition sortant.

M. le président, pour en revenir au projet de loi, permettez-moi de commencer mon intervention par deux citations, et je cite aussi, comme l'honorable Teeluck que –

« La langue française appartient à tous ceux qui s'y intéressent. » – Hélène Carrère d'Encausse, historienne française et ex-secrétaire de l'Académie française.

Et deuxièmement –

« Une langue étrangère, c'est une nouvelle vision du monde. » – Federico Fellini.

M. le président, voilà l'état d'esprit avec lequel je participe aux débats sur ce projet de loi présenté par l'honorable Avinash Teeluck, le *French-Speaking Union Bill* (No. XV de 2023). Ce projet de loi témoigne de la volonté du gouvernement mauricien pour la promotion de la langue française qui nous cimente comme deux peuples dont la France est un grand pays ami. Les objets et les fonctions de ce projet de loi nous donnent davantage cette opportunité de considérer la langue française comme cet élément d'échange et de partage des savoirs et des valeurs.

D'emblée, je voudrais poser les quelques questions suivantes. Quel travail a été abattu pour assurer l'entrée dans les éditions du dictionnaire français, Larousse ou autres des mots en provenance de notre république ? Quelle est l'influence du français sur nos jeunes aujourd'hui pour créer ou obtenir un travail, faire des études à l'étranger, s'informer, accéder à d'autres cultures, entre autres ? Est-ce une langue d'élite au sein de notre société républicaine ? Quelle est son importance comme langue internationale pour notre république sur le plan diplomatique, aussi mentionné par l'honorable Bodha ? Quel est le pourcentage réel de la population qui parle le français ?

M. le président, en 2015, l'ex-ministre Baboo avait introduit dans cette auguste Assemblée 11 projets de loi concernant les *Speaking Unions* en passant de l'*Arabic*, *Kreol*, *English*, *Hindi*, *Urdu* en autres, mais à l'exception du *French-Speaking Union*. On peut se demander quelles en sont les raisons. L'ex-ministre Baboo avait bienveillamment conclu et je cite –

« Nous sommes là pour apporter l'équité linguistique et ouvrir l'océan de la connaissance à chaque citoyen de Maurice. »

M. le président, ceci dit, la langue française est un apport pour nous transporter vers l'avenir et un nouvel horizon linguistique pour gagner en humanité. Et à Rodrigues, au niveau de l'OPR, je place beaucoup d'importance à cette vision politique d'un nouvel horizon comme cap vers l'avenir. L'histoire nous rappelle aussi comment nous avons hérité de la langue française, qui par essence est un objet culturel historique pendant la colonisation de Maurice par la France au XVII^e siècle, alors que l'île Maurice était appelée l'Île-de-France.

M. le président, il convient de noter que comme choix culturel par des grands linguistes comme Léopold Sédar Senghor du Sénégal, Hamani Diori du Niger, Habib Bourguiba de la

Tunisie qui était le chef d'État devenu dépendant, ils décidèrent que même si le français leur avait été importé par les colonisateurs, ils voulaient conserver et partager cette langue avec tous ceux qui comme eux la tenaient pour la langue de la liberté et d'une culture ouverte à ceux qui souhaitaient s'en inspirer.

Certainement, nous sommes également inspirés par ces justes propos à travers l'établissement du *French-Speaking Union*, mais, M. le président, la promotion du français dans ses formes parlées et écrites est clairement l'une des priorités pour favoriser son enseignement et sa pratique. Je note l'engagement et le support des institutions comme l'ambassade de France, l'Institut français, les établissements scolaires français, les lycées et l'Alliance française au sein de notre république.

M. le président, ce projet de loi est aussi une priorité pour notre diplomatie éducative, culturelle et économique dans le contexte où le français est la langue la plus utilisée après l'anglais dans la diplomatie. Oui, la langue française est la langue officielle à l'ONU, comme évoqué par l'honorable ministre. Elle est aussi la langue du travail au sein de l'Union européenne et de l'Union africaine qui sont des partenaires clés pour la république de Maurice.

M. le président, sa maîtrise est donc une véritable plus-value diplomatique et professionnelle, un atout et à tout son intérêt. Comme disait Confucius –

« Il faut bien connaître le sens des mots. »

M. le président, selon le rapport de la langue française dans le monde, édition 2023, la demande de compétences linguistiques est en constante augmentation. L'article 4 (b) de ce projet de loi fait mention de la promotion de l'amitié et de la compréhension entre le peuple francophone du monde et de s'engager dans toute œuvre éducative, académique, culturelle et artistique en vue d'atteindre son objectif. C'est dans cette optique que je pense que l'intégration, la cohésion et l'apprentissage de la langue française doivent être encouragés et renforcés au sein de la république.

M. le président, il est aussi question, aujourd'hui, au sein de notre République, de savoir dans la réalité quelle est vraiment notre maîtrise du français, parler, lire, écrire et comprendre, même si le français est enseigné dans nos établissements scolaires. On est tous d'avis que la

langue française est complexe et difficile. À l'école, nous nous sommes aventurés dans l'apprentissage du français sans nous interroger sur sa complexité. Et, comme décrite par Senghor dans les années 1960, la difficulté, voire la souffrance ressentie par un enfant confronté à une langue étrangère à son arrivée à l'école compromet ses chances de réussite. Je me souviens encore en HSC de mes propres difficultés de choix des sujets. J'avais choisi la littérature française avec parmi le fameux livre d'Albert Camus, *l'Étranger* ; moi qui étais de la filière scientifique, c'était un calvaire. Je dirais même presque une torture. Mais, à la fin, j'ai aimé davantage les livres et les écrivains comme Léopold Sédar Senghor, Aimé Césaire, Frantz Fanon, Jean-Marie Gustave Le Clézio qui vraiment m'ont inspiré pour leurs réflexions philosophiques, sociétales et humanitaires.

M. le président, quelle réflexion aujourd'hui par rapport à notre République sur le plan identitaire, culturel et linguistique ? Senghor l'a expliqué magnifiquement dans son recueil 'Éthiopiennes' à la question : pourquoi écrivez-vous en français ? Et il a répondu –

« Parce que nous sommes des métis culturels (...) »

Très jolis mots : « métis culturels ».

« (...) nous nous exprimons en français, parce que le français est une langue à vocation universelle et la langue de la civilisation de l'universel. »

M. le président, je constate qu'au sein de notre république, le français est une langue en transformation et en créolisation constante. Le Premier ministre, lui-même, l'a aussi souligné dans sa réponse à la question B/1 du 26 mars dernier de l'honorable Navarre-Marie concernant l'introduction du *Kreol Morisien* au parlement mauricien, je cite –

« Je vous fais remarquer que même ceux qui sont pour l'introduction du *kreol* au Parlement, ne maîtrisent pas parfaitement son aspect oral. Ils font un mélange de français et de *kreol*. »

M. le président, comment trouver cette harmonisation ou simplement créer autour de ce que nous sommes un modèle propre à nous, unique et authentique dans ce métissage créolisé et notre société multiculturelle ? Voilà un des défis de notre république aujourd'hui vers l'avenir.

M. le président, j'observe que le français perd du terrain. Il est cependant de moins en moins socialement valorisé et associé à la réussite sociétale et professionnelle, principalement en raison de la valorisation du créole dans le milieu social et scolaire, mais il conserve une image très positive. Dans notre contexte républicain, c'est un fait que le créole est la langue la plus utilisée à l'oral en raison de ses similitudes linguistiques avec le français, suivi du français, du bhojpuri, l'hindi, le mandarin, le marathi, le tamil, le telugu et l'urdu.

Je note que la reconnaissance et la promotion du créole encouragent nos jeunes élèves à l'utiliser de plus en plus au détriment du français. Les enseignants de français des écoles mauriciennes observent d'ailleurs une baisse significative de niveaux et le besoin d'adapter leur méthodologie. L'honorable Dookun-Luchoomun, la vice-Première ministre et ministre de l'Éducation, j'espère, nous donnera quelques statistiques récentes concernant le taux de réussite du français dans nos établissements scolaires à titre de comparaison.

M. le président, la question se pose : quelle est la situation réelle de nos établissements tertiaires tels que l'université des Mascareignes, l'université de Maurice, l'*Open University* entre autres qui promeuvent également l'enseignement du français ? Également, quelle est la situation pour les formations professionnelles et techniques qui sont déployées en français en dehors de l'université, comme à la *MCCI*, à l'*International Hotel Management* de l'école Vatel qui avait d'ailleurs ouvert une branche à Rodrigues et a malheureusement, tout récemment, mis la clé sous le tapis ? C'est une perte pour Rodrigues.

En passant, je salue l'appui du centre local de la Réunion, de France Éducation internationale pour la formation des enseignants de français du secondaire dans le domaine de la pédagogie inclusive avec la mise en place de la réforme du *Nine-Year Schooling* depuis 2017.

M. le président, Rodrigues compte, aujourd'hui, cinq centres de lecture et d'animation culturelle, notamment à Rivière Coco, Grande Montagne, La Ferme, Mon Plaisir, Port Sud-Est, et un CELPAC à Port Mathurin. Il existe à Rodrigues aussi une antenne de l'Alliance française de Maurice qui propose des cours de français et favorise la diversité culturelle en mettant en valeur toutes les cultures francophones.

Par rapport à l'histoire de l'Alliance française, ici, à Maurice, elle a vu le jour le 10 septembre 1884, soit un peu plus d'un an après celle de Paris fondée le 21 juillet 1883. À Rodrigues, elle a fait ses débuts dans les années 1980 avec la mise sur pied d'une association gérée par un comité de Rodrigues avec des pionniers comprenant de Marlene Roussety, Michelin Biram, Ghislaine Waterstone, Jack Rivière, feu Christian Février, Christiane Capdor, Christio Auguste et Mario Castel entre autres. Ayant à cœur la promotion de la langue française dans l'île, je leurs rends un vibrant hommage. On m'a informé qu'en 2000, le comité a été dissous et l'organisation rattachée à celle de Maurice. Et, actuellement, la responsabilité de la politique de l'antenne l'Alliance française à Rodrigues est sous la responsabilité de madame Cinderella Grandcourt. Depuis, elle propose des cours de français et des activités culturelles et artistiques et elle dispose aussi d'une bibliothèque publique avec plus de 5000 ouvrages et contribue à l'initiation de la langue française aux étudiants afin de les aider à ouvrir leurs horizons et ainsi réussir leur scolarité. Elle veut créer aussi une vidéothèque et une médiathèque à Rodrigues.

Mais l'Alliance française de Rodrigues va plus loin dans son engagement culturel en offrant un espace permanent et gratuit aux artistes locaux de se faire connaître et d'exposer leurs travaux d'arts en toute liberté, comprenant des tableaux, sculptures et photographies sur les thèmes variés comme la mer, les animaux, la danse, la musique, les scènes d'antan et paysages de Rodrigues. Une toute première galerie d'art au nom mythique de Ala'il'art fut inaugurée le 14 novembre 2014. Elle va ainsi être une vitrine sur l'extérieur, une façon de promouvoir l'art et de favoriser l'émergence de nouveaux talents à Rodrigues.

M. le président, l'Alliance française de Rodrigues s'aligne avec ce projet de loi selon l'article 4 (d) car elle viendra avec des ateliers comme création artistique, théâtre, slam, des concerts, conférences et expositions. Et en passant, je félicite aussi les différents consuls honoraires français de Rodrigues, en l'occurrence monsieur Benoît Jolicoeur et madame Marie-Claude Tolbise qui, au-delà de leurs responsabilités de consul honoraire, ont toujours soutenu la promotion du français à Rodrigues et aussi l'Association des écrivains de Rodrigues pour leurs engagements dans l'écriture, la lecture et la poésie.

M. le président, un dernier élément de mon discours, c'est l'innovation numérique qui est une composante essentielle de la langue française. Avec l'accroissement exponentiel des sites

internet et des réseaux sociaux, en fait, je constate que les écritures numériques et inclusives dégradent le français et nous voyons que nous massacrons la langue française. Je suis inquiet, car le déclin du français est de plus en plus flagrant, surtout par les jeunes au sein de notre République. Il faut y remédier, du fait que le numérique est vecteur de développements, comme indiqué par l'honorable Teeluck.

M. le président, pour conclure, il faut développer le savoir par la langue française, il faut la promouvoir davantage par l'action que par la parole, par référence à l'avenir plutôt qu'au passé dans une perspective de modernité et réussite selon les objets et fonctions de ce projet de loi, *le French-Speaking Union*. Je termine en citant la démarche du mauricien Thierry Château, qui disait dans son livre *Citoyens du monde* : les Mauriciens sont des gens comme les autres –

« Vivons notre mauricianisme, réjouissons-nous de nos différences, vivons les, célébrons les, jonglant avec les, en nous amusant.

Soyons créatifs et volontaires à travers nos actes. Elles ont une influence sur le monde et sur notre destin. »

L'honorable Teeluck sera du même avis, je l'espère, en introduisant ce projet de loi, *le French-Speaking Union*, que je soutiens.

M. le président, j'en ai terminé. Je vous remercie de votre aimable attention.

Merci beaucoup.

Mr Speaker: Hon. Members, I suspend the Sitting for 30 minutes.

At 4.59 p.m., the Sitting was suspended.

On resuming at 5.50 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated!

MP Quirin!

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): M. le président, nous sommes appelés à débattre aujourd'hui dans cette Assemblée un texte de loi que beaucoup considèrent comme une démarche qui a pris trop de temps.

En effet, M. le président, the *French-Speaking Union Bill* est présentée 30 ans après the *English Speaking Union Bill* et 13 ans, après the *Creole-Speaking Union Bill*. L'impression qui se dégage est qu'au niveau du ministère des Arts et du patrimoine culturel, ce texte de loi n'était nullement une priorité. Le timing adopté de sa présentation laisse aussi planer quelques questions et des réserves sur lesquels je reviendrai au cours de mon intervention. Mais aussi bonne que puisse être les intentions du ministre, je ne peux cependant passer sous silence le fait que the *French-Speaking Union Bill* est présentée sous une forme qui déçoit.

En effet, j'aurais cru qu'avec le temps le ministère des Arts et du patrimoine culturel aurait pris le temps nécessaire de voir les choses différemment et de proposer un texte de loi qui transcende avec ceux présentés jusqu'ici ; présenter un texte différent, un texte qui répond aux aspirations du jour et dans lequel les jeunes de ce pays se retrouvent, mais non, le ministre a choisi l'option la plus facile qui consiste à faire du copier-coller. On a tendance à oublier qu'une loi, quelle que soit son importance, a un impact sur la vie de bon nombre de mauriciens, voir sur l'ensemble de la population.

M. le président, nos compatriotes aujourd'hui ont évolué et ils sont ostensiblement mieux documentés. Ils ont un accès beaucoup plus facile à l'information et les mauriciens sont définitivement plus ancrés dans l'utilisation de nouvelles technologies sous toutes ses formes. Or, ce texte de loi, dans le fond comme dans la forme, aurait dû, à mon avis, répondre à ces nouvelles exigences avec des propositions novatrices qui vont dans le sens de la promotion d'une langue en prenant compte que le monde dans lequel nous vivons aujourd'hui n'est plus celui d'il y a 30 ans. Si on veut promouvoir le français, il va sans dire que les mauriciens méritent beaucoup mieux que ce texte de loi qui nous est proposé aujourd'hui dans cette Chambre.

M. le président, Voltaire disait que 'rien ne se fait sans un peu d'enthousiasme'. Sans doute, en cette fin de règne, l'honorable ministre des Arts et du patrimoine culturel n'a plus et cela se comprend le même enthousiasme, car l'impression qui se dégage est que ce texte de loi n'apporte rien de probant dans l'engagement de l'État pour une véritable promotion et une

revalorisation d'une langue utilisée comme un moyen de communication, parlée et écrite par une importante frange de la population et ce ne sont certainement pas nos amis du *Creole-Speaking Union* qui nous diront le contraire.

En effet, M. le président, il ne suffit pas de faire un texte de loi dit, mettre neuf points comme objets et fonctions et se dire que nous sommes en train de valoriser et de promouvoir une langue. Il faut prendre en considération le fait que la langue française à Maurice est solidement représentée institutionnellement mais faiblement reconnue socialement. Selon des spécialistes, cet éloignement constitue un frein à son action comme à sa diffusion. Ce qui me pousse à dire, M. le président, que ce texte de loi aurait dû être plus élaboré et davantage plus précis car pour l'heure, il y a une absence de clarté dans certaines clauses qui laissent de la place aux ambiguïtés ; par exemple, dans l'annexe du texte de loi qui explique les procédures d'élection des membres du Conseil comme indiqué à la section six. C'est une évidence que le processus de ces élections souffre d'une absence de détails qui laissent penser que ces élections pourraient se dérouler dans une absence de transparence.

En effet, M. le président, si la loi prévoit des élections pour son *Executive Council*, pourquoi le ministre doit-il nommer le président de ce même *Council* ? N'est-ce pas encore une fois une nouvelle contradiction dans ce texte de loi ? Il serait important, je pense que le ministre vienne avec plus de précision, voir une reformulation de cette clause de la loi afin de garantir la transparence dans le mode des élections.

C'est aussi un fait, M. le président, que ce texte de loi, telle qu'il est libellé, ne fait aucune mention de la bonne gouvernance ni de la responsabilité des membres du *board* de l'union et il va sans dire que c'est une règle désormais bien établie de ce gouvernement de nommer des personnes à des postes de responsabilités et sans avoir à rendre des comptes. Est-ce que les rôles et responsabilités des membres de cette union seront définis clairement dans des statuts ou des règlements intérieurs ou dans des documents d'orientation ? J'espère que l'honorable ministre viendra avec des précisions dans son *summing-up*.

Autre manquement constaté dans ce texte de loi, M. le président, c'est l'absence d'indication sur les personnes qui seront ciblées par la *French-Speaking Union*. Y a-t-il des catégories d'âge spécifique qui seront touchées par les actions de cette dernière ? La loi, encore

une fois, nous donne aucune précision à ce propos. De ce fait, comment peut-on bien définir les besoins si nous ne savons pas qui on cherche à atteindre et s'assurer que les outils et les moyens qui seront mis en place soient adaptés à ces personnes ?

À ce propos, je pense qu'il serait plus judicieux d'organiser une enquête pour connaître les attentes des jeunes et des adultes sur les structures adaptées à mettre en place pour la promotion de la langue française. *The French-Speaking Union* devrait aussi agir comme une rampe qui donnera une accessibilité plus efficace aux livres en langue française. Certes, dans les responsabilités de l'union, il est indiqué qu'elle doit encourager les exhibitions, la distribution et la vente de livres en français. Je pense que dans cette liste, devrait aussi figurer l'échange de livres de seconde main.

M. le président, plus tôt dans mon intervention, j'ai évoqué le fait que les mauriciens sont désormais très friands de tout ce qui concerne les nouvelles technologies. Dans cette perspective, je propose que la loi fasse de la place à plus de projets digitaux qui pourraient encourager des échanges sur les réseaux sociaux ou autres portails entre Maurice et d'autres pays de l'espace francophone. Par conséquent, cela peut permettre aux spécialistes ainsi qu'à tous ceux qui sont intéressés par la promotion de la langue française de travailler sur des projets ou des causes en commun.

Dans le même temps, M. le président, il faut aussi prendre en considération que la langue française, parlée par plus de 200 millions d'individus à travers le monde, est défendue et promue dans diverses instances à Maurice depuis des décennies. Il serait, à mon avis, impératif que le *board* de l'Union parvienne très vite à trouver un partenariat avec l'Institut français de Maurice afin que les institutions scolaires de Maurice et de Rodrigues aient accès de temps à autre à certains projets en commun, par exemple, organiser des lectures et des concours d'éloquence. Cela dans le but certain d'améliorer le niveau et la qualité de cette langue tant au niveau de l'expression que de l'écriture.

M. le président, *the French-Speaking Union* peut aussi rechercher le soutien du Centre Culturel d'Expression Française qui, depuis 65 ans, milite pour le développement et la promotion de la langue française à Maurice. « Seul, on va vite ensemble ; on va plus loin », dit ce proverbe africain. Il est donc important dans son fonctionnement que l'union ne voit pas ces organisations

telles que l'Alliance française, l'Institut française de Maurice et autre Centres Culturel d'Expression Française comme des concurrents, car la défense et le rayonnement de la langue française comme toutes les langues d'ailleurs, passent par une synergie efficace en différentes instances et organisations dont l'objectif reste la promotion de la langue en question.

M. le président, il ne suffit pas de faire voter une loi pour se donner bonne conscience, se frotter les mains et se dire que la boucle est bouclée. Oui, M. le président, on peut voter une loi pour la promotion d'une langue et, dans les faits, agir autrement.

C'est un peu le sort qui est réservé actuellement à notre langue maternelle. Notre créole mauricien est aujourd'hui, à mon avis, bafoué malgré le travail formidable qu'ont fait les membres du *Creole-Speaking Union* pour hisser au plus haut niveau cette langue que nous parlons tous. En effet, l'inexplicable décision de ce gouvernement qui, en dépit des opinions contraires exprimées par des linguistes et des spécialistes du créole mauricien qui estiment que notre langue maternelle a sa place en grade 12 dès cette année. Mais, malheureusement, le gouvernement en a décidé autrement.

Et pour conclure, M. le président, je dirais que la langue française s'attache à la défense des valeurs communes comme la diversité culturelle, linguistique, ainsi que les droits de l'homme. Elle œuvre politiquement en faveur de la paix et de la démocratie. Je ne vois malheureusement rien dans ce projet de loi qui fait mention de l'importance de protéger la démocratie et d'éduquer surtout les jeunes sur ces questions.

M. le président, je vous remercie.

Mr Speaker: Hon. Toussaint!

(6.03 p.m.)

The Minister of Youth Empowerment, Sports and Recreation (Mr S. Toussaint): Merci, M. le président. M. le président, la langue française, tout comme l'anglais, l'espagnol ou autre, demeure d'abord et avant tout une langue étrangère. Ce n'est pas ma langue maternelle. Ma langue maternelle à moi, c'est le créole mauricien. Il serait donc inopportun pour quiconque de se moquer de ceux qui prononcent mal certains mots ou expressions. Donc, je pense que ceux qui l'ont fait ce matin se rendront compte de ce que je suis en train de dire.

Ceci dit, M. le président, bien souvent, notre rencontre avec une langue étrangère se fait par le biais de l'éducation, et pour les personnes de ma génération, malheureusement, à l'époque, il n'y avait pas de structure correcte par rapport à l'éducation pré-primaire. Donc, ce n'est qu'à mon entrée à l'école primaire que je découvre et que je commence à apprendre cette très belle langue dont j'ai fait ma passion et dont j'ai fait mon métier ; à enseigner pendant plus de 20 ans.

Ma première rencontre avec la langue française, M. le président, comme je l'ai dit, revient au primaire quand je découvris avec joie et fascination le fameux Rémi et Marie, et avec le 'b a - ba', 'b e - be', l'apprentissage des voyelles, et que nous commençons à l'époque à construire des mots et des phrases. Pour ensuite, au collège, continuer mon apprentissage de la langue française et approfondir ma connaissance et enrichir ma passion de la langue française, je suis tombé sur une très vieille copie du fameux Mots et Merveilles.

Il y va sans doute qu'il y avait d'autres livres au programme jusqu'à la forme V et ensuite en HSC, c'était plus ou moins la découverte de la littérature en français, notamment les œuvres francophones venant de l'Afrique telles que Camara Laye, L'Enfant noir, Senghor a été cité à plusieurs reprises, mais aussi les grands auteurs français classiques tels que La Fontaine, Molière, Racine, et aussi les auteurs existentialistes tels que Jean-Paul Sartre avec son fameux *Les mains sales*, sans oublier François Mauriac ou Albert Camus avec *L'Étranger* et *La Peste*.

M. le président, tout le long de mon adolescence, j'ai accentué ma passion pour la langue française et je dois dire que je dois cela à mon feu père qui malheureusement, pour l'époque, n'a pas pu terminer ses études. Je crois qu'il est allé au collège jusqu'à la forme une ou deux. Vous savez, à l'époque, c'était payant. Ce n'était pas comme aujourd'hui, où les jeunes ont beaucoup de facilités pour apprendre. Mais mon père avait toujours un journal en main. Mon père avait toujours un roman en main ; les fameux romans policiers de l'époque. Et mon père avait aussi tout le temps en main les fameuses revues de l'époque, *Blek le Roc*, *Rodeo* et *Zembla*, etc. Et c'est à travers ces fameuses bandes dessinées que je continuais à prendre goût à la langue française et donc, à travers évidemment, *Astérix*, *Obélix*, *Tintin*, et les fameuses revues de mon père.

M. le président, la langue française est bien ancrée dans la république de Maurice, et le projet de loi de la *French-Speaking Union* vient donner une structure. Je ne vais pas répondre aux différents commentaires énoncés par l'honorable membre qui m'a précédé. Il a choisi un

discours politique et brossé un tableau, une vision noire du projet de loi, et aussi de faire un procès du futur *French-Speaking*. Donc, je ne répondrai pas à cela ; je resterai à parler toujours de ma passion de la langue française.

En grandissant aussi, M. le président, c'était la découverte de la chanson française. Toujours, grâce à mon père qui passait son temps à écouter les tubes inoubliables des années 60-70 et autres, à travers les fameux Claude François, Frédéric François, Mike Brant, Joe Dassin - c'est une autre façon, une autre manière d'apprendre une langue - Michel Sardou comme *La maladie d'amour*. Donc, c'est une autre façon aussi d'apprendre une langue. C'est 'en chantant', bien sûr, comme l'a si bien dit Michel Sardou.

L'apprentissage de la langue française demeure aussi à travers les bons films français de tout genre, que ce soit les films dramatiques, que ce soit les films d'aventure, mais surtout, moi, j'étais friand des comédies françaises, et là, je ne peux pas passer outre mon comédien préféré français, Louis de Funès. Que d'expressions, M. le président, avec Louis de Funès ! Et ce qu'il faut savoir, c'est que ce dernier improvisait beaucoup sur le tournage.

Il y avait certains textes, mais Louis de Funès, en un éclair de génie, il disait un mot, il faisait une action, et c'est cela qui rendait un film intéressant ; un film qui était voué à la catastrophe, à l'échec, et c'est cela qui rendait un film intéressant et vendable. On n'oublie certainement pas dans *Les gendarmes*, sa fameuse expression 'ma biche' en s'adressant à madame Cruchot ou ses expressions de colère ou aussi dans *Le gendarme à New York*, sa fameuse leçon d'anglais aux autres gendarmes, '*my flower is beautiful*', avec le fameux accent français, et les autres qui essayaient d'imiter.

Les belles actrices françaises comme Isabelle Adjani, avec beaucoup de caractère, beaucoup de charisme ; Sophie Marceau qui nous a tous fait vibrer à ses débuts au cinéma à travers *La Boum 1*, *La Boum 2*, *L'Étudiante*, sans oublier Catherine Deneuve, un style bien spécifique à elle, mais très français, et sans aussi oublier d'autres acteurs tels que Bourvil, Fernandel avec son accent du sud marseillais, Jean Gabin avec le charisme et sa voix grave.

C'est cela aussi qui m'a aidé, M. le président, à continuer à aimer la langue française. Et j'ai eu aussi l'occasion en 2001 à fouler les planches du théâtre Serge Constantin pour la première fois, au fameux concours d'art dramatique en 2001 avec le collège où je travaillais, le collège Notre-Dame, où nous avons raflé, je pense, à cette époque, presque tous les prix qui

étaient mis en jeu avec une pièce de notre voisin, de notre frère, d'Axel Gauvin, qui s'intitulait 'Les limites de l'aube', une pièce qui parlait de l'esclavage. Et continuer la compétition d'art dramatique en différentes langues, permet aux jeunes et à d'autres de se parfaire dans la langue qu'ils choisissent, que ce soit le concours en français, en anglais, en créole, en mandarin, il y a toute une liste et c'est une autre façon de promouvoir une langue.

M. le président, la langue française est aussi bien établie dans le monde sportif. La langue officielle des Jeux Olympiques, avec l'anglais, demeure le français parce qu'il ne faut pas oublier que c'est le Baron de Coubertin qui a introduit les Jeux olympiques modernes. La compétition de football, la Coupe du monde de football FIFA, qui était connue avant comme la coupe Jules Rimet, un autre français, donc la langue française demeure avec l'anglais et l'espagnol, etc. une des langues officielles.

Évidemment, M. le président, les Jeux de la Francophonie, ce sont des jeux d'esprit sportif, mais aussi des disciplines culturelles et artistiques qui visent à promouvoir la langue française et dont Maurice participe depuis plusieurs années. Maurice a brillé dans les Jeux de la Francophonie l'année dernière en termes de sports et de médailles, mais aussi en termes d'activités culturelles. C'est-à-dire, il me semble, au niveau de la photographie où Maurice avait eu la médaille d'or. À une autre édition en Côte d'Ivoire, dans l'artistique, Maurice avait eu la médaille d'or en danse contemporaine. Donc, Maurice est bien ancré dans les Jeux de la Francophonie. Il y a quelqu'un qui a dit que l'espace francophone s'agrandit. Oui, et il est admirable de voir le nombre des pays qui participent aux Jeux de la Francophonie et c'est formidable d'écouter chaque accent français que ce soit les Cambodgiens, que ce soient ceux qui viennent d'Europe, les Canadiens, le Québec et sans oublier tous les pays Africains qui ont leur propre style de parler français.

Chez nous, au niveau de l'Océan Indien, la charte des Jeux des îles est écrite complètement en français et la langue officielle des Jeux des îles demeure le français et quelques exceptions d'annonces en anglais pour nos frères et sœurs des Maldives, mais c'est la langue française qui demeure la langue principale des Jeux des îles.

Aussi, pour nos jeunes, au niveau de la CJSOI, c'est une instance purement francophone. Donc la CJSOI rassemble les pays tels que le Djibouti qui est un pays francophone, les Seychelles qui sont francophone, Mayotte, Réunion, Maurice, Madagascar, Comores, donc

essentiellement des pays francophones où il y a des actions qui se font en français, et aussi où il y a les jeux de la CJSOI qui est totalement français. La prochaine édition aura lieu en 2025 aux Seychelles.

Maurice fait aussi partie de la CONFEJES et là au niveau de mon ministère, nous participons chaque année à la promotion pour l'entrepreneuriat des jeunes où chaque année les différents jeunes reçoivent une formation et ont besoin de présenter un plan de business et participent au concours pour la promotion de l'entrepreneuriat de la jeunesse.

La promotion de la langue française demeure aussi beaucoup par les différents jeux télévisés – à l'époque, bien sûr, c'était en blanc et noir, Des chiffres et des lettres. Combien d'entre nous étions scotchés devant notre télévision à regarder Des chiffres et des lettres et à essayer de trouver les mots et le compte. Et cela continue aujourd'hui, avec d'autres jeux comme Motus où il faut trouver des mots. Donc, nous avons plusieurs jeux de société en français qui passent à la télévision et qui nous permettent de parfaire notre connaissance de la langue française.

M. le président, aujourd'hui nous célébrons la Journée internationale du livre et des droits d'auteur. Donc, qui dit l'apprentissage d'une langue, passe obligatoirement par des livres. Que le livre soit physique, comme notre dictionnaire Larousse, sur la table ou Robert, qu'on prend plaisir à tourner et à sentir l'odeur de la page, ou que le livre soit numérique, mais l'apprentissage et la passion d'une langue passent beaucoup par les livres.

Certes, la *French-Speaking Union* devrait utiliser tous les moyens, bien sûr, technologiques ou pas, pour faire son travail. Ce n'est pas la loi qui doit venir dire ça et ça reste une des activités du *French-Speaking Union* pour faire son travail, c'est-à-dire de continuer à promouvoir et à faire avancer la langue française.

Voilà, M. le président, rapidement, je vous ai parlé de ma passion de la langue française et comme je l'ai dit au commencement, la langue française demeure, pour moi et ma famille, une langue étrangère qu'on apprend et que ma langue maternelle reste ma langue maternelle.

Je vais terminer avec un jeune qui, malheureusement, le 30 avril, on va commémorer son décès, c'est Grégory Lemarchal, jeune français, jeune chanteur avec une voix d'ange qui s'en est

allé le 30 avril 2007. Il souffrait de – je vais essayer de ne pas estropier ce mot – mucoviscidose. Malgré sa maladie, il a remporté la compétition Star Academy. Il a fait un album et malgré sa maladie et sa souffrance, il a vécu passionnément son histoire et il a, à sa façon, fait la promotion de la langue française. Une de ses chansons que j’apprécie énormément, c’est ‘Écris l’histoire’.

Donc, M. le président, aujourd’hui, ce gouvernement, à travers notre Premier ministre, le ministre du Patrimoine et des arts et tous ces officiers, nous écrivons l’histoire en passant ce projet de loi, le *French-Speaking Union Bill*. Merci, M. le Président.

The Speaker: MP David !

(6.18 p.m.)

Mr F. David (First Member for GRNW & Port Louis West): M. le président, le projet de loi pour la création, le fonctionnement et la gestion de l’union francophone à l’île Maurice est présenté au Parlement six mois après sa mise en circulation, huit ans après l’harmonisation des 11 *Speaking Unions* existante et 30 ans après la création de la *English-Speaking Union*. On pourrait s’étonner d’ailleurs du temps qu’il a fallu pour créer une *French-Speaking Union* dans notre République où la langue française est enseignée de façon obligatoire dans le système éducatif jusqu’en grade 11, qu’elle est omniprésente dans les médias écrits et audiovisuels locaux et qu’elle est selon les statistiques, la troisième langue la plus parlée chez nous après le créole et le bhojpuri.

D’ailleurs lorsque, nous, Mauriciens, sommes à l’étranger et que l’on nous pose la question : ‘mais quelle est la langue officielle de l’île Maurice ?’, nous avons naturellement tendance à répondre que l’anglais est la langue administrative et que les deux langues du quotidien sont le créole et le français. À vrai dire, M. le président, le français est considéré comme la deuxième langue institutionnelle de notre pays, car elle est la seule langue autre que l’anglais à être citée dans la Constitution mauricienne à l’Article 49 qui concerne les langues officielles précisément de notre Assemblée nationale et je cite –

“The official language of the Assembly shall be English but any member may address the Chair in French.”

Et c'est d'ailleurs ce que je fais moi-même le plus souvent lors de mes interventions dans cet hémicycle.

Ce bilinguisme institutionnel M. le président, nous vient évidemment des deux principales phases de colonisation de notre île qui avant de devenir britannique était d'ailleurs connue comme l'Île-de-France et donc, par conséquent, l'île du Français et il est probable que dans notre conscience populaire, la langue française eut été associée à certaines périodes sombres de notre histoire et je ne tiens évidemment pas à faire revivre ici et aujourd'hui les blessures sociales du passé.

C'est un fait historique, M. le président, que le français s'est d'abord constitué et s'est transmis en Europe sur le territoire de l'actuel France hexagonale, de la Wallonie et de la Suisse romande et que du fait de la colonisation et du mouvement de la diaspora européenne, le français a été ensuite exporté et dans certains cas, imposé dans les territoires éloignés ; éloignés par la géographie, éloignés par la culture. Je pense par ailleurs, par exemple, au Maghreb, à une bonne partie de l'Afrique subsaharienne, des Antilles au Québec et de Madagascar à Pondichéry, en passant par notre île Maurice.

Ce chiffre a été rappelé par certains intervenants avant moi et effectivement, on estime aujourd'hui que plus de 320 millions de personnes à travers la planète sont francophones et je tiens à faire ressortir que l'avenir du français comme langue planétaire, se joue actuellement en Afrique, car la plus grande ville francophone du monde est Kinshasa, la capitale de la République démocratique du Congo qui compte 17 millions d'habitants. Et quant à nous, notre belle république avec son million d'habitants fait, évidemment et fièrement, partie de la francophonie. L'honorable François l'a rappelé, l'Alliance française de notre pays, créée en 1884, est la plus ancienne Alliance française du monde après celle de Paris.

Située à Bell-Village qui faisait, il y a encore quatre mois, partie de ma circonscription, notre Alliance française compte six annexes, réparties à Maurice et à Rodrigues, destinées à assurer la diffusion de la langue et de la culture française.

Et j'ose espérer, M. le président, que la nouvelle *French-Speaking Union* établira des passerelles intelligentes et dynamiques de coopération avec cette Alliance française historique ainsi qu'avec les autres institutions et associations existantes telles que l'ex Centre Culturel

Charles Baudelaire, devenu L'Institut français de Maurice, le Centre Culturel d'Expression Française, l'Union des Français à l'étranger et la Fondation Malcolm De Chazal et précisément en évoquant cette Fondation qui porte le nom d'un poète et écrivain mauricien, j'aimerais faire ressortir que cette union francophone à venir devra travailler à mettre en valeur, plus en valeur nos auteurs et écrivains mauriciens francophones, y compris et surtout les auteurs et écrivains contemporains.

M. le président, pouvons-nous imaginer un seul instant que notre pays compte des écrivains de talent et des renommées internationales tels que Ananda Devi, Nathacha Appanah, Shenaz Patel, Barlen Pyamootoo, Carl de Souza ou Alain Gordon-Gentil dont les œuvres et les romans sont publiés en France et étudiés à l'étranger alors que pas un seul texte de ces auteurs n'est étudié dans le cursus scolaire mauricien.

La *French-Speaking Union* fera, je espère, rayonner la langue française ainsi que celle de nos auteurs mauriciens francophones, qui d'ailleurs, participent à l'enrichissement d'un français mauricien car toute langue est appelée à évoluer, à se contextualiser et à s'adapter à son territoire et à son époque. Évidemment, le français, avec sa grammaire, sa syntaxe et ses règles, restera normatif mais la langue française change et elle a déjà changé depuis l'époque de Molière.

D'ailleurs, M. le président, cette expression que nous utilisons de nos jours pour décrire le français comme la langue de Molière comporte un grave inconvénient car elle laisse supposer que Molière écrivait la même langue qu'aujourd'hui, ce qui n'est absolument pas le cas. Les pièces de Molière ont en moyenne 350 ans. Beaucoup de mots, d'expressions et de construction de la langue française de cette époque ne sont plus d'actualité et d'ailleurs, depuis quelques années, plusieurs propositions ont été faites pour traduire Molière en français contemporain, ce qui veut tout dire.

Avec l'appui de la *French-Speaking Union*, j'ose espérer que nous pouvons un jour clamer que nous parlons la langue de Malcolm, la langue d'Ananda ou la langue de Shenaz. M. le président, le ministre Teeluck a commencé son discours de présentation de la *French-Speaking Union* bill en disant –

« L'histoire retiendra que c'est le gouvernement dirigé par le Premier ministre, l'honorable Pravind Kumar Jugnauth, qui après plus de 300 ans de la présence française

à l'Isle Maurice, vient avec une reconnaissance additionnelle de l'État mauricien envers la langue française. »

J'aimerais amicalement dire au ministre Teeluck que l'histoire retiendra surtout que c'est la première fois depuis l'indépendance de notre pays, qu'un Premier ministre mauricien n'ait jamais participé aux différents Sommets de la Francophonie au cours de ses deux mandats car en effet, depuis son intronisation comme Premier ministre en 2017, l'honorable Pravind Jugnauth s'est toujours fait remplacer par l'un de ses ministres aux différentes sessions des Sommets de la Francophonie qui sont des rencontres de chefs d'État et de gouvernement des pays Membres de l'Organisation internationale de la Francophonie et qui se tiennent tous les 2 ans depuis 1986. En octobre 2018, en Arménie, c'est le ministre des Affaires étrangères de l'époque, Vishnu Lutchmeenaraidoo qui avait représenté l'île Maurice et après l'annulation du Sommet de 2020 à cause de la pandémie, lors du 18^e Sommet de la Francophonie de novembre 2022, c'est le Premier ministre adjoint, l'honorable Obeegadoo, qui avait remplacé le Premier ministre à Djerba en Tunisie.

Quel est donc le message que véhicule l'actuel Premier ministre ou devrais-je dire son absence à la Communauté Francophone internationale, et cela, contrairement à ses prédécesseurs immédiats, Sir Aneerood Jugnauth et le Dr Navin Ramgoolam qui ont régulièrement et personnellement participé à ces Sommets, et cela, afin d'afficher l'attachement profond de leurs gouvernements respectifs au rayonnement de la langue française et à la consolidation des liens de coopération au sein de la Communauté Francophone mondiale. Mais je vais vous rassurer, M. le président, c'est bien le Dr. Navin Ramgoolam, lui-même, qui représentera l'île Maurice au prochain Sommet de la Francophonie qui se tiendra en octobre 2024 en France à la Cité internationale de la langue française.

(Interruptions)

Mr Nuckcheddy: *Continie reve!*

Dr. Ramdhany: *Al lakaz to reve.*

(Interruptions)

Mr David: Et je vous vois même afficher un certain sourire, M. le président.

Mr Speaker: Et moi, je dirigerai la délégation.

(Interruptions)

Ms Anquetil: Bien sûr.

Mr David: M. le président, chers collègues, la francophonie est un vaste continent sans frontières. C'est celui de la langue française, dont le rayonnement a encore plus d'éclat dans un pays comme le nôtre où plusieurs langues et plusieurs cultures coexistent. Ne cherchons donc pas la compétition, mais encourageons la collaboration, célébrons l'interculturalité et la richesse de toutes ces langues qui tissent la toile colorée de notre nation, symbole de diversité et d'harmonie.

Vive le génie, non pas de la lampe mais de la langue ! Vive les langues de notre république ! Vive l'île Maurice!

J'en ai terminé, M. le président.

Mr Speaker: Hon. Dr. Padayachy!

(6.30 p.m.)

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy):

M. le président, tout d'abord, permettez-moi de remercier le ministre des Arts et du Patrimoine culturel pour présenter ce projet de loi à l'Assemblée. Il rend hommage à notre richesse culturelle et linguistique, en l'occurrence du français, la langue de Molière.

M. le président, la langue est un élément fondamental de l'identité mauricienne et joue un rôle crucial dans la promotion de la cohésion sociale. Elle nous fonde et elle nous soude. La langue française, c'est Édith Piaf, c'est aussi Aya Nakamura, et elle est plurielle. Le paysage linguistique actuel de Maurice avec plusieurs langues parlées reflète l'histoire plurielle du pays et contribue à une société dynamique et multiculturelle.

Par ce projet de loi, le gouvernement apporte une nouvelle pierre à l'édifice de la francophonie. Il confirme également le lien essentiel qui perdure entre le français et les Mauriciens, dont le Premier ministre en tête de file, qui préfère travailler que voyager. La remise de la Grande Croix de l'Ordre de la Pléiade, Ordre de la Francophonie et du dialogue des

cultures à notre honorable Premier ministre, Pravind Kumar Jugnauth, il y a quelques jours à peine, en est l'incarnation. C'est un signal fort envoyé par le monde francophone qui reconnaisse en notre Premier ministre, l'homme qui travaille et nous pouvons en être fiers.

M. le président, la francophonie est aussi un puissant outil économique. Elle est cette communauté de langue et de destin qui nous réunit et au travers de laquelle Maurice a une carte internationale à jouer, notamment au service du continent africain en pleine expansion. Et pour en faire cause commune, permettez-moi d'adosser à la langue française quelques statistiques éclairant cette opportunité. Comme vous le savez sans doute, on l'a dit ici, le français est la cinquième langue parlée dans le monde avec 321 millions de locuteurs, mais saviez-vous que la moitié de ces locuteurs sont nos voisins ? En effet, 47,4 % de ceux dont la langue quotidienne est le français, sont domiciliés en Afrique subsaharienne et dans l'océan Indien, en croissance de 15 % entre 2018 et 2022.

Plus intéressant encore, et c'est ce que nous apprend le dernier rapport de la Francophonie dans le monde, la langue de Molière est même la quatrième langue la plus utilisée sur le net. À l'heure où 5 milliards d'humains possèdent un accès d'Internet et que le français sera parlé par un milliard de personnes à l'horizon 2065, ces données sont clés pour appréhender la portée économique de la francophonie dans un monde connecté et interconnecté.

M. le président, dans les forums mondiaux, du FMI à l'OCDE en passant par la Banque mondiale et les Nations unies, le français est l'une des langues officielles et plébiscitées. Maurice est d'ailleurs membre du groupe deux du FMI rassemblant des pays francophones du continent. Maurice possède cet atout incontestable d'être bilingue. La langue française progresse quantitativement et qualitativement à Maurice, que ce soit dans les écoles, les universités, sur le lieu de travail et dans les médias. Selon une étude réalisée par l'Organisation internationale de la Francophonie sur la langue française dans le monde, 73 % de la population mauricienne maîtrise la langue française.

M. le président, le gouvernement souhaite affirmer davantage la place et la reconnaissance de la langue française qui est un atout indéniable pour notre économie. La création d'une union francophone renforce notre engagement à promouvoir cet outil de diplomatie économique et culturelle qu'est la langue française. Sous l'égide du ministère des

Arts et du Patrimoine culturel, elle viendra s'ajouter aux 11 unions linguistiques qui existent déjà pour la promotion des langues anglaises, hindi, urdu, marathi, tamil, telugu, arabe, bhojpuri, chinoise, créole et sanskrit. Conformément à l'objet de ce projet de loi, l'union francophone aura pour but de promouvoir l'amitié et la compréhension entre les peuples francophones du monde.

Ainsi, cette union aura la responsabilité de s'engager dans les travaux éducatifs, académiques, culturels et artistiques afin d'atteindre ses objectifs et d'encourager le développement linguistique parmi les personnes ayant un intérêt pour la langue française. Elle sera également chargée de faciliter les programmes d'échanges, les bourses et les contacts sociaux avec d'autres organisations au niveau international et encouragera la promotion et la publication d'œuvres littéraires françaises. Ces objectifs qui visent à soutenir nos enfants, leur éducation et la croissance de notre secteur culturel sont conformes à la philosophie de ce gouvernement solidaire et centré sur l'humain.

M. le président, la création d'une union francophone aujourd'hui ne manquera pas de profiter à l'économie au cours des prochaines années compte tenu de son mandat. Outre la promotion de la langue française, elle participera également à la croissance de nos industries culturelles et créatives ainsi que de nos échanges commerciaux et financiers avec les pays francophones. 88 États et gouvernements sont parties prenantes de l'OIF. Promouvoir le développement de la coopération économique au service du développement durable est d'ailleurs l'une des quatre grandes missions de l'OIF. Dans ce contexte, l'accord de libre-échange continental africain prend tout son sens.

M. le président, en sus de miser sur l'immense potentiel du continent africain, nous devons continuer à étendre notre partenariat économique et commercial avec la France. Nos deux pays partagent une longue histoire d'échanges économiques fructueux, nourrie par un héritage, une culture et bien sûr une langue en commun. La France, comme partenaire de premier plan à jouer, joue et continuera de jouer un rôle clé dans le développement de Maurice. L'Hexagone compte en effet pour près de 10 % de nos exports et maintient à travers les décennies sa position de marché clé, notamment pour le tourisme, le textile, l'agriculture, le secteur des TICs et les services financiers.

Fort des liens entre nos deux pays et de l'attractivité indéniable du territoire mauricien, de nombreuses entreprises françaises ont ainsi choisi Maurice comme plateforme d'investissement pour accéder au marché africain et asiatique. Les entreprises françaises représentent ainsi 22 % du flux total d'investissement direct étranger vers Maurice, notamment dans les domaines productifs, les technologies de l'information et de la communication, ainsi que la formation.

M. le président, cette stratégie économique autour de la francophonie, regardant à la fois vers nos marchés traditionnels et vers de nouveaux marchés en pleine expansion, porte ses fruits. Sur la base du dernier bulletin publié par *Statistics Mauritius*, le PIB au prix de marché a augmenté de 7 % en 2023. L'investissement mesuré par la formation brute de capital fixe a augmenté de 30,9 % en 2023. Les IDE se sont établis à leur niveau record en 2023, à 35 milliards de roupies. La France est en pole position du classement et une grande partie de ces investissements est fléchée vers l'Afrique, signe que notre langue commune, le français est un apport vertueux à notre développement.

M. le président, la langue française est fondamentalement économique et sociale. Grâce à l'interaction sociale, nous, Mauriciens et francophones, avançons avec nos pairs et ainsi, en créant cette communauté linguistique, nous exprimons notre identité liée, coordonnons nos activités et allons vers plus de coopération, qu'elle soit économique, diplomatique ou culturelle. Comme le disait Madame Hélène Carrère d'Encausse, la langue française nous appartient, car elle fait partie de notre histoire, de notre futur, de nous. Le gouvernement mauricien par le vote de ce projet de loi lui prouve une nouvelle fois son profond attachement.

Je vous remercie, M. le président.

Mr Speaker: Hon. Mrs Dookun-Luchoomun!

(6.40 p.m.)

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): M. le président, permettez-moi, en premier lieu, de féliciter mon collègue, le ministre des Arts et du patrimoine culturel, pour la présentation de ce projet de loi ayant comme but la mise sur pied du *French-Speaking Union*.

Cela a été, M. le président, grandement attendu compte tenu du fait que la langue française est très prisée et utilisée à Maurice. Elle est en effet un moyen de communication privilégié par beaucoup chez nous. Je suis, donc, heureuse que le *French-Speaking Union* trouve sa place parmi nos multiples *speaking unions*.

Loin de moi, M. le président, l'idée de retracer l'histoire et l'évolution de la langue française. Il suffit de faire ressortir que le français moderne, qui trouve ses origines à partir du XVIII^e siècle, est aujourd'hui une langue ayant une place prépondérante internationalement. Les chiffres en disent long. Aujourd'hui, en 2024, environ 309.8 millions de personnes parlent le français, que ce soit en tant que langue maternelle ou comme deuxième langue. En tant que langue étrangère, elle est la seconde la plus apprise dans le monde après l'anglais. Langue officielle de 29 pays, le français est largement utilisé dans l'enseignement et dans le partage culturel, comme à Maurice d'ailleurs. Effectivement, le contexte moderne démontre d'une façon nette et claire la place du français comme langue internationale, l'une des six langues officielles des Nations unies et d'autres organisations internationales, donc, une langue de la diplomatie.

Une langue avec une riche tradition littéraire. Nous avons chez nous, à Maurice, plusieurs auteurs de travaux littéraires en français. J'ouvre donc une parenthèse pour rappeler qu'après Nathacha Apanah en 2022, le prestigieux prix de la langue française a été décerné en octobre 2023 à une autre grande romancière mauricienne. Il s'agit, ici, d'Ananda Devi. Auteur auréolée de nombreux prix littéraires, c'est en langue française qu'elle a choisi de s'exprimer et de faire rayonner l'île Maurice sur la scène internationale. Nul besoin de mentionner également Jean-Marie Gustave Le Clézio, récipiendaire du prix Nobel de littérature en 2008.

M. le président, la langue française ne se cantonne pas uniquement au domaine littéraire, elle est un levier dans beaucoup d'autres domaines, comme l'a si bien fait ressortir l'honorable Dr. Padayachy. C'est avec cet objectif que mon ministère a signé, en juillet 2023, le Manifeste pour une Diplomatie scientifique francophone, porté par l'Agence universitaire de la Francophonie. Ce manifeste vise à renforcer le réseautage scientifique, à promouvoir l'expertise scientifique francophone et à valoriser les publications scientifiques francophones. Bref, cette belle langue reste un pilier de la culture, un atout certain pour la communication et un vecteur du développement global.

La République de Maurice peut se féliciter d'avoir mis sur pied une douzaine de *speaking unions* depuis déjà deux décennies. Ils ont tous une chose en commun, la promotion des langues parlées ou écrites à Maurice. C'est d'ailleurs clairement énoncé à l'article 4 du projet de loi. Il nous faut également reconnaître que cette démarche est directement en ligne avec les conventions dont Maurice est signataire. À titre d'exemple, la Convention de 2005 sur la protection et la promotion de la diversité des expressions culturelles. Comme nous le savons tous, les objectifs de cet instrument juridique de l'UNESCO se situent au niveau de la sauvegarde, de la riche diversité des expressions culturelles dans le monde et à la création des espaces favorisant l'épanouissement et l'enrichissement de cette diversité. Cette Convention reconnaît le rôle essentiel des expressions culturelles dans le développement humain et dans le dialogue interculturel. Extrêmement important, M. le président, à l'île Maurice, un pays pluriculturel où nous vivons en harmonie et c'est surtout à travers la compréhension, à travers le respect et aussi à travers la connaissance de l'autre, et les langues, en général, aident énormément à apporter cette harmonie.

En outre, nous avons ratifié la Convention de l'UNESCO sur la sauvegarde du patrimoine culturel immatériel. Cette Convention reconnaît le rôle essentiel des langues dans le développement humain et, comme je l'ai dit plus tôt, dans le dialogue interculturel. Reconnaissons les langues, donc, comme non seulement un moyen de communication, mais aussi de la transmission culturelle. Il nous faut certainement situer la langue française dans cette mouvance car elle représente un fleuron national coexistant remarquablement avec les autres langues de notre patrimoine linguistique.

M. le président, la langue française a donc toujours été présente dans le quotidien des Mauriciens. La langue française est une langue de communication pour bon nombre de Mauriciens. Elle est utilisée, ici, au Parlement, au niveau des médias, les chaînes télévisées nationales, la radio, les publicités. Elle est la langue enseignée aussi bien que médium d'enseignement.

Le français est aussi la langue de notre Code Civil Mauricien. Le Code Napoléon, rédigé dans un français formel et promulgué le 21 mars 1804, voilà, un exemple concret où l'expression en langue française a façonné nos lois relatives aux droits civils. En effet, comme vous le savez,

c'est le Code Napoléon qui fut modifié pour donner naissance au Code Civil Mauricien, un document de référence pour nos juristes à ce jour.

M. le président, dans ce projet de loi, toujours en se référant à l'article 4, le partenariat, le besoin pour le *French-Speaking Union* de s'associer avec d'autres agences œuvrant et s'orientant dans la même direction devient primordiale, et c'est bien que cela soit ainsi. Nous le savons tous, l'Alliance française, l'IFM sont des institutions qui ont œuvré pendant des années pour la promotion de la langue française, offrant différents cours destinés aux jeunes et aux adultes pour leurs préparations permettant leurs entrées dans les universités françaises, aussi bien que l'organisation des activités culturelles, des concours, des conférences, des expositions et autres.

M. le président, ceci étant dit, n'oublions pas que Maurice fait d'ailleurs partie de l'Organisation internationale de la Francophonie regroupant, comme on vient de le faire ressortir, 88 pays à la fois, anglophone, arabophone, créolophone ou encore lusophone, mais qui ont la langue française en partage. C'est justement cette langue commune qui permet la compréhension entre individus. La langue nous a ainsi ouvert les portes pour les partenariats avec la France mais également avec des organisations et des États francophones à travers le monde.

M. le président, je dois dire que, pour moi, étant dans cette Chambre depuis 24 ans, je suis fier d'avoir été membre du gouvernement qui a commencé à mettre sur pied les centres culturels, les *speaking unions*. Il ne faut pas oublier aussi qu'à l'époque, on parlait de la balkanisation. Mais nous autres, on s'était dit clairement qu'on ne pouvait donner le dos à la diversité, qu'il fallait maintenir la diversité, encourager la diversité et bien sûr assurer qu'elle nous unit.

M. le président, aujourd'hui, le *French-Speaking Union* viendra promouvoir la langue française, mais tout en veillant à ce qu'elle assure la compréhension entre les individus ; tout en s'assurant que le français à Maurice reste divers dans le sens que le français mauricien, le français des Mascareignes, le français de la Réunion, le français des Seychelles, le français de l'île Maurice, de Rodrigues, nous avons tous notre propre diversité. Et bien sûr, ce sera différent du français de l'Académie française mais c'est la diversité que nous avons apportée de notre côté à la langue française. Accueillons, donc, favorablement ce projet de loi qui ne pourra qu'enrichir et promouvoir le partage linguistique et culturel à Maurice.

Merci, M. le président.

Mr Speaker: Hon. Minister Teeluck!

(6.50 p.m.)

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): M. le président, pour commencer, je tiens à remercier les membres de cette Assemblée qui ont activement pris part aux débats sur ce projet de loi.

M. le président, pour clore les débats, je souhaite réitérer le fait que la préservation et la promotion de la langue sont primordiales pour maintenir le patrimoine culturel et historique du pays. Le français fait partie intégrante de notre patrimoine culturel. Notre histoire est faite de centaines d'années de sang et de sueur, de mélange de culture et de tradition, de doutes et d'espoir. Nous sommes le produit de ce brassage culturel et de cette mixité physique et cela a contribué à créer le Mauricien d'aujourd'hui. Je veux dire que le français, comme langue de communication et de relations sociales, a une grande part de responsabilité dans la construction de notre nation.

M. le président, de nombreux pays reconnaissent la valeur de leur langue maternelle ou de leurs différentes langues nationales. Ils mettent en place des politiques pour les protéger, favoriser leur enseignement et les promouvoir. Cela peut inclure des initiatives visant à soutenir la littérature, les arts, l'éducation et la diffusion de la langue ou de ces langues à l'échelle nationale et internationale. Nous avons le privilège à Maurice de vivre au sein d'une nation arc-en-ciel, plurielle et multilingue où la richesse des langues parlées et écrites est véritablement remarquable. Il y a plus de 1200 ans, l'empereur Charlemagne disait –

« Avoir une autre langue, c'est posséder une deuxième âme. »

Il avait bien raison car s'exprimer dans une autre langue peut avoir un impact sur notre personnalité. Le Mauricien moderne se doit de maîtriser plusieurs langues et ce gouvernement fera tout pour que la langue française perdure au sein de notre république.

M. le président, chaque langue reflète une vision du monde et un complexe culturel unique. Elle démontre également comment une communauté linguistique particulière interprète les

signaux reçus du monde et comment elle les traite. Elle n'est souvent pas facile de saisir l'importance d'une langue car elle sert à plusieurs fins en même temps. Les langues ont également de la valeur en tant qu'accomplissement humain collectif et les manifestations continuent de la créativité et de l'originalité humaine. Les langues du monde représentent une extraordinaire richesse de créativité humaine et la langue est un moyen d'expression qui permet à une personne de participer à des activités communautaires. Elle peut être utilisée comme un moyen pour renforcer la culture démocratique.

M. le président, apprendre le français, c'est d'abord le plaisir d'apprendre une langue riche et mélodieuse car si la langue française est complexe, c'est aussi cela qui fait sa richesse. Le français est couramment utilisé pour apprendre d'autres langues. En effet, la connaissance du français aide à maîtriser d'autres langues, notamment les langues latines telles que l'espagnol ou l'italien. Je dois souligner que notre système éducatif formel encourage nos enfants à apprendre le français dès leur plus jeune âge, de concert avec d'autres langues telles que l'anglais, le créole-mauricien, les langues asiatiques, le mandarin ou l'arabe. Le but de l'enseignement de toutes ces langues est de permettre au jeune mauricien de devenir des citoyens du monde et de valoriser des écosystèmes d'éducation culturelle.

M. le président, comme je l'ai dit lors de mon discours précédent, la création de la *French Speaking Union* vise à remédier à une lacune qui existe depuis plusieurs années. En dépit d'être une langue majeure à Maurice et bien que d'autres langues parlées et écrites de notre pays bénéficient d'une reconnaissance de l'État par l'intermédiaire des diverses *Speaking Union*, le français a été jusqu'à présent privé du soutien qu'un organisme étatique pouvait lui apporter par exemple, en matière de promotion et M. le président, le hasard a voulu qu'en ce jour du 23 avril, en ce jour où la *French-Speaking Union Bill* sera adoptée, nous célébrons deux belles occasions littéraires et culturelles. En ce 23 avril, nous célébrons la Journée internationale du livre et du droit d'auteur mais aussi la Journée de la langue anglaise.

Autre coïncidence, M. le président, dans la semaine où la *French-Speaking Union Bill* fut introduite au Parlement, soit de la semaine dernière, nous avons assisté à la 15^e Conférence des Présidents d'Assemblée et de Section de la région d'Afrique de l'Assemblée parlementaire de la Francophonie et là, je voudrais amicalement répondre à l'honorable David que durant cette même Conférence, le Premier ministre s'est vu décerner l'insigne de la dignité de Grand-Croix

de l'ordre de la Pléiade, Ordre de la Francophonie et du dialogue des cultures par le vice-Président de l'Assemblée parlementaire de la Francophonie ; un moment de grande fierté pour toute la nation mauricienne. Félicitations à vous, M. le Premier ministre.

Et les déplacements à l'étranger du leader des rouges, les *per diem* excessifs aux frais de l'État et les voyages fantômes à Londres ne sont certainement pas des exemples que nous souhaitons nous inspirer.

M. le président, ceci dit et malgré ces quelques coïncidences énoncées, l'introduction de la *French-Speaking Union Bill* et, par la même occasion, l'élimination d'une lacune législative par ce gouvernement n'est pas qu'une simple coïncidence. En effet, cette démarche s'aligne sur une pléiade d'autres mesures, d'autres actions, d'autres recours législatifs, apportés par ce gouvernement au cours de ces dernières années dans plusieurs secteurs, allant du secteur culturel, au secteur de la sécurité sociale en passant par le logement, l'emploi et bien d'autres.

L'introduction de ce projet de loi s'inscrit dans une philosophie de rupture, une philosophie de justice sociale, une philosophie de rétablir ou même de pallier des manquements existants depuis plusieurs années, une philosophie centrée sur le développement humain motivé par son engagement social. Et si je me réfère uniquement, M. le président, au secteur culturel, ce n'est pas par hasard que nous avons présenté le projet de loi sur les statuts des artistes, une loi que la communauté des artistes attendait depuis fort longtemps, une loi qui désormais permet aux artistes de bénéficier du statut de professionnel ainsi pouvant évoluer dans le secteur culturel sans attache ou contrainte, en exerçant les mêmes droits que les autres acteurs des autres secteurs économiques de notre pays. Et toujours en ce qui concerne le secteur culturel, ce n'est pas par hasard si le musée intercontinental de l'esclavage est aujourd'hui une réalité, une institution bien vivante et désormais ouverte au public. Un pan de l'histoire de notre pays ramené à la vie et pour appel, la mise en place de ce musée fut une des recommandations du rapport de la Commission Justice et vérité.

M. le président, oui, ce gouvernement est venu combler des lacunes là où il le fallait. Sous le leadership du *Prime Minister*, l'honorable Pravind Kumar Jugnauth, nous avons œuvré à faire de ce pays un lieu où il fait bon vivre. Nous continuons à travailler, jour et nuit, afin d'amener le

sourire sur le visage des Mauriciens, tout en leur apportant de l'aide, du soulagement et de la reconnaissance.

M. le président, outre ce projet de loi sur la création de cette *French-Speaking Union* qui vient de ce fait combler le vide qui existait depuis plusieurs années concernant la reconnaissance étatique d'une des langues les plus utilisées à Maurice, ce gouvernement a aussi répondu présent lorsqu'il s'agissait de pallier des lacunes et entrer à certaines disparités ou discriminations, voir des manquements ou des combats juridiques ou sociaux. Permettez-moi, M. le président, de citer quelques lacunes pêle-mêle –

- L'introduction, M. le président, du salaire minimum par le gouvernement n'est ni anodin ni anecdotique.

Les membres de cette auguste Assemblée ne sont pas sans savoir qu'il fut un temps où des dames *cleaners* touchaient moins de R 2500 mensuellement. C'était une discrimination flagrante, M. le président, envers des travailleurs de ce pays. C'était aussi très dévalorisant pour tous les travailleurs qui n'avaient pas un salaire minimum garanti. Certainement, cela explique la motivation de l'introduction de ce projet de loi.

M. le président, le gouvernement de Pravind Jugnauth est donc venu corriger cette lacune grâce à l'introduction d'un salaire minimum pour les employés. De nos jours, avec un salaire minimum à R 16,500 et un revenu minimum garanti fixé à R 18 500...

Mr Speaker: Come back! Come back!

Mr Teeluck: Of course! I am coming back, Mr Speaker, Sir.

(Interruptions)

De ramener l'équilibre national tout en permettant à la population de progresser sur tous les plans. M. le président, pour en revenir sur le *French-Speaking Union Bill*, parce que cela fait mal, M. le président ! Cela fait très mal, M. le président !

(Interruptions)

L'honorable Quirin est là !

L'honorable Quirin a voulu réinventer la roue et estime que ce projet de loi est un *copy paste* !
On ne réinvente pas la roue, l'honorable Quirin !

M. le président, pour revenir sur le French-Speaking Union Bill et à la place de choix que ce gouvernement souhaite que le français occupe au sein de notre société, j'estime en tant que ministre responsable du dossier des arts et du patrimoine culturel que c'est une mission que nous n'allons pas achever aujourd'hui.

Le plus vibrant témoignage de cet héritage français demeure la place et l'importance qu'a conservée la langue française à Maurice, près de 214 ans après la fin de la colonisation française. Car le plus merveilleux de cette histoire, c'est que 158 ans de colonisation anglaise de 1810 à 1968 n'ont pas pu effacer l'importance du français dans la vie sociale, économique, culturelle et politique du pays. Le français est plus que vivant à l'île Maurice. La France, pays de peuplement, est toujours restée fidèle à Maurice. Elle est une alliée de poids sur laquelle toute la nation mauricienne peut compter.

Des missions de coopération ont grandement aidé et aident toujours le secteur culturel, éducatif, artistique ou socio-économique. Le Mauricien d'aujourd'hui vit dans l'interculturalité et le français occupe toujours une place de choix dans cette mixité culturelle. M. le président, la contribution mauricienne au rayonnement de la langue française révèle de la fidélité de Maurice à cette langue et à ses valeurs, donc celle de la démocratie, de la diversité, de la tolérance et du multilinguisme.

Notre population qui vient de divers horizons est profondément attachée aux langues et aux cultures du monde, surtout à la langue française et à ses valeurs humanistes. M. le président, nous allons permettre aux interactions de se faire sur les plans nationaux entre la nouvelle institution et des organisations, encourageant des programmes d'échanges, de bourses d'étude et le développement social. Les valeurs interculturelles et interlinguistiques seront resserrées afin de mieux préserver l'harmonie. Bref, tout ce qui touche aux français, dans ses diverses dimensions, va être pris en compte pour la nouvelle *Speaking Union*.

Ainsi, l'établissement de cet organisme favorisera la confiance et la fierté du peuple mauricien pour la langue française et stimulera la compétence de notre peuple en matière de communication de cette langue. M. le président, comment faire référence à la langue française sans parler du grand et unique Malcolm de Chazal, connu pour la nature complexe,

emblématique et philosophique de ses œuvres d'art. Qui plus est, Malcolm de Chazal était une figure remarquable de la scène artistique mauricienne. Né le 12 septembre 1902, Malcolm de Chazal était un écrivain et peintre mauricien dont les œuvres représentent une dimension non-conventionnelle, mais intensément expressive dans la littérature des arts créatifs.

M. le président, dans la littérature francophone contemporaine, d'autres auteurs tels qu'Ananda Devi, Nathacha Appanah, et Barlen Pyamootoo jouissent aujourd'hui d'une belle reconnaissance. Notre compatriote Ananda Devi est une autrice mauricienne, écrivain en français et elle est la nouvelle récipiendaire du Prix Neustadt 2024, connu sous le nom de Nobel américain.

Je vais brièvement, M. le président, retracer le parcours de celle qui a fait honneur à notre île. Ananda Devi remporta un prix au concours nouveau de Radio France internationale à l'âge de 15 ans. En 1977, elle publia son premier recueil de nouvelles *Solstices*. En 1989, parut son premier roman *Rue la Poudrière*. S'ensuivent d'autres romans, *Le voile de Draupadi* en 1993, *L'arbre fouet* en 1997 et en 2000, *Moi, l'interdite*, qui reçoit le prix Radio France du livre de l'océan Indien. Son roman *Ève de ses décombres* a remporté le Prix des 5 continents de la Francophonie en 2006, ainsi que plusieurs autres reprises, et a été adapté au cinéma par Sharvan Anenden et Harrikrisna Anenden.

Elle a depuis remporté d'autres prix littéraires comme le Prix Louis Guilloux pour *Le Sari vert* et le Prix Ouest-France Étonnants Voyageurs pour *Manger l'autre*. Elle a reçu le Prix du Rayonnement de la langue et de la littérature française de l'Académie française. En 2010, elle fut nommée Chevalier des Arts et des Lettres par le gouvernement français. Cette année-ci, elle reçoit à la fois le Prix de la langue française et le Prix Neustadt, consolidant ainsi sa réputation de voix de premier plan des Lettres françaises et mondiales.

M. le président, Nathacha Appanah, aussi un enfant du sol, a fait un très joli parcours dans le monde de l'écriture. En effet, cette autrice franco-mauricienne, très connue, a travaillé comme journaliste chroniqueuse au *Mauricien* et au *Week-End Scope* avant d'émigrer en France. En 2007, elle sort son quatrième livre, *Le Dernier Frère* qui remporte le Prix de la Fédération Nationale d'Achat des Cadres. Finalement, en 2023, Nathacha Appanah remporta le prix littéraire de La Renaissance Française pour son livre *La mémoire délavée*, qui rend hommage à son grand-père, coolie hindou, qui fut ouvrier dans les plantations de canne à sucre de l'île.

M. le président, pour toutes ces raisons et au nom de tous les auteurs et autrices, nous nous embarquons aujourd'hui dans un nouveau voyage visant à promouvoir davantage la langue française à travers la présentation de ce projet de loi.

En guise de conclusion, M. le président, permettez-moi de faire un vibrant appel à notre patriotisme et à notre sens de devoir. Chaque citoyen mauricien a l'obligation de travailler à la consolidation de notre vivre-ensemble. Nous devons consolider notre unité nationale. Tous les jours, le monde nous renvoie des images tristes des pays en guerre, des peuples désunis, des personnes dépourvues de lien identitaire et de leurs racines. Nos compatriotes doivent tout faire pour que notre harmonie sociale ne soit pas menacée. C'est pourquoi, il est primordial que tous les Mauriciens se sentent à l'aise au sein de notre république unie et indivisible.

La création de cette *French-Speaking Union* est un pas positif en ce sens. Cette institution, j'en suis certain, va grandement aider à préserver la paix et l'unité nationale. Nous allons veiller à ce qu'il y ait des hommes et des femmes qui ont à cœur la promotion et le développement du français, composent l'équipe administrative qui sera en charge des affaires courantes de la *French-Speaking Union*.

M. le président, je remercie encore une fois tous les députés pour leurs intérêts pour ce projet de loi. Sur ces mots, je recommande la *French-Speaking Union Bill* à la Chambre.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The French-Speaking Union Bill (No. XV of 2023) 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 French-Speaking Union Bill (No. XV of 2023) was read and passed.

PUBLIC BILL

(Second Reading)

THE ENVIRONMENT BILL

(No. I of 2024)

Order for Second Reading read.

(7.22 p.m.)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Mr Speaker, Sir, I beg to move that the Environment Bill (No. I of 2024) be read for a second time.

M. le président, c'est un grand privilège et un grand honneur pour moi de présenter ce projet de loi à la Chambre. Tout le monde conviendra sûrement avec moi qu'une législation environnementale rigoureuse est le fondement d'une protection, d'une gestion et d'une gouvernance saine de l'environnement. Soulignons aussi que le gouvernement n'a ménagé aucun effort pour mettre en œuvre une foule de mesures visant à régler ce problème au cours des dernières années. Depuis 2019, le gouvernement a pris les devants avec tout un arsenal sous forme de cadre législatif y compris des lois et des règlements visant au renforcement de notre infrastructure juridique en matière d'environnement afin de combler les lacunes, les problèmes émergents et d'assurer un développement cohérent. Il s'agit notamment du –

- *Climate Change Act* en 2020;
- *Environment Protection (Control of Single use plastic products) Regulations* en 2020;
- *Environment Protection (Banning of Plastic Bags) Regulations* en 2020;
- *Environment Protection (Amendment of Schedule) Regulations* en 2021 pour imposer des peines plus sévères pour les infractions de *littering* et *illegal dumping* ;
- *Local Government (Dumping and Waste Carriers) Regulations* en 2021 pour réglementer l'octroi de licences : 'waste carriers licence' – above 500 kg ;
- *Beach Authority (Amendment) Act* en 2022;

- *Environment Protection (Control of Noise) Regulations* en 2022 ;
- *Environment Protection (Environmental Standards for Noise) Regulations* en 2022, et
- *Waste Management and Resource Recovery Act* en 2023.

M. le président, avant d'entrer dans le détail de ce *Bill*, permettez-moi de présenter brièvement le contexte et le raisonnement sur lesquels je me base pour proposer des changements radicaux à la législation primaire qui régit la gestion de l'environnement dans la République de Maurice.

La Chambre se souviendra que, lorsque j'ai pris mes fonctions en 2019, l'une des toutes premières mesures que j'ai initiées a été de mener de larges consultations nationales avec tous les acteurs de la société dans le cadre des Assises de l'environnement. Je tiens à souligner ici que quelques 400 participants ont assisté à cet événement, et encore plus lors des discussions approfondies qui ont suivi, avec des représentants des ministères, des organismes parapublics, des autorités locales, des acteurs du secteur privé, des universitaires, des jeunes et aussi bien sûr les membres de la société civile. Ces consultations ont été très intéressantes et riches, qu'il s'agisse de discussions sur les défis environnementaux systémiques auxquels le pays a été confronté au fil du temps ainsi que sur les problèmes environnementaux actuels et futurs auxquels le pays est confronté ou auquel il est susceptible d'être confronté.

Cela nous a permis d'identifier les lacunes et les obstacles qui nous freinent actuellement et les mesures et outils dont nous avons besoin pour aller de l'avant. Avec le soutien des bailleurs de fonds, nous avons réussi à élaborer un *Environment Master Plan* (2020-2030) décrivant une feuille de route décennale qui décortique une multitude de mesures nécessaires pour s'engager dans une transition écologique.

M. le président, alors que l'intention initiale était de simplement apporter des modifications à l'*Environment Protection Act (EPA)* de 2002, il est apparu clairement que cela ne suffirait pas au cours de l'ensemble de l'exercice de consultation. La solution réside dans l'abrogation de l'actuelle *Environment Protection Act* et dans l'adoption d'un nouveau *Environment Bill*. Je suis d'avis que le temps est venu pour nous de tirer parti de nos réussites et

de faire la lumière là où les changements sont nécessaires, et ils sont nombreux. Ce n'est qu'ainsi que nous serons mieux équipés pour protéger notre capital naturel, mieux utiliser nos ressources, développer notre résilience et assainir notre air et notre eau.

Cette mesure législative historique permettra également la mise en place d'un éventail de nouveaux cadres et mécanismes qui tiennent compte à la fois de l'ampleur des problèmes contemporains et des défis environnementaux émergents auxquels le pays est confronté.

M. le président, avant d'entrer dans les détails du nouveau *Bill*, permettez-moi de rappeler brièvement comment la gestion de l'environnement a été intégrée dans notre cadre législatif national jusqu'à présent. La première génération de droits environnementaux a été promulguée à Maurice par le biais d'une série de législations depuis le 19^{ème} siècle. Ces lois, bien qu'elles ne soient pas nécessairement entièrement consacrées aux questions environnementales, contenaient des dispositions ou des références liées au contrôle de l'environnement. À partir de la promulgation du *Criminal Code* de 1838, du *States Land Act* de 1856 et du *Rivers and Canals Act* de 1863, une série d'autres lois axées sur la conservation des habitats et des ressources naturelles ont été promulguées par la suite. Il s'agit notamment de législations telles que le *Pas Géométriques Act* de 1895, le *Public Health Act* de 1925, le *Town and Country Planning Act* de 1954, le *Roads Act* de 1966, et le *Ground Water Act* de 1969.

M. le président, la dernière partie du XX^e siècle a vu la promulgation d'une deuxième génération de lois environnementales, notamment le *Removal of Sand Act* de 1975, le *Maritime Zones Act* de 1977, le *Fisheries Act* de 1980, le *Forests and Reserves Act* de 1984, le *Merchant Shipping Act* de 1986, le *National Coast Guard Act* de 1988, le *Local Government Act* de 1989, le *Morcellement Act* de 1990, et l'*Environment Protection Act* de 1991.

Bien que ces lois environnementales dites de deuxième génération aient réussi à sensibiliser le public aux effets néfastes sur la population, sur notre planète, elles n'ont cependant pas pu influencer de manière adéquate les mentalités et les comportements des gens pour apporter les changements nécessaires à la gestion de l'environnement. Une troisième génération d'environnementalisme s'ensuivit, s'appuyant sur un effort visant à changer l'état d'esprit des individus pour qu'ils prennent soin de l'environnement de manière plus responsable.

Dans un monde en mutation rapide, nous devons relever le défi et proposer une troisième génération de cadre juridique environnemental, qui soutiendra l'innovation tout en répondant aux problèmes environnementaux émergents afin de limiter les dommages environnementaux et de maintenir la confiance du public.

La législation environnementale a évolué et s'est consolidée principalement au cours des 33 dernières années, sous la direction compétente de feu Sir Aneerood Jugnauth depuis 1990. Nous avons maintenant atteint un stade où notre législation doit évoluer pour être prête pour l'avenir. Je suis reconnaissant à tous ceux, à savoir les représentants des entreprises, des universités, des syndicats, des associations professionnelles, des ONG et bien sûr le grand public, qui nous ont aidés dans l'élaboration des dispositions contenues dans le projet de loi que je propose aujourd'hui à la Chambre.

M. le président, «ceux qui ne se souviennent pas du passé sont condamnés à le répéter », affirmait le philosophe américain George Santayana.

En gardant cela à l'esprit, permettez-moi d'emmener les membres de cette auguste Assemblée pour une plongée profonde dans le fondement et la raison d'être de la loi sur la protection de l'environnement à Maurice.

La politique institutionnelle et législative de gestion et de protection de l'environnement à Maurice découle principalement du premier Plan d'action national pour l'environnement et du premier Programme d'investissement environnemental pour Maurice.

Élaborés en 1988, ces politiques et plans d'action d'orientation répondaient aux préoccupations de l'époque en ce qui concerne la dégradation rapide de l'environnement dans le contexte d'une économie en pleine expansion.

Les résultats de cet exercice comprenaient l'identification des principaux problèmes environnementaux à Maurice et des propositions de mesures à court, moyen et long terme pour y remédier.

Une loi complète sur la protection de l'environnement (l'EPA) fut élaborée en 1991 afin d'appuyer le nouveau ministère de l'Environnement et de fournir le cadre législatif nécessaire à la protection de l'environnement dans tout le pays. L'Environment Protection Act 1991 (EPA) a

donc été le premier texte législatif adopté à Maurice qui aborde la protection de l'environnement de manière globale.

Face aux défis émergents, face au développement économique rapide de Maurice, l'EPA de 1991 a été abrogé et remplacé par la loi de 2002 sur la protection de l'environnement afin d'intégrer de nouveaux principes internationaux relatifs à la bonne gouvernance environnementale.

Ces principes comprenaient des éléments de participation du public, de gérance de l'environnement, d'ouverture, de responsabilisation, d'efficacité et de cohérence. De plus, la Police de l'Environnement a été créée pour se tenir au courant des défis nouveaux et émergents et promouvoir un développement respectueux de l'environnement.

M. le président, par la suite, l'EPA de 2002 a fait l'objet d'une révision majeure en 2008 afin de décentraliser la gouvernance environnementale. Dès lors, les autorités locales ont été habilitées et encouragées à faire respecter les lois environnementales dans leurs zones administratives.

Une autre série de modifications corrélatives ont été apportées au cours des années 2009 à 2020 par le biais du *Finance (Miscellaneous Provisions) Act*, du *Business Facilitation (Miscellaneous Provisions) Act*, de l'*Economic Development Board Act*, de l'*Environment and Land Use Appeal Tribunal Act* de 2012 et du *Covid-19 (Miscellaneous Provisions) Act* de 2020, entre autres, pour relever divers défis environnementaux, faciliter le commerce, mettre en place le *National E-licensing System* et revoir l'*Environment Protection Fee*, entre autres.

M. le président, à rappeler que les dernières modifications majeures apportées à l'EPA remontent à une quinzaine d'années. Les problèmes environnementaux locaux et globaux auxquels nous étions confrontés il y a quinze ans sont aujourd'hui encore plus prononcés, centrés sur la triple crise qui affecte notre environnement commun, à savoir le changement climatique, la perte de la biodiversité et la pollution.

Il est donc grand temps que les fondamentaux soient améliorés et renforcés afin qu'ils soient en mesure de relever les défis contemporains et émergents. Cela a également été repris dans une série de recommandations formulées lors des « Assises de l'Environnement ».

M. le président, permettez-moi maintenant de donner à la Chambre un aperçu du processus adopté par mon ministère pour la révision du cadre législatif et juridique présent. Il s'agissait d'un exercice minutieux et méticuleusement planifié afin d'assurer une participation et une contribution maximales de toutes les parties prenantes; d'où le temps qu'il a fallu pour présenter ce projet de loi.

À cet égard, je tiens à exprimer ma gratitude au United Nations Development Programme (UNDP) Country Office pour avoir financé et facilité l'embauche d'experts qui ont été mandatés pour entreprendre un examen approfondi des cadres juridiques et institutionnels régissant la gestion de l'environnement à Maurice.

L'exercice d'examen a donc été initié en 2020 et des consultations auprès d'une multitude d'acteurs ont suivi. Tout d'abord, un atelier consultatif de deux jours s'est tenu les 16 et 17 décembre 2020 afin d'initier des consultations publiques sur la révision juridique.

Deuxièmement, en janvier 2021, des séances de travail ont été organisées et des commentaires ont été sollicités auprès d'une quarantaine de ministères, d'autorités et d'organismes parapublics ainsi que de l'ensemble des Collectivités Locales comprenant 7 conseils de district et 5 conseils municipaux.

Troisièmement, un communiqué de presse a été publié en février 2021 pour inviter le grand public à faire part de ses propositions et commentaires.

Quatrièmement, ces consultations ont été suivies d'une série de séances de travail au niveau de mon ministère afin d'analyser toutes les propositions et tous les commentaires reçus dans le cadre de la révision de *l'Environment Protection Act* de 2002. Les parties prenantes comprenaient, entre autres, des organisations telles que *Business Mauritius*, *l'Economic Development Board* et la Chambre de Commerce et d'Industrie de Maurice.

Cinquièmement, un '*Draft Bill*' a été élaboré par un consultant juridique international, qui a fait l'objet d'une série de consultations supplémentaires tenues en ligne et en personne au cours du mois de mars 2022.

Pour conclure et finaliser les nombreux amendements proposés par les autorités, une dernière ronde de consultation a été entreprise avec les ministères concernés et des réunions ciblées ont eu lieu en janvier 2023.

M. le président, à la suite du vaste processus de consultation mentionné plus haut, mon ministère a également reçu une série de commentaires écrits. Des réunions avec les parties prenantes concernées et les organismes chargés de l'application de la loi ont été organisées afin d'analyser les commentaires.

Les commentaires des parties prenantes ont été pris en compte par mon ministère, dans la mesure du possible, afin d'élaborer une législation environnementale plus renforcée et plus transparente.

Mr Speaker, Sir, the Environment Bill that is being brought to the House today, will repeal and replace the current Environment Protection Act. The fundamental value-additions to the existing environmental legislative framework that is being proposed are structured around ten innovative key themes spread over 18 Parts and 16 appended schedules to the Bill. These include

—

- i. Firstly, the integration and mainstreaming of sustainable development to assist the country in engaging into its ecological transition pathway;
- ii. Secondly, the setting up of an “*Observatoire de l’Environnement*” for communication and sharing of environmental data, along with the creation of a Science-to-Policy Platform to assist in evidence-based policy making;
- iii. Third, the setting up of a mechanism for the protection, management and conservation of Environmentally Sensitive Areas;
- iv. Fourth, the introduction of further measures to enhance the transparency of the Preliminary Environmental Report and the Environment Impact Assessment mechanisms;
- v. Fifth, the re-introduction of Strategic Environmental Assessments;

- vi. Sixth, the introduction of an improved coordination framework that will detail the preparation and response to an oil spill, including enhanced coordination and cooperation among relevant authorities;
- vii. Seventh, the introduction of a framework to promote the transition to a circular economy, as well as the strengthening of provisions addressing extended producer responsibilities;
- viii. Eighth, the introduction of a mechanism for the sustainable management of plastics;
- ix. Ninth, the strengthening of enforcement and compliance mechanisms to support a more effective and efficient application of environmental legislations, and
- x. Tenth, the introduction of a settlement mechanism so as to avoid lengthy prosecution or litigation processes.

For each of the key themes I have mentioned, I wish to shortly elaborate and share with Members of the House, the underlying rationale that have motivated their proposed respective integration into the Bill today.

Mr Speaker, Sir, let us start with the mainstreaming of sustainable development. Provisions have been made in Part II of the Bill for the integration and mainstreaming of environmental sustainability in policy planning and development. You will all agree with me that significant changes in mind-sets or paradigm shifts will not happen by chance. Such shifts need to be supported by transformative visions of how we wish our future society to resemble, backed with plans that support such visions, appropriate institutions, policies and measures and a sound legal framework.

Along this line, a global vision for sustainable development has already been defined at the international level with the adoption of Agenda 2030 by the United Nations which includes 17 goals and 169 target indicators. In addition, country leaders, including Mauritius, have taken the commitment to develop ambitious responses that rely on ones' own sustainable development policies and programmes. The Government of Mauritius has also agreed to follow-up and review

progress made in implementing the Sustainable Development Goals based on indicators and to submit periodic progress reports to the UN Secretary-General.

Mr Speaker, Sir, one of the salient recommendations that were stressed from consultations around the review of the Environment Protection Act was the adoption of a new framework on Sustainable Development. This request was focused on the need to improve the current governance framework with a view to support the implementation of an effective transformative process toward sustainable development. More specifically, recommendations have been voiced in the *Assises de l'Environnement* to significantly improve coordination between the public sector, private sector and the civil society through public-private partnership initiatives or mechanisms to ensure the mainstreaming of the environmental dimension of the SDGs in all sectors.

It is to be noted that the current Environment Protection Act only covers partial elements related to sustainable development. For instance, section 10 of the EPA 2002 provides for a National Network for Sustainable Development, which acts as a forum for discussions and consultations on selected matters. The EPA 2002 also establishes a number of various committees that facilitate transparency and stakeholder involvement in decision-making processes around issues related to sustainable development.

However, the current provisions within the EPA 2002 neither explicitly require government departments or agencies to establish and formally detail how they address sustainable development requirements, nor does it contain provisions on their reporting or accountability. More so, the present EPA does not include a framework or provisions for sustainable development. To address those gaps, the International Legal Consultant recruited was tasked with undertaking a desk review of international best practices regarding the mainstreaming of sustainable development principles with a view toward easing the implementation of sustainable development measures in our legal framework.

Mr Speaker, Sir, for the benefit of the House, allow me to briefly describe some of those best practices. At the international level, there are many examples of legislation regulating sustainable development. A relevant best practice includes the Quebec Sustainable Development

Act in Canada. In this Act, Quebec sets out 16 principles for sustainable development, and all its government ministries and agencies must take all the principles into account in their actions.

Sri Lanka has a Sustainable Development Act 2017 which provides for –

- (a) developing and implementing a National Policy and Strategy on Sustainable Development;
- (b) ensuring an ecologically efficient use of natural, social and economic resources, and
- (c) promoting the integration and maintaining the balance of environmental, economic and social factors within decision-making by government.

In some countries, Sustainable Development Acts focus on cooperative, coherent and innovative governance to enable or facilitate the contribution to sustainable development from various policies and programs. Often, Sustainable Development Acts set out a framework that requires government departments and agencies to commit to implementing a transparent and targeted approach towards sustainable development.

Mr Speaker, Sir, to address shortcomings mentioned earlier, I am proposing to integrate and mainstream the principles of environmental management for ensuring sustainable development in the Environment Bill. In so doing, my Ministry will henceforth be legally empowered to coordinate the implementation of sustainable development measures that would underpin a transformative process towards sustainable development and the transition to a green and circular economy.

Clause 10 is being introduced to cater for the preparation of a National Policy, Strategy and Action Plan on sustainable development, in line with international obligations, including the Sustainable Development Goals. This national policy and strategy will contain the main points of the environmental policy to be pursued, in particular the protection, preservation, improvement and rehabilitation of the environment and the achievement of sustainable development, including the transition towards a green and circular economy. The National Policy, Strategy and Action Plan on Sustainable Development will be reviewed every 5 years as and when required.

Mr Speaker, Sir, I strongly believe that the new provisions will help Government to establish new Sustainability Performance Targets and better arm the country in engaging into its ecological transition pathway.

With your permission, Mr Speaker, Sir, I shall talk now on the *Observatoire de l'Environnement*.

I will now elaborate on the amendment proposed at Part II of the Environment Bill relating to the establishment of an *Observatoire de l'Environnement* and a Science-to-Policy Platform, with the former acting as an interface to communicate information, data and statistics on environmental parameters and indicators for the purpose of monitoring and evaluation, while the latter will be used to evaluate key scientific information so as to motivate evidence-based policy making.

Addressing the triple planetary crisis; climate change, biodiversity loss, and pollution requires sound and ambitious science and policy. These platforms will bring together scientists and policymakers to discuss the state of knowledge, identify gaps and explore options to accelerate action.

Mr Speaker, Sir, within the context of third generation environmentalism around the globe, there is a trend for a stronger involvement of the public into environment-related decision making. This drive has led to the creation of Citizen Observatories, especially across Europe, whereby the public is invited and is encouraged to contribute observations, data and information to community-based environmental monitoring programs addressing crucial areas such as climate change, sustainable development, air monitoring, flood and drought monitoring, land cover and land-use change, to name a few.

Citizen Observatories have the potential to provide new data sources for policy-making at lower costs, while concurrently increasing public participation in environmental management and governance at a large scale.

Riding on this “Citizen Science” bandwagon, the European Union has funded, under its “Horizon 2020 program” a project called “WeObserve” to improve coordination between existing Citizen Observatories and related European activities.

There is obviously an opportunity here to learn from the EU experience. According to the European Commission, an Environment Observatory allows –

- i. Firstly, community-based environmental monitoring, data collection, interpretation and information delivery systems;
- ii. Secondly, empowering communities with the capability to monitor and report on their environment, and
- iii. Lastly, enabling communities to access the information they need to make decisions in an understandable and readily usable form.

Mr Speaker, Sir, the case of France is of particular interest, whereby a number of well-functioning observatories have already been operationalised across its territory.

For instance, the *Observatoire de l'Environnement, des Territoires et des Agrosystèmes* is dedicated to experimentation, observation and analysis of natural environments. This observatory allows the study of the different entities of natural environments such as soils, sediments, waters, atmosphere, biodiversity and plant cover in agro-ecosystems. It also comprises the *Observatoire national de la biodiversité* which provides precise and documented information on biodiversity in France and its interactions with society.

Another example is the French *Observatoire énergie environnement des Transports*, established in 2007, which assesses emissions according to a common methodology. This assessment is used in the mandatory reporting of greenhouse gas emissions for transport services and others, as well as in producing eco-comparators. The assessments from the observatory are sent to public authorities in order to inform their decisions and provide reference data.

France also hosts the *Observatoire national de la mer et du littoral*, which collects and centralises various data related, among others, to the economic, social and environmental state of the coast and the sea. The data, used to build qualitative and quantitative indicators, are sourced from the monitoring of the coastal and marine environment. These data allow the understanding of the pressures acting thereon, the assessment of the overall management and exploitation of the marine environment and resources and in formulating future policies.

On 06 April 2024, through the decree No. 2024-315, France set up an observatory for renewable energies and biodiversity.

Mr Speaker, Sir, as the House may be aware, we already have several Observatories in Mauritius, namely –

- 1) The Mauritius Ocean Observatory at the Department for Continental Shelf, Maritime Zones Administration and Exploration, which is a platform for geospatial data to support the Marine Spatial Planning initiative of the Republic of Mauritius, including ocean exploration and sustainable development.
- 2) The Water Observatory in Mauritius and Rodrigues, launched on 04 August 2022, is a joint initiative of the Ministry of Energy and Public Utilities, the *Agence française de développement*, and the *Office de l'eau* of Reunion Island.

The key objectives of this initiative include: compiling a comprehensive database on the quantitative and qualitative characteristics of the water sector and, providing inputs in the formulation of the most appropriate policy and setting up of a website where the public would have access to information on the water situation in the country and data such as water levels in reservoirs, rivers and boreholes. The Water Observatory in Mauritius and Rodrigues would, therefore, help the relevant authorities to have a better management in the sector and respond to new challenges.

- 3) The Mauritius ICT Indicators Portal, which is also an Observatory, is a web-based system that consolidates Information, Communication and Technology-related statistics in the country. With just a click of the mouse, anyone from the Government, private sector, and the general public can access ICT statistics and other related information. The portal also promotes proper management of statistical data that can be used for policy research, plans and projects development and implementation, and analysis of the ICT sector.

The Portal was created by the National Computer Board, operating under the aegis of the Ministry of Information Technology, Communication and Innovation.

- 4) The Observatory for Gender-Based Violence, which was kick-started on 23 December 2021, with a Memorandum of Understanding signed between the Mauritius Research and Innovation Council and the Ministry of Gender Equality and Family Welfare for the running and operationalisation of the GBV Observatory over two years.

This Observatory helps Government to have an in-depth understanding of, as well as a study of the evolution of the different gender-based violence cases.

- 5) The Price Observatory for protecting the purchasing power of consumers was legally reinforced with the Consumer Protection (Price Observatory Committee) Regulations 2021 which came into operation on 03 September 2021. The Price Observatory Committee has a number of functions which include, amongst others, studying and publishing the price evolution of commodities and formulating policies.

Mr Speaker, Sir, whether in advanced territories of Europe or in Mauritius, data acquisition and monitoring have a crucial role to play to inform the public. To this very end, a strong proposal that emanated from the *Assises de l'environnement*, was the establishment of an *Observatoire de l'environnement* as a platform with the objective to collect environmental data for environmental monitoring, management, development and evaluation of environmental policies, as well as for dissemination of environmental information.

After careful examination of the pros and cons, my Ministry has agreed to this proposal, whereby the model of the *Observatoire de l'environnement* will –

- (a) Firstly, be based on principles of inclusiveness, participation, transparency and accessibility of information;
- (b) Secondly, act as an interface to communicate with stakeholders, including the public, on environmental parameters, whether in the form of indicators, for environmental monitoring and management or for dissemination of environmental information, and

- (c) Thirdly, encourage evidence-informed policy-making, whereby multiple sources of information, including statistics, data and the best available research evidence and evaluations, are consulted before making a decision to plan, implement, and alter public policies and programmes.

Obviously, policy-making requires coordination from a range of governmental departments and a multidisciplinary approach where evidence is required.

Therefore, I am proposing to add two new clauses, clauses 15 and 16, in the Environment Bill, so as to define the functions of the said *Observatoire* and for setting up of a Committee on *Observatoire de l'environnement* that will ensure that the *Observatoire* proceeds in an independent and objective manner. For that purpose, the Committee will have to –

- (a) ensure maximum cooperation and coordination among institutions for providing necessary data to the *Observatoire*;
- (b) validate data, reports and bulletins for publication;
- (c) monitor and review progress on the implementation of national, regional and international policies and programmes under the *Observatoire*, and
- (d) establish financing mechanism and governance of the *Observatoire*.

Moreover, a Science-to-Policy Platform will also be established as part of the *Observatoire* to host and facilitate a multi-sectoral dialogue so as to disseminate and communicate on conclusive research. This platform will also serve as an advisory body for decision makers towards improved environmental governance, evidence-based decision-making and adaptive management.

A new clause 17 is being included in the Environment Bill, setting out the objectives of the Science-to-Policy Platform, as well as its functioning.

Mr Speaker, Sir, I strongly believe that the proposed *Observatoire de l'environnement* will bring value-addition to environmental governance in Mauritius. It will be an important platform that will engage all segments of society in our activities, particularly boosting the role

of Environmental Experts, NGOs, Civil Societies and the younger generation as drivers of change.

The “*Observatoire*” will also enable us to leverage the latest environment friendly and sustainability technologies and know-how. For the information of Members, I am pleased to apprise the august Assembly, that my Ministry has already kick-started the process for the establishment of the “*Observatoire de L’Environnement*”.

This project has been initiated in September 2023 with the financial support, to the tune of Rs8 million, from the *Agence Française de Développement* and the contract has been awarded to the University of Mauritius and four aspects of the project namely the technical, legal, economic and IT infrastructure are being considered for implementation, in the first instance.

Another subject of interest, Mr Speaker, Sir, concerns the Environmentally Sensitive Areas. Provisions have been made at Part III of the Bill for the setting up of a mechanism for the protection, management and conservation of Environmentally Sensitive Areas. Issues around land degradation and degradation of Environmentally Sensitive Areas – so-called ESAs – across the Republic of Mauritius have been the subject of passionate discussions at all levels, as well as vibrant appeals for their preservation and conservation during consultations held with stakeholders.

These topics still cause considerable debates, as evidenced by the frequent press coverages and Parliamentary Questions raised within the House.

Mr Speaker, Sir, as we are all aware, ESAs are known for having special environmental attributes for the long-term maintenance of biological diversity, soil, water and other natural resources. More recently, societies have begun to appreciate their crucial value for a variety of ecological services including ensuring resilience against increasing impacts of climate change.

ESAs can effectively act as buffers against erosion, floods, temperature extremes, the impacts of which we have felt as of late. The value of ESAs is particularly crucial in Small Island Developing States – like Mauritius, characterized by limited land resources, which are under increasing demands and intense pressures from multiple and competing uses as well as from climate change and extreme weather events. Land is intricately linked to freshwater and we

are at risk of crossing tipping points where the degradation of resources rapidly accelerates, threatening the island's habitability.

To avoid this, SIDS have been prompted within international fora to judiciously use their available land resources and ensure proper physical planning and land-use management based on estimates of human carrying capacity. Within this context, many SIDS countries have recently started crafting legal frameworks for the protection and management of ESAs.

For instance, the Bahamas Environmental Planning and Protection Act of 2019 empowers its Minister of Environment to designate an area of land within the Bahamas to be an ESA. In addition, this Act allows for any species of living plant or animal to be designated as an environmentally sensitive species that requires special protection.

For the protection of natural resources, the Environmental Management Act of Trinidad and Tobago comprises similar protective provisions as that of the Bahamas in terms of defining areas as ESAs or species as environmentally sensitive. Within Trinidad and Tobago, authorities are required to publish in their Gazette a notice that includes –

- a comprehensive description of the area or species to be so designated;
- the reasons for such designation, and
- the specific limitations on use or activities within such area or with in regard to such species which are required to adequately protect the identified environmental concerns.

Mr Speaker, Sir, in Mauritius, there is presently no specific legislation that address all types of ESAs comprehensively. Rather, ESA-related legislations and associated policies are fragmented across several laws under the purview of several authorities.

For instance, the Native Terrestrial Biodiversity and the National Parks Act, Fisheries Act, the Rivers and Canals Act, as well as the Forests and Reserves Act all contain relevant provisions to address specific types of ESAs. Authorities such as the National Parks and Conservation Service and the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping have enforcement powers with regards to terrestrial biodiversity and marine

biodiversity respectively. As a result of this complex array of regulatory and policy frameworks, we have, in Mauritius, a scattered institutional framework dealing with various types of ESAs.

Mr Speaker, Sir, the introduction of a comprehensive institutional and legal framework for protection and conservation of ESAs was another key recommendation of the “*Assises de l’Environnement*”, as well as in the comments received during the review process. To address this issue, I am proposing to include a whole new Clause exclusively dedicated to ESAs in the Environment Bill.

Firstly, provisions have been included so as to enable the setting up of a multi-stakeholder ESA Committee at Clause 22. Over and above being bestowed with coordination powers with regards to the sustainable management of the 14 ESAs listed under the First Schedule of the Bill, this committee will be tasked with the following roles –

- (a) to formulate policies, programs, initiatives, standards and requirements aimed to enhance the protection and conservation of ESAs and reduce their degradation as well as maintaining their integrity and preserve their ecosystem;
- (b) to establish and update an ESAs inventory and ESA maps at least every five years;
- (c) to establish criteria for the declaration and categorisation of any new ESAs, as and when required;
- (d) to identify enforcing agencies for ESAs which do not fall under the purview of any particular enforcing agency;
- (e) to identify appropriate enforcement mechanisms to ensure the protection of ESAs, and
- (f) to devise public awareness programme in relation to the protection and conservation of ESAs.

While existing institutions will retain their powers as enforcing agencies, I am also proposing to include provisions at Clause 23 so as to empower the Minister of Environment to make regulations providing for –

- (a) the management, protection and enhancement of the ESAs;
- (b) the prevention, reduction and control of pollution in the ESAs;
- (c) the implementation of the obligations under, and giving effect to, international and regional agreements;
- (d) restoration and rehabilitation of ESAs.

ESAs such as caves and mudflats, which are not currently falling under the responsibility of any enforcing agency, would henceforth be covered under the new legislation. Clause 24 of the Bill will also include provisions such that dumping in ESAs would be constituted as an offence, unless the offender is able to prove that the release and the dumping –

- was either due to or was rendered necessary by "*force majeure*" or for the protection of human life; or
- was within the level, amount or nature permissible under an international agreement or convention to which the State of Mauritius is a party.

Furthermore, the Minister is empowered at Clause 26 to declare, for the purpose of conservation or management –

- (i) a private land as an ESA or,
- (ii) after consultation with the Minister responsible for the subject of land, any State land as an ESA.

Mr Speaker, Sir, with those proposals, we will, at long last, be establishing a proper framework to ensure a better protection, conservation and management of Environmentally Sensitive Areas in the Republic of Mauritius.

This framework will enshrine provisions around Natural Capital Accounting, while encouraging better protection of ecosystem services. It is undeniable that such measures are essential steps that will further pave the way towards a "Transition Ecologique".

Another important subject concerning the Bill, Mr Speaker, Sir, concerns the Preliminary Environment Report (PER) and Environmental Impact Assessment mechanism. Mr Speaker, Sir, provisions have been made at Part IV of the Bill for the introduction of further measures to enhance the transparency of the environmental assessment mechanisms. Over the years, Mauritius has diversified its economy from mono-crop agriculture to a diversified and service-oriented one, based on exports financial services and tourism.

Today, as the dust settles following COVID-19 restrictions, the economic sector is in a vibrant phase with development happening across the island and it is expected that there will be continued significant changes. However, without proper development, control mechanisms, uncontrolled urbanisation and development will increase pollution loads and loss of habitats, as well as heightened risks to natural disasters, just to name a few.

Therefore, it is indisputable that sound development control remains an important process in regulating the use of land and buildings to ensure that development is sustainable. Within different nations and jurisdictions, development control has been undertaken through the implementation of a wide range of policies and regulations. These include development plans, zoning regulations, building codes and environmental assessments.

The European Commission, for instance, has developed a directive on Environment Impact Assessments, whereby its Member States are required to conduct EIAs for projects that are likely to have significant impacts on the environment. Mr Speaker, Sir, in Mauritius, development control mechanisms include a legislative framework on land-use planning, as well as planning instruments such as the National Development Strategy, Outline Planning Schemes, Development Management Plans and Planning Policy Guidance for residential, commercial, industrial and hotel development.

In addition, the Environmental Impact and Preliminary Environmental Report mechanisms, the findings of the Study on Environmentally Sensitive Areas and the Integrated Coastal Zone Management Framework provide necessary tools for development control. Recently, to address recurrent flooding issues, a Drainage Impact Assessment has been made mandatory for major developments and land parcelling projects. The Drainage Impact Assessment is assessed during the processing of EIA applications for such developments.

Mr Speaker, Sir, it is to be recalled that the EIA mechanism was first introduced in Mauritius in the early 1990s under the first Environment Protection Act, while the PER mechanism was established in 2002 further to the repeal of EPA 1991. Presently, the Preliminary Environmental Report and the Environmental Impact Assessment mechanisms ensure that environmental aspects are properly considered at the inception and design stages of scheduled undertakings.

Part IV of the EPA 2002 establishes clear procedures for processing of EIA and PER applications. During the *Assises de l'Environnement* held in 2019 and further national consultations that ensued, a number of shortcomings in the mechanisms for the conduct of environmental assessments were highlighted.

These include the following –

- (1) the fact that applications for PER approvals are not open for public consultations gave the impression of a lack of transparency in the decision-making process;
- (2) in similar fashion, lack of dissemination of information to the general public regarding additional information submitted by proponents for both EIA and PER mechanisms was viewed as not consistent with participatory decision-making principles,
- (3) finally, issues around the efficacy of development control instruments addressing the environment.

In essence, the key issue that came up from those consultations pertain to deeper consideration for transparency in the EIA and PER processes. Mr Speaker, Sir, to address those recurring points, we have undertaken a major overhaul of Part IV of the Environment Protection Act 2002, whereby EIA and PER processing mechanisms have been reviewed in-depth within the Environment Bill to enhance transparency.

The Bill also takes into consideration the submission and processing of EIA and PER applications through the National E-Licensing System as a step forward towards business transformation in the digital era, which not only enhances a positive business environment, but also contributes to maintain a high standard of environmental protection in our quest for sustainable development.

Mr Speaker, Sir, as you are aware, unlike the EIA mechanism, processing of Preliminary Environment Report applications did not include public inspection. In view to enhance transparency and ensure public participation, the new Bill provides at Clause 34 for PER applications to be open for public consultations, whereby the latter would be able to submit their views and comments. These would be duly considered during processing of the application and also during decision making.

We have adopted a similar approach focusing on enhanced transparency for EIAs. Indeed, the new Environment Bill includes provisions such that additional information submitted by proponents will, henceforth, be accessible to the public for consultation. Such a step is being taken in the spirit of good governance and will render both processes more transparent as well as make decision making more inclusive.

On the other hand, even if the time allocated for public comments has not changed, I wish to stress that where the need arises, public comments dates are extended at Clause 42 to allow for the civil society and the public at large to comment on an EIA project.

With a view to complete the cycle of environmental assessments, proponents would now be required to apply for a Completion Certificate prior to operating any undertaking in line with Clause 52 of the Bill. This will further enhance trust of stakeholders that due diligence has been effected by the authorities prior to any operations.

To avert environmental nuisances, it would also be incumbent upon a proponent, in accordance with Clause 54, to additionally submit a decommissioning plan, not later than two months before ceasing an undertaking or an activity.

Mr Speaker, Sir, through those measures, it is undeniable that current development control mechanisms will be made much more environmentally sound and transparent, while strengthening the integration of participatory principles within environmental management in the Republic of Mauritius.

Mr Speaker, Sir, I will now talk on the Strategic Environmental Assessment (SEA). The major amendment being proposed within the development control part of the environmental legal framework in Mauritius is the re-introduction of the Strategic Environmental Assessment (SEA)

mechanism at Part IV of the Bill, especially given the major development projects being undertaken all across the island.

It is to be recalled that Strategic Environmental Assessments were previously catered under Part C of the Fifth Schedule of the EPA 2002 and listed undertakings, at that point in time, included: Housing Development Programmes, Integrated Coastal Zone Management Plans, Industrial Estates, Land and Transport Management Plans, National Physical Development Plans and Outline Schemes, New Town and Satellite Towns, Port Master Plan, Sewerage Master Plan, Solid Waste Management Plan, and Tourism Development Plan for Mauritius and Rodrigues.

Following amendments brought to the EPA in 2008, Part C of the First Schedule was repealed. At that time, a number of constraints hampered the operationalisation of SEAs in the republic. Some of those limitations included –

- (a) Scarce information, institutional resistance and jurisdictional overlaps;
- (b) Difficulties in defining and ensuring effective involvement of public participants;
- (c) Coordination and integration of strategic assessment with other assessment processes, and
- (d) Conflict between integrated assessment and bureaucratic fragmentation.

However, based on at least 3 decades of experience gathered in environmental impact assessments, we feel that the time is now ripe for the reintroduction of Strategic Environmental Assessment.

Mr Speaker, Sir, Strategic Environmental Assessments, or SEAs, are important tools that enable planners and decision-makers to consider environmental and sustainable development objectives at the outset of policy, strategy and programme development. They enable the evaluation of various options and alternatives prior to the endorsement of a preferred strategic option. With a strategic-based methodology, SEAs are instruments that consider environmental issues in the planning and programming cycle as early as possible, thereby enabling discussions and assessments between strategic options.

SEAs, in essence, provide an iterative track that assist decision makers in choosing amongst different strategic developmental options, while addressing environmental and

sustainable development. For instance, developmental measures that exert a high impact on natural resources such as water, energy or land will, cumulatively, have a high impact on the environment. Through SEAs, one is able, at the very outset, to define rules that mitigate to the extent possible, the cumulative environmental impacts of developmental measures in line with the carrying capacity of sites.

Mr Speaker, Sir, regarding the international best practices, it is worth noting that numerous countries have developed SEAs in response to different environmental, societal and economic issues. Guides have been produced to facilitate the SEA process and its uses. Several international organisations have thus produced SEA guidance documents such as the EU since 2001 and the World Bank in 2012. The Impact Assessment Act 2019 of Canada sets out a federal process for impact assessment of major projects and the prevention of significant adverse environmental effects for projects on federal lands and outside Canada.

The European Commission introduced the Strategic Environmental Assessment Directive in 2001, which was later implemented in the UK through various regulations, including the Environmental Assessment of Plans and Programmes Regulations 2004. These regulations specify the scope of and how SEA should be conducted. The 2020 Environmental Act of Suriname includes an EIA and SEA, where the National Environmental Authority can conduct SEA and can outsource the conducting of SEA. In Uganda, SEA has been integrated in the National Environment Act 2019.

Mr Speaker, Sir, as we all know, Mauritius has limited land suitable for development. Rapid economic growth over the past decades has seen increasing pressure on land resources, especially through rising demand for urban and infrastructural expansion as well as measures to develop agricultural, industrial, manufacturing and tourism sectors. In turn, this has resulted in significant impacts on the environment, with an increase in pollution load, land clearing and traffic congestion.

Through urban development, our environmental landscape has changed over time. Paved and impermeable areas have been constructed. Those have contributed to increasing flood hazard, especially in lowlying areas, amongst others. In certain parts of the island, incompatible development can be seen, with the siting of industries in close proximity with residential and

environmentally sensitive areas. Inadequately planned and improperly managed areas have created new risks, which are threatening to erode current development gains.

Furthermore, given that most prime land is already committed, future development is being envisaged on difficult sites, such as on ESAs, including mountain slopes, islets, wetlands and sites prone to landslides and flooding.

In addition, land-use planning and development is becoming more complex due to contemporary challenges such as climate change, droughts, flash floods and landslides, amongst others. With these emerging challenges, it is important to introduce Strategic Environmental Assessment in order to help decision makers to incorporate environmental and sustainability objectives in the formulation of policies.

Mr Speaker, Sir, the extent of contemporary environmental issues, along with a developmental space that is getting tighter with time, mandates a rethinking of existing development control mechanisms in the country.

The re-introduction of a comprehensive legal framework for SEA was also among one of the key recommendations of the *Assises de l'environnement*.

Mr Speaker, Sir, I am also happy to note that some Members in the other side of the House have also expressed their opinion in favour of SEA. After careful examination of arguments posed, I am proposing to re-introduce a Strategic Environmental Assessment framework under Part IV of the Environment Bill. Part C of the Sixth Schedule to the Bill lists all the types of developments that will require a SEA, according to sectors spanning across fisheries, energy, industry, transport, waste management, water management, tourism, real estate developments and smart cities, bunkering activities, and animal, theme and amusement parks.

Henceforth, plans and programmes such as the National Tourism Plan, Solid Waste Master Plan, Marine Spatial Planning, and developments addressing real estate developments and smart cities, construction of tramways and railways, development of industrial estates, coastal waterfront developments, major plans and programmes in agriculture and restoration of environmentally sensitive areas, amongst others, will require a Strategic Environmental Assessment.

Furthermore, multiple undertakings requiring Environmental Impact Assessments or Preliminary Environmental Reports in different or same locations, such as several jetties at different locations or several components such as morcellements, clinics, housing units within a single location, for example, as is the case for smart cities, will require a SEA. In those cases, environmental assessment would be carried out in an integrated and holistic manner. As such, upon the grant of a SEA approval, a proponent would, in principle, not be required to submit individual EIAs or PERs at the project stage.

This element would add a step forward in ease of doing business while ensuring environmental protection as well as sustainable development. It is, however, to be stressed that notwithstanding those broad requirements at strategic level, the Minister may, however, request a proponent to submit a PER or an EIA for any specific undertaking.

Mr Speaker, Sir, with a view to address the difficulties that impeded the operationalisation of SEAs in the past, the current regulatory framework has been significantly improved through detailed provisions regarding submission and processing. Capacity building programmes will also be concurrently held to support the operationalisation of SEAs in the Republic of Mauritius. I firmly believe that the re-introduction of SEA in the Environment Bill will have an overall positive impact on our environment.

While acknowledging the complexity of the decision-making processes and even the interplay of several external factors to influence the right balance between economic growth, social inclusion and environmental protection, SEAs will be an important instrument that will enable the country to achieve development that is sustainable, while creating new opportunities for smartening impact assessments.

Mr Speaker, Sir, I will talk now on the oil spill and environmental emergencies. Mr Speaker, Sir, provision has been made at Part V of the Bill for the introduction of an improved coordination framework that details the preparation and response to an oil spill, including enhanced coordination and cooperation among relevant authorities. For Small Island Developing States, disasters related to environmental emergencies have special significance due to their geography, small size, physical isolation and limited access to specialised expertise and equipment.

Given those limitations, very often, SIDS do not have many options than being self-sustaining during the initial phases of an environmental disaster before requesting for international assistance and coordinated regional responses. This underlying condition highlights the need for adequate preventive and preparedness measures to minimise the risk of widespread impact.

Being geographically located in a very busy maritime route, Mauritius faces serious threat from oil spills in its territorial waters. This risk is bound to escalate further with time, given the increasing maritime traffic in the region. Members of the House will recall the environmental crisis brought about by the oil spill following the grounding of the MV Wakashio in 2020. It was the first time in the history of Mauritius that such an ecological disaster was experienced and a tragic reminder of the environmental threats posed by maritime transport. It also highlighted the urgent need for all countries to adopt and implement international conventions that govern our seas to decrease the risks of such disasters to occur.

Being highly economically dependent on its coastal and marine environment, the sustainability of the major economic activities and protective functions of Mauritius is totally dependent on the vitality, aesthetics and ecological functioning of its coastal and marine ecosystems.

As a matter of fact, a study carried out in 2012 estimated the total economic value of the coastal resources of the island of Mauritius to be around USD 33 billion. It is therefore vital that oil spills be avoided, or if they occur, their impacts be mitigated to the extent possible.

Mr Speaker, Sir, as Members of the House may be aware, Mauritius has a “National Oil Spill Contingency Plan” which has been established since 2003, and which has been utilised to address the so-called “Tier 1” spills, that is spills that encompass less than 10 metric tons. Since then, the National Oil Spill Contingency Plan has shown some serious limitations in dealing with major oil spills that exceed 10 metric tons. During the MV Wakashio incident, some 800 metric tons of heavy fuel oil were spilled.

This event proved to be a real testing time for our current response capacities and capabilities. In view of limited combat equipment and expertise, regional and international assistance became essential early on. It is obvious that Mauritius requires improvements and

support, both in terms of country preparedness measures, protocols and equipment to combat such oil spill and restoration of the affected sensitive coastal and marine ecosystems. Reinforcement of surveillance for monitoring of vessel traffic; Establishment of a National Oil Spill Coordination Committee; Monitoring of environmental damage; Restoration of impacted shorelines and ecosystems; Training and Capacity building; and considerations for alternative livelihoods for those bearing the brunt of a spill are some of the measures that will be required.

Mr Speaker, Sir, these points strongly justify the need to strengthen and reinvigorate our current legal provisions regarding oil spill and environmental emergencies, which are now contained within Part V of the new Environment Bill. For instance, given that the National Disaster Risk Reduction Management Centre (NDRRMC) has been, since 2016, the main institution responsible coordinating disaster risk reduction and management in Mauritius, the NDRRMC will henceforth be immediately notified of any occurrence of an oil spill. This will ensure better coordination amongst relevant local stakeholders.

On the other hand, the National Oil Spill Contingency Plan, which provides the organisational structure and procedures for preparedness and response to an oil spill, will, from now on, have a legal force as per provisions laid in Clause 57 of the Bill. This will ensure a prompt, planned and nationally co-ordinated response to any current or potential oil pollution. The composition as well as the functions of the National Oil Spill Coordination Committee is also clearly stated in Clause 58 of the Bill.

The Committee will be responsible to review and update the National Oil Spill Contingency Plan every five years; coordinate its implementation and response in the event of an oil spill and also report to the National Crisis Committee. Provisions for the setting up of sub-committees and for activation of the National Oil Spill Contingency Plan will be catered. Amongst the host of new measures in the Bill, an owner of a spill will, henceforth, have an obligation to notify the Director of Environment of the occurrence of a spill within one hour.

The Bill also provides, at Clause 60, for anyone who conducts an activity associated with the storage or use of liquid fuel within its premises to undertake a risk assessment and prepare and submit a contingency plan to address such risks. This follows the recent spills incidents at the estuary in Terre Rouge. In line with lessons learnt and potential safety and health risks,

volunteers would henceforth be required to obtain authorisation from my Ministry prior to partaking in oil spill mitigation and cleaning exercises, as per provisions laid down at Clause 64 of the Bill.

Henceforth, the owner of an oil spill may be requested, as per clause 65, to carry out environmental monitoring of the nature, extent and effect of the oil spill and on the quality of any environmental medium likely to be affected by the oil spill. Furthermore, Clause 66 of the new Bill empowers the Director of Environment with cost recovery mechanisms for oil spills. For instance, any costs and expenses incurred as a result of independent monitoring exercises carried out, as approved by the National Oil Spill Coordination Committee, will be claimed from the owner of a pollutant which is spilled.

Additionally, under Clause 66, the Director is also empowered, after consultation with the National Oil Spill Coordination Committee, to cause the carryout of such environmental monitoring of discharges of oil spills and to determine the end points for cleaning exercises to mark the completion of all cleaning operations of affected sites. Lastly, the cost of any assessment or study carried out or to be carried out on the social, economic and environmental effects which an oil spill had or is likely to have on the people, economy, environment and society will be claimed from the owner of a pollutant which is spilled.

Mr Speaker, Sir, as it is now obvious, significant improvements have been made to the current legislative framework addressing oil spills. I am convinced that the Environment Bill which clearly reinforces our legal framework will bring our Country to the next level in terms of environmental protection, management and conservation.

Mr Speaker, Sir, concerning circular economy, while Part VI of the Bill on National Environmental Standards, Part VII on Coastal and Maritime Zone Management, Part VIII on the National Environment and Climate Change Fund and Part IX on Environment Protection Fee have been streamlined and strengthened. In light of lessons learnt over time, a significant new provision has been added to Part X of the Bill for the introduction of a framework to promote the transition to a circular economy and consolidate provisions addressing extended producer responsibilities.

Mr Speaker, Sir, the current linear model of economy that follows a “take, make, waste” process, in which raw materials are extracted, processed and the end products disposed of after use, has led to a situation whereby more than 90% of the resources which are extracted for the global economy are being used only once, and then disposed of. This is obviously not sustainable and the underlying paradigm adopted for development for years, whereby it is assumed that resources are infinite, whereas we live in a finite world, is clearly having a toll on the environment.

As a SIDS, Mauritius has limited natural resources and relies heavily on imports, especially for its food and energy requirements. Around 77% of our food material comes from imports, making us a Net-Food Importing Developing Country. Along the same lines, up to 80% of our fuel needs are met through imports of petroleum products. Our increasing dependency seriously impairs our capacity to build resilience in the face of volatile international prices, disruptions in value chains and scarcity of resources.

In the face of these challenges, we need a model of economy that will help us strengthen our resilience and reduce our dependencies on the external world. We need to develop an economy where products and materials are reused, repaired and recycled, instead of being thrown away, and where by-products from one industrial process becomes a valued input for another, thus limiting our need for new imported products.

Globally, several advanced economies have already adopted a circular economy-based legislative framework. For instance, the European Commission’s Green Deal proposal of 2019 illustrates ambitious goals to become the first climate neutral continent by 2050, with circular economy as a key pillar in this transition.

France adopted its comprehensive Anti-Waste Law (*la loi anti-gaspillage*) in 2020, whereby provisions have been made to –

- a. phase out single-use plastic packaging by 2040;
- b. eliminate waste by encouraging reuse and supporting charitable organisations;
- c. tackle planned obsolescence;

- d. promote a better resource management system from the design stage to the recovery of materials, and
- e. provide better and more transparent information to consumers.

China and Canada have also enacted legal provisions to promote circular economy within their jurisdictions.

To address this burning issue, the Bill is providing at Part X for measures to address circularity. To that end, Clause 98 of the Bill provides for a National Circular Economy Policy, Strategy and Action Plan focusing on promoting circularity across key sectors of the economy, such as agri-food, construction, consumer goods, mobility and logistics. The National Circular Economy Policy Strategy and Action Plan will be reviewed every 5 years or as and when required.

The Environment Bill also includes provisions empowering the Minister to impose extended producer responsibility duties on any person or activity which has been identified as generating wastes that pollute the environment. Those persons or activities will be required to adopt sustainable consumption and production practices, promote eco-design of product, and minimise the waste throughout the life cycle of the product, thus preventing waste generation at source. Provisions in the Bill will thus help us transition to a more circular economy, incentivising people to recycle more, encouraging businesses to create sustainable packaging, making household recycling easier as provided for in our National Resource Recovery and Recycling Strategy and Action plan.

Mr Speaker, Sir, I will now talk on the framework for plastic management. Mr Speaker, Sir, to pursue measures on circularity, provisions have also been made at Part XI of the Bill for the introduction of a mechanism for the sustainable management of plastics. In view of its long-term persistence in the environment, amounting up to 1000 years, plastics have become a major environmental challenge. Plastic and micro plastic impact adversely on terrestrial and marine environments and need urgent consideration.

According to a report prepared by the Organisation for Economic Cooperation and Development (OECD) in September 2018, the proliferation of plastics use, in combination with poor end-of-life waste management, has resulted in widespread, persistent plastics pollution.

Over a period of 65 years, that is, from 1950 to 2015, it is estimated that around 6,300 million tonnes of plastics waste have been generated. Out of those very high figures, only 9% have been recycled, and 12% incinerated, leaving nearly 80% to accumulate in landfills or the natural environment. The presence of plastic in seafood, including fish and shellfish, and their subsequent consumption by the public, has led to concerns about chemical bioaccumulation in the food chain. Plastics are also entering the food chain more directly.

Indeed, research published by the OECD in 2018 points towards micro plastic contamination in tap water, bottled water across a number of countries. Consequently, the UN Environment Assembly, at its fifth meeting convened in Nairobi, Kenya from 28 February to 02 March 2022, made history by agreeing to negotiate an internationally legally binding instrument by 2024 to end plastic pollution, that is, in around eight months from now on.

In fact, Member States engaged in the negotiation of the treaty have unanimously agreed that the world is in the midst of a global plastic pollution crisis, and that the best way to take action for the future is with a life cycle approach. This includes production, design and disposal, as well as design of reusable and recyclable products and materials.

Mr Speaker, Sir, clearly, Mauritius has not been spared of the plastic problem. With our new trend of living, plastic now makes up a significant percentage of the total waste generated, amounting to more than 12%. With a view to tackle the issue of plastic management, a Plastic Management Division was created in January 2021 at my Ministry.

In line with the objective of the Government Programme 2020-2024 to make Mauritius a plastic-free country within the nearest possible delay, my Ministry has adopted specific measures to ban certain types of plastic. Accordingly, we had the Environment Protection (Banning of Plastic Bags) Regulations 2020 and these regulations have prohibited the possession, use, distribution, sale, export and manufacture or supply of plastic bags, including non-woven polypropylene bags, but with the exception of certain types of exempt plastic bags such as those used for packaging, waste disposal, for agricultural and medical sectors.

Secondly, we had the Environment Protection (Control of Single Use Plastic Products) Regulations 2020. These regulations ban single-use plastic products mainly in the food business sector, such as spoons, forks, etc.

Mr Speaker, Sir, along this line, I am proposing to introduce a framework for plastic management to achieve the Government's vision for a plastic-free Mauritius, including through the development of a National Strategy and Action Plan to address the sustainable production and consumption of plastics. In this respect, the Minister of Environment will be empowered at Clause 102 of the Bill to make regulations providing, *inter alia*, for the prevention, reduction and control of plastic pollution.

Further provisions have been included at Clause 100 to cater for the setting up of a Plastic Management Committee under the chairpersonship of the Permanent Secretary of my Ministry with the following objectives –

- to ensure development and implementation of policies, projects, strategies, programme and action plan for plastic management;
- to make proposals for the formulation, review and enforcement of legislation in respect to plastic, including application of appropriate standards;
- to advise on research, innovation and development programmes for the purpose of promoting alternatives to plastics and reducing microplastics;
- to ensure public awareness on plastic pollution;
- to make recommendations for mainstreaming of regional and international commitment,
- to ensure implementation of projects to fulfil national, regional and international commitments in relation to control of plastic pollution.

I believe that the reviewed provisions within the Environment Bill on plastic pollution will pave the way for concrete implementable measures that will assist Mauritius in rising to the

status of a “plastic-free” country at the earliest possible and meeting the calls from UNEP for international actions to unite for a zero-waste plastic world.

Mr Speaker, Sir, concerning the enforcement and compliance mechanisms, provisions have been made at Part XII on Enforcement Measures, Part XIII on The Tribunal, Part XV on Criminal Proceedings and Part XVI on Fixed Penalty Offences within the Environment Bill for the strengthening of enforcement and compliance mechanisms to support a more effective and efficient application of environmental legislation in the Republic of Mauritius.

While being inherently multifaceted, environmental issues have, over time, been even more interlinked, leading to growing complexity, while, concurrently, attracting further public interest.

Indeed, the breadth of environmental issues continues to grow with scientific knowledge; they are no longer limited to air, water and soil contamination. It now includes climate change, genetic contamination, ecosystem degradation, radiation, loss of ecological resilience and several other issues.

In parallel, consciousness of the public on environmental matters has increased over time, resulting in a natural tendency to expect more Government action on enforcement of environmental laws and regulations. Given those interactions and interlinkages, as well as growing expectations, it is obvious that enforcement of environmental laws has a crucial role to play in ensuring a clean and green environment for the benefit of the citizens.

Mr Speaker, Sir, the potential gap between a legislation and its enforcement can be seen in many fields of law, but it raises particular challenges in the field of environmental protection. Regardless of how well-designed environmental legislation is, for it to be effective, it must be properly enforced. My Ministry is responsible for setting inspection policies and to ensure their implementation under the current Environment Protection Act.

My Ministry also coordinates enforcement of environmental laws together with other enforcing agencies designated by law to cater for pollution across different media or jurisdictions.

Our existing Environment Protection Act provides for enforcement procedures and sanctions such as issue of notices to redress environmental damages, fines and imprisonment against contraveners. Indicatively, the EPA 2002 currently includes penalties for serious offences that range from Rs10,000 to a maximum of Rs500,000. On the other hand, minor offences can be subject to fixed penalties.

Mr Speaker, Sir, several institutions, known as enforcing agencies, are mandated to protect our environment. Clause 13 and the Fourth Schedule of EPA 2002 provides for Enforcing Agencies for the different environmental media. Those institutions contribute to different extents in the design and operation of enforcement strategies.

Unfortunately, some overlapping responsibilities amongst Government agencies, combined with the inherent nature of interlinkages within the environmental field, have resulted in a lack of clarity regarding enforcement mandates, creating dilution of the impact of compliance programmes and, at times, paralysis in enforcement actions.

Over time, experience in the enforcement of the EPA has revealed a number of loopholes, which have hampered adequate enforcement of environmental laws. These include –

- a) issues to prompt offenders to take remedial actions for harm incurred;
- b) problems with regard to requesting offenders or activities likely to cause harm to the environment to undertake monitoring and submit related information, and
- c) addressing eyesores, especially recurring ones whereby it is difficult to identify the offender.

Mr Speaker, Sir, in the light of these difficulties and challenges, I am, therefore, proposing to strengthen the enforcement and compliance mechanisms in the Environment Bill for a more effective and efficient application of environmental legislation.

In the first instance, the Court will be bestowed with additional powers to direct an offender to take remedial actions for harm done to the environment. The Environment Bill also empowers the Court under Clause 132 to recover costs incurred by the State in taking remedial actions resulting from acts or omissions by an offender.

Secondly, the Director of Environment will be conferred additional authority to impose specified tests or other environmental monitoring and information relating to an activity likely to cause harm to the environment.

Thirdly, on the issue of recurrent eyesores, offenders will now be requested as per Clause 117 to submit a written programme of measures to abate same. Failure to comply with such a request will incur action by relevant authorities to remove the eyesore.

A consequential amendment is being brought to the Recovery of State Debts Act such that costs incurred will, henceforth, be imposed on the owner of the eyesore or occupier or heirs of the land, building or structure whereby the eyesore is located. Failure to address eyesores will, henceforth, not go unpunished.

Fourth, to ensure that any penalty imposed is adequate in severity to an offence committed under an environmental law, a new section has been included at Clause 129, to provide guidelines to assist the Court in determining the adequate quantum of penalties.

Fifth, in addition to any fine, under Clause 134, the Court is being empowered to prohibit an offender from doing any act or engaging in any activity that may result in a continuation or repetition of an offence; take remedial actions as appropriate; and impose any other conditions to prevent the offender from repeating the same offence or committing another offence.

Sixth, the mechanism for fixed penalties will now be strengthened at Clause 139 such that offenders will now be legally required to remove a nuisance or article or material within a maximum of 30 days.

Those measures will address gaps within our current framework, and therefore, lay a stronger foundation towards streamlining enforcement and encouraging compliance to environmental legal provisions.

Mr Speaker, Sir, concerning one of the last points, is the introduction of a settlement mechanism. Provisions have also been made at Part XVII of the Environment Bill on Compounding of Offences with a view to streamline prosecution or litigation cases which often imply lengthy and costly processes.

The current Environment Protection Act 2002 provides for criminal proceedings to be initiated against any legal or natural person charged with an environmental offence. While prosecution serve the essential purpose of upholding justice and ensuring accountability, it can often be a lengthy and time-consuming process.

Furthermore, the penalty imposed by a Court may not duly take into account the severity of the offence such as the damage caused to the environment. Such situations can, potentially, weaken the deterrent effect of prosecution.

With a view to improve enforcement, the Environment Bill provides for certain offences to be compoundable. Compounding of offences is a settlement mechanism where the offender is given an option to pay a penalty *in lieu* of prosecution. The concept has been introduced as a measure to avoid the long-drawn process of prosecution, which would save both cost and time in exchange of payment of a penalty.

Mr Speaker, Sir, compounding of offences is a legal concept that exists in various forms in different countries around the world. For example, in India, the Companies Act of 2013 allows Companies to avoid legal proceedings and settle the matter by paying a fine. In Singapore, a complainant can agree to make a settlement with an accused for some offences which are minor and private in nature and that are less likely to impact on public interest.

Compounding of offences also exist in our local legislation, such as within Section 162 of Customs Act 1988 and Section 46 of the Construction Industry Authority Act 2023. Under those sections of our laws, relevant authorities are empowered to compound any offence committed by a person, subject to that person agreeing in writing to pay an agreed amount not exceeding the maximum penalty imposed under the relevant Act. Such settlement is subject to the consent of the Director of Public Prosecutions.

Mr Speaker, Sir, to address the issue of lengthy and costly prosecution of offences, Clauses 140 to 143 of the Environment Bill provide for the setting up and workings of an Administrative Sanctions Panel. This Administrative Sanctions Panel will be composed of a legal practitioner reckoning at least 10 years' experience and two senior officers of my Ministry.

Collectively, this panel will be responsible to determine the amount of penalty to be paid by a person who has committed a compoundable offence.

While imposing penalties, the Administrative Sanctions Panel will be required to consider the seriousness of the offence and will be empowered with the same additional powers of the Court to impose other penalties such as directing the offender to take actions to remedy or to avoid any harm to the environment or prohibit the doing of any act to stop a continuing contravention.

Any compoundable penalty determined by the Panel will be subject to the consent of the Director of Public Prosecutions. Where the DPP is not agreeable to the compoundable penalty, he may initiate prosecution for the offence committed. It is to be noted that on payment of an agreed amount, no legal actions would be initiated against an accused.

Mr Speaker, Sir, I am convinced that those measures will streamline enforcement of environmental laws and instill a culture of compliance within a country with a fragile environment and whose resilience is challenged by economic and social development and by climate change and other major environment threats.

Mr Speaker, Sir, other small value additions to the Bill; briefly, the formulation of the Environment Bill offered us with an opportunity to address a number of gaps and loopholes permeating across our current legislative framework. To that end, across various Parts of the Bill, the following provisions will be integrated –

(a) Firstly, the list of enforcing agencies for different media have been reviewed so as to designate, under the Fifth Schedule to the Bill, additional enforcing agencies such as –

- the Ministry responsible for the subject of radiation protection;
- the Department for Continental Shelf, Maritime Zones Administration and Exploration;
- the National Land Transport Authority;
- the Beach Authority, and
- the Mauritius Ports Authority.

In case of a contravention or likely contravention of any declared environmental law within their sphere of responsibility, those enforcing agencies would have all the powers conferred on an authorised officer to issue notices other than a prohibition notice.

(b) Secondly, the objects of the National Environment and Climate Change Fund at Clause 89 of the Bill have been expanded to include the promotion and support of activities related to climate change adaptation and to the “*Observatoire de l’Environnement*”. Accordingly, the composition of the National Climate Change Fund Board has also been widened to include relevant stakeholder ministries responsible for the subject of solid wastes, for agriculture and for fisheries.

(c) Thirdly, with a view to adopt a hands-on approach towards environmental protection, management and conservation in Rodrigues and at the request of the Rodrigues Regional Assembly, the chairmanship of the Rodrigues Environmental Committee is being vested to the Commissioner for Environment in replacement of the Chief Commissioner within Part XIV of the Bill on Application of the Act to Rodrigues.

(d) Fourth, additional provisions have been made at Clause 147 to cater for new regulations addressing –

- the implementation and enforcement of circular economy measures;
- guidelines with regard to the processing of Environmental Monitoring Plans, and
- issues pertaining to environmental, social and governance.

(e) Lastly, consequential amendments are being brought to 26 pieces of legislations, including new provisions –

- within the Ports Act, whereby the Port Master Plan will, henceforth address assessment of environmental, social and economic impacts of port activities, and
- within the Recovery of State Debts Act to address expenses, interests and costs incurred as a result of an oil spill and costs incurred for the removal of an eyesore.

Mr Speaker, Sir, further to publication of the draft Bill on the website of the Parliament, my Ministry received a few additional comments. As a matter of goodwill, due consideration was given to these comments and as far as possible, a few pertinent ones have been retained. Accordingly, the Science to Policy Platform will henceforth include representatives of NGOs. Typos pertaining to membership of NGOs within the ESA committee, as well as those pertaining to Appeal to Tribunal have been addressed.

Two omissions have also been taken on board, which will entail minor amendments in the draft Bill. These are –

- The inclusion of the agriculture sector within the list of undertakings requiring a Strategic Environmental Assessment (SEA)
- Specifications for fees payable by hotels and guest houses or tourist residence of more than four bedrooms have been reinserted as was the case in the EPA 2002.

To conclude, M. le président, c'est est un fait que le bien-être économique national et personnel, ainsi que le bien-être et la santé des individus, sont compromis par un environnement dégradé.

À la suite de problèmes complexes tels que les trois crises planétaires menaçant nos acquis en matière de développement, et l'émergence de concepts politiques tels que celui de l'économie circulaire et des transitions écologiques, des approches plus collaboratives, des interventions de commandement et de contrôle plus strictes, complétées par des instruments économiques et de nouvelles technologies, et cela ce sont des critères essentielles, M. le président.

Ces politiques et mesures ne peuvent être mises en œuvre harmonieusement sans un cadre juridique approprié. Par conséquent, les complexités et les urgences environnementales locales et mondiales actuelles justifient une législation environnementale revigorée, que, en tant que gouvernement attentionné et proactif, nous proposons aujourd'hui à la Chambre par le biais de ce *Environment Bill*.

En proposant un examen aussi approfondi de l'élément clé du cadre juridique et législatif qui régit la gestion de l'environnement à la République de Maurice, je suis convaincu que nous serons non seulement en mesure d'honorer nos obligations en vertu des accords

environnementaux multilatéraux, mais également d'ouvrir la voie pour une transition durable vers une île Maurice plus propre et plus verte.

M. le président, je crois fermement que sous la direction du chef du gouvernement et Premier ministre du pays, l'honorable Pravind Kumar Jugnauth et de mes collègues ministres, ainsi qu'avec le soutien continu de tous les parlementaires et aussi de notre population, ce pays peut faire de grands progrès dans le domaine de l'environnement.

Le nouveau Bill assurera l'équité intergénérationnelle en répondant aux besoins de la génération actuelle sans compromettre la capacité des générations futures de répondre aux leurs. Ce Bill que nous allons adopter sera notre héritage pour les générations futures, c'est un moment décisif – l'histoire est en train de s'écrire dans nos efforts pour léguer une île Maurice plus propre, plus verte et plus durable.

With these words, I commend the Environment Bill to the House.

Thank you, Mr Speaker, Sir.

The Deputy Prime Minister seconded.

Mr Speaker: Next orator? Okay, allow me to suspend the Sitting for one hour.

At 8.58 p.m., the Sitting was suspended.

On resuming at 10.15 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Please be seated! Hon. Ramyad please!

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

Mr Deputy Speaker, Sir, allow me, at the very outset, to congratulate my esteemed colleague, hon. Minister Kavydass Ramano, for bringing this commendable piece of legislation to be debated in the House.

The Bill is going to make a difference in the socio-economic landscape in Mauritius since it will set a new and ambitious framework for environmental governance and address the decline of nature. It will spur actions across all sectors of the economy, thereby bringing about meaningful change in our society and improve the quality of life.

Mr Deputy Speaker, Sir, admittedly, we are in an age of “Polycrisis”. Lessons learnt from the outbreak of the Covid-19 pandemic underscore the necessity for continuously building back better and be prepared for any unexpected crisis. Much evolution has taken place in the past two decades and there has been an increasing collective appreciation for nature. I am, particularly, referring here to the business arena, both on national and global fronts.

The business as usual scenario is no longer viable. Nonetheless, our industry operators, with their sharp business acumen and determination, are managing to continuously build up their resilience through innovative ways of manufacturing products.

The proverb, “*every cloud has a silver lining*”, describes the situation well since the business community is turning challenges into opportunities to build back better.

Statistics indicate that the manufacturing sector, a major pillar of the economy, regained its pre-COVID level of performance. In fact, in 2022, its share to Gross Value Addition stood at 13.6% and it generated a record-breaking Gross Manufacturing Output of Rs167 billion which was coupled with an all-time high domestic export of Rs52.2 billion. This remarkable achievement has been possible due to the commitments and dexterity of our industry captains to persevere and leverage on prevailing parameters of operation.

However, a slight decline in the growth rate of the manufacturing sector has been observed in 2023 with a decrease of 5.1% in the export figures. This contraction is observed in the sub-sectors such as the textile and clothing, and jewellery, which have been affected by some adverse macroeconomic conditions in the export markets. Hopefully, this situation will improve.

On the other hand, there are persistent challenges which are still looming and hampering the growth of the sector. These challenges include consistent rise in the cost of production, high dependence on imported inputs and shortage of labour. Global spikes in essential commodities and fuel prices as well as the geographical remoteness from our suppliers and export markets are further impeding on the competitiveness of the manufacturing sector.

Moreover, new emerging trends in consumer preferences for eco-friendly products are compelling our manufacturers to re-adjust their production processes and adopt sustainable practices.

Recognising the difficulties faced by our industry operators, the Government has always been proactive in supporting the sector through various bold policies and strategic measures.

Mr Deputy Speaker, Sir, the Environment Bill comes at an opportune time to position our economic development to new heights and achieve our national targets. In fact, it is the need of the hour!

I firmly believe that the Bill will provide the adequate legal framework to protect our environment, ensure its effective management and conservation along with sustainable economic development for positive societal benefits. It will set the course for a better quality of life for all flora and fauna on our island.

In the same vein, the Bill will help to boost the development of a globally competitive and sustainable industrial sector which my Ministry is actively promoting. It will create the appropriate enabling conditions for the development of a cleaner and greener industrial sector.

Mr Deputy Speaker, Sir, the current legislation dates back to 2002 and does not adequately provide for a legal framework to cope with the prevailing situation. The provisions in the modern Bill will inch much closer to strike the right balance between the triple dimensions of sustainable development which encompasses economic, environment and social dimensions. Consequently, as a responsible Government, we will leave a safe legacy to our future generations.

I wish to highlight, here, that by bringing the Bill to fruition, we will, *inter-alia*, ensure that the industrialisation process will be undertaken in a structured and planned manner, with least environmental impacts.

I wish to applaud my colleague here, for reviewing the scope of the current National Environment Commission, for a 'National Environment and Sustainable Development Commission', at Clauses 5 and 6 in the new Bill to customise the range of functions to the contemporary situation.

The 'National Environment and Sustainable Development Commission' will be meeting under the Chair of the Prime Minister and will consist of the Ministers of the Cabinet. The Commission will not only ensure that national policies and development priorities are geared towards environment protection and management but to conservation of the environment as well. New proposed additions to the functions of the Commission will include setting national objectives and targets with respect to circular economy, green economy and sustainable consumption and production. New objectives and targets will also be in accordance with our obligations under multilateral environmental agreements and sustainable development.

I am looking forward to the enactment of the reviewed Commission which will give a new impetus to achieving sustainable production, circular economy and greening of industries in the country. The high-level decision-making mechanism will undeniably set the stage to ensure that our National developmental goals are realised through a coherent and coordinated holistic approach.

In effect, the Bill will give due consideration to the plights of enterprises which are currently facing tedious procedures for the review of their environmental licences and submission of returns.

By way of examples, Part IV of the Bill will address slow bureaucratic procedures for processing the issuance and review of licenses, such as Environment Impact Assessment and Preliminary Environmental Report to industrial promoters and will fast-track applications through an electronic platform in a more transparent manner. The introduction of new licences, the 'Strategic Environment Assessment' under Clause 46 of the new Bill, will evaluate the environmental implications of a proposed development, such as an industrial estate in environmentally sensitive areas, to ensure sound protection of the environment. In addition, the 'Industrial Waste Audit' for monitoring pollution in industries, has been restyled to 'Industrial Environment Audit' at Clause 83 in the new Bill.

On the whole, it is noteworthy to highlight that the obtention of permits and licences under the new Bill will now include more rigorous assessments to promote the uptake of green and circularity practices. Promoters will need to demonstrate that practices such as waste minimisation and recycling are being undertaken at enterprise level.

Mr Deputy Speaker, Sir, allow me here to dwell on a new and pertinent component of the proposed legislation, pertaining to Plastic Management at Part XI of the Bill.

On the international front, it is reckoned that plastic production is expected to double worldwide in the next two decades and plastic wastes leaking into the sea waters is estimated to triple by 2040 in case no new and effective measures are undertaken. In Mauritius, plastic pollution also poses significant threat to our ecosystem and as a Small Island Developing State, we cannot remain complacent.

Mr Deputy Speaker, Sir, at this juncture of time, inaction is simply not a choice! In a bid to minimise adverse effects of plastic pollution in the country, the Bill provides for the introduction of a novel framework for plastic management which is in consonance with the steadfast position

of the Government to create a plastic-free Mauritius, as enunciated in the Government Programme 2020 – 2024.

Mauritius generates around 116,000 tonnes of waste plastic annually. Less than 3% of waste plastic is being recycled and around 61% of the plastic waste is landfilled at Mare Chicose which has reached saturation. The remaining plastic wastes are disposed haphazardly in the environment and tend to contaminate our rivers and seas.

The Bill emphasises on the prevention, reduction and control of plastic pollution for sustainable production and consumption. It will support our industry operators with the adequate enabling framework to further advance the use of alternatives to plastics, adopt bio-alternatives forms of plastics as well as recycle plastic wastes.

Mr Deputy Speaker, Sir, on another note, at Clause 17 of the Bill provides for an “*Observatoire de L’Environnement*”, consisting of a Science-to-Policy Platform, to facilitate multi-sectoral dialogue and support evidence-based environmental governance and decision-making. This new mechanism will definitely trigger synergy in coordinating amongst various stakeholders for updates on environmental issues.

In a nutshell, Mr Deputy Speaker, Sir, the new Bill will address more effectively the core environmental governance needed for decades ahead and will support my Ministry in its endeavour towards the greening and decarbonisation of the manufacturing sector.

Mr Deputy Speaker, Sir, we cannot have an infinite economic growth on the planet endowed with finite resources. Half of the world’s annual economic output, amounting to around USD 44 trillion, is known to be at risk by the depletion of natural resources.

We have only one planet! There is, thus, an urgency to reverse the trend of depleting natural resources on planet earth which is deteriorating day by day!

The modern Bill will help us do our part since it includes features to protect the environment and support our transition from a “take, make and throw” model to a circular economy that keeps materials in use for a longer period, enhance resource efficiency and avoid depletion of ores.

Through the strengthening of the provision of the extended producer responsibility, at Part X of the Bill, will prompt the business community to become more responsible, produce sustainably and play a key role in delivering the changes needed to meet our long-term environmental ambitions and realise our net-zero and nature-based targets.

Besides, the new Bill will support export-oriented enterprises with an adequate framework to comply with the recent enforcement of the European Green Deal which aims to achieve carbon neutrality by 2050.

Mr Deputy Speaker, Sir, I strongly believe that the promulgation of the Environment Bill will provide a robust framework for sustainable and responsible manufacturing practices, which will subsequently have rippling effects on the economy, the environment and the society at large.

Mr Deputy Speaker, Sir, the solutions of many of our present-day difficulties lie in the re-establishment of a harmonious relationship between mankind and nature. There is need to sublimate nature in such a way that our basic human needs are fulfilled, wealth is generated for the country, and that the natural ecosystem is protected throughout. We need to act collectively with all urgency to be able to live in harmony with nature, and that is why the Bill is such an important piece of legislation.

The Bill demonstrates the political will and good intention of the Government to act responsibly to achieve progress in a sustainable manner and ensure a quality life for its people.

On a concluding note, I, therefore, strongly support this important Bill which is going to revolutionise the way of doing business. As Parliamentarians, we need to ensure now that this good piece of legislation is properly and successfully enforced. I again thank my colleague and the Prime Minister for bringing the Bill to the House for debate and for supporting the Bill.

Thank you.

The Deputy Speaker: Thank you very much. Hon Léopold, please!

(10.33 p.m.)

Mr J. B. Léopold (Second Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir...

The Deputy Speaker: Keep on going. Let's hear you, if possible.

Mr Léopold: Okay. Mr Deputy Speaker Sir...

The Deputy Speaker: I think we will have to take a little break until this problem of echo is sorted out.

Mr Léopold: ...by looking at the context of this Bill.

The Deputy Speaker: Hon. Member, we will just take a little break. It is echoing behind my ears. *Ça fait des échos à l'arrière de mon oreille. On va prendre un petit break.*

Mr Léopold: Yes, it is better, Mr Deputy Speaker, Sir.

At 10.35 p.m. the Sitting was suspended.

On resuming at 11.54 p.m. with Mr Speaker in the Chair.

Mr Speaker: Hon. Léopold!

Mr Léopold: Mr Speaker, Sir, I move that the debates now be adjourned.

Mr Toussaint seconded.

Question put and agreed to.

Debate adjourned accordingly.

MOTION

NATIONAL IDENTITY CARD (MOBILE ID) REGULATIONS 2024 - DISALLOWANCE

(11.53 p.m.)

The Leader of the Opposition (Mr S. Mohamed): Mr Speaker, Sir, I beg to move the motion standing in my name –

“This Assembly resolves that the National Identity Card (Mobile ID) Regulations 2024, published under Government Notice No. 28 of 2024 and the National Identity Card Regulations 2024, published under Government Notice No. 29 of 2024 and laid on the Table of the Assembly on 26 March 2024, be disallowed.”

Mr Speaker, Sir, a lot of people may be reflecting as to why, in actual fact, we are at this late hour debating this Motion. In fact, I think it is important for all to realise that with regard to

Motions of Disallowance, the Interpretation and General Clauses Act is of utmost importance, in how it operates and what the whole idea behind subsidiary legislations is.

Before I get to that, let me just say that it has become a practice worldwide to not only make laws, as we know classically we do it, but more and more, to rule and to make laws by making use – and I go further – and abuse of subsidiary legislation.

Mauritius is not the sole candidate when it comes to that. During the COVID-19 period, in the United Kingdom and in many other Commonwealth countries, governments all around the world during that particular time did not deem it appropriate to come to the National Assembly to get Parliamentarians, Members of Parliament, elected, duly mandated by law to act as part of a legislature, to vote on a proposed legislation on certain issues vital to the running of a country.

Laws: how are they made? But then again, laws are also made whereby ministers are given power in the main Act to make regulations and by simple regulation, a minister is entitled to make a regulation that has the force of law. It has been condemned worldwide that parliaments are making an abuse of regulations. Why is that so? Very simple!

We always use this beautiful phrase that is so important in meaning and very often, we fail to grasp its meaning: Parliament is sovereign. What it means is that it is Parliament that has to decide on what laws will pass or will be passed; it will have an opportunity to examine bills that are brought before this Assembly and will have this opportunity to pronounce itself and to vote accordingly. True it is that very often the Whips on each side will state vote this way or vote that way. It all depends on the decision of the government. Very rarely you do have a system or an occasion where you have a free vote. But in situations of this nature, I believe it is important that we draw our attention to the fact that it is necessary to stop, analyse and understand the importance of this Motion.

This Motion states, as I read a few minutes ago, that it should be disallowed and the reason it should be disallowed is in my view that it goes against section 9 of the Constitution which is in Chapter II of the Constitution.

The hon. Prime Minister, himself, has been a litigant in matters concerning identity cards. The hon. Prime Minister has himself taken matters to the Supreme Court and there have been judgements that have been pronounced on this particular issue.

The position is very clear. Allow me to refer to the views adopted by the Committee under Article 5(4) of the Optional Protocol, concerning communication No. 3163/2018: the Human Rights Committee. The author of that communication was, Mr Maharajah Madhewoo, a Mauritian national and he claimed that the State party had violated his rights under Article 17 of the Covenant. The Optional Protocol entered into force for the State party on 23 March 1976.

In that particular opinion, the view of the Human Rights Committee, at paragraph 2.4, makes reference, Mr Speaker, Sir, to the Supreme Court Judgement of the same author and in that Judgement of 29 May 2015, I quote –

“The Supreme Court held that the new scheme interfered with the rights protected under article 9 (1) of the Constitution. However, the Supreme Court considered the law providing for the scheme concerning fingerprints and other biometric data to be sufficiently precise and accessible to be “under the authority of any law” as required by article 9 (2) of the Constitution. It also considered that the provision had been made “in the interests of ... public order” and was therefore a “permissible derogation” from article 9 (1) of the Constitution based on evidence [and I stress upon that] based on the evidence from State officials that the provision of fingerprints prevented an applicant from making multiple applications for an identity card. The Court considered that the author had not shown that the introduction of the requirement for all persons applying for an identity card to allow their fingerprints and other biometric data to be taken and recorded was not reasonably justifiable in democratic society, given the pressing social need of protection against identity fraud which was considered “vital for the proper enforcement” in Mauritius. [...] The court therefore held that indefinite storage and retention of biometric data under the Data Protection Act was disproportionate to the aim pursued and was not reasonably justified in the democratic society.”

So there were two limbs to that particular judgment. The issue of having to take fingerprints was one and the issue of storage was another.

I had an opportunity of speaking to the hon. Minister Balgobin a few minutes earlier today where he has intimated to me and I appreciate that because the whole point is to have this intellectual debate for the constructive development of our laws and to ensure that both sides of the House are not standing behind regulations that go against Section 9 or any other relevant section of the Constitution and he has intimated to me that since it was not an obligation as is referred to in the main Act – ‘the National Identity Card Act’ but was only an option that someone who may wish to have an identity card may therefore decide to proceed the ways provided for under the regulations as provided by in those regulations.

So, he is of the view, according to what he expressed, that since it is not an obligation, there is no issue. I humbly disagree with him on that and I will explain myself. When in that particular observation, I refer to paragraph 7.1 all the way through to paragraph 10. I refer to paragraph 7.5 specifically and I quote –

“In the present case, the Committee takes note of the State party’s observation of the need to balance the protection of personal data with the pressing social need of preventing identity fraud. It notes that the State party argues that the Supreme Court had rightly held that the taking of fingerprints was warranted to prevent fraud. The Committee also notes that the State party’s authorities have shifted the retention of the fingerprint data from the authorities’ systems to individual identity card holders by requiring that such data be included on the card itself. The author, as well as the Judicial Committee of the Privy Council, have noted that the change renders the objective of making comparisons with previously submitted biometric data ineffective and thereby affects the ability of the State party’s authorities to prevent identity fraud.”

I stop here to state what it shows us here in this observation that not only does the Supreme Court but the Privy Council as well state and the experts say here, that when the State parties explain that they have shifted the issue about the data placing it on the cards but not storing it themselves, they are of the view, the State is of the view that there is therefore no violation of Section 9, there is no violation of privacy rights. But here the experts as well as the Privy Council believe that it was not the case because as it says here –

“The author, as well as the Judicial Committee of the Privy Council, have noted that the change renders the objective of making comparisons with previously submitted biometric data ineffective and thereby affects the ability of the State party’s authorities to prevent identity fraud. The Committee notes that the State party has not responded to that specific point, nor explained how the storage and retention of fingerprint data on individual identity cards can effectively prevent identity fraud.”

It goes on here. I quote at paragraph 7.6 –

“Nevertheless, the State party has not responded to the author’s claim that the retention of fingerprint data on individual identity cards exacerbates the security lacunae identified by the Court. Specifically, the author has pointed out that the assignation of responsibility for such storage to card holders carries with it risks of loss and theft of fingerprint data, given the ease with which they could be copied onto falsified cards. Given the lack of information provided by the State party concerning the implementation of measures to protect the biometric data stored on identity cards, the Committee cannot conclude that there are sufficient guarantees against the risk of abuse and arbitrariness of the interference with the right to privacy following from potential access to such data on identity cards. [...] The Committee considers that the security concerns cannot be regarded as reasonable. Therefore, and notwithstanding the possibility of grounds and circumstances in which the processing of biometric data would not give rise to an arbitrary interference in the sense of article 17 of the Covenant, the Committee considers, in the particular circumstances of the present case, that the storage and retention of the author’s fingerprint data on an identity card, as prescribed by the National Identity Card Act, would constitute an arbitrary interference with his right to privacy, contrary to article 17 of the Covenant.”

But what’s important here in conclusion of this observation by the Human Rights Committee Mr Speaker, Sir, it says here –

“The Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee’s Views. The State party is

also requested to publish the present Views and disseminate them broadly in the languages of the State party.”

I humbly state that I believe that the Republic of Mauritius, the State party did not follow the request of the Human Rights Committee. The request that was made that within 180 days, the views of the State party should be communicated was not adhered to. I have consulted the websites, I have consulted the documents and I have not seen any views that have been exchanged. More so, the State party is also requested to publish the present views and disseminate them broadly in the languages of the State party.

Here, Mr Speaker, Sir, that responsibility falls at the feet of the Ministry of Foreign Affairs which normally is responsible for such matters. I have not seen any such dissemination in English, Creole or French to explain those views. Now dissemination does that mean doing so in a communiqué of the GIS to summarise what was decided. It was, according to the obligations of the Convention, a reminder that this should have been done widely across the nation to explain what was in there.

Now, having said all this, has there been a parliamentary debate in order to address anything in the National Identity Card Act that created the power for a Minister to prescribe the manner in which application for the mobile identity could be made? Was there a debate in Parliament with regards specifically to any such change that would potentially be brought to Section 9 of the Constitution because there would be a change to Section 9 of the Constitution, when you read the judgment of the Supreme Court, the judgment of the Privy Council, the views of the Human Rights Committee?

It is clear that section 9 as interpreted by the Supreme Court of Mauritius goes as far as to say that the right to privacy is under section 9, Chapter II of our Constitution. And what therefore does – and I go directly to that – section 47 of our Constitution say?

“(2) A Bill for an Act of Parliament to alter any of the following provisions of this Constitution –

[...] (c) Chapters II [...]

It says that under section 47(2)(c), Chapter II. Chapter II of the Constitution is where section 9 is and that very section 9 that the Supreme Court of Mauritius, Mr Speaker, Sir, has interpreted to mean that the idea of giving your fingerprints is under a public law but justified in a democratic society. That is what it says.

So, this justification in a democratic society has to be explained. When did we hear the Minister presenting a bill in this House, telling us that the National Identity Card Act, giving him the power to prescribe the manner in which an application could be made, was also specifically with regard to section 9 of the Constitution and what justification did he make at the time the National Identity Card amendment was being discussed or debated in Parliament? At no time did the Minister responsible for the National Identity Card Act, specifically at that particular section of the National Identity Card Act that gives the power to the Minister to prescribe regulations by way of regulations, go through any explanation to justify in a democratic society, why he believed mobile identity should be allowed, in what format, be it fingerprints, whether it was going to be stored or not. But the very taking of fingerprints must be justified in a democratic society. Did we hear the hon. Minister making the amendment empowering him with that regulation, explain and give us a justification? No! We could not hear the Minister give a justification because the Minister did not bring this to Parliament for debate. He decided to proceed by way of subsidiary legislation and if he decided to proceed by way of subsidiary legislation, i.e. regulations, there could be no debate. The only way to challenge it was to come by way of a Motion of Disallowance and that Motion of Disallowance is here before us today.

So, the reason I say that this law should be disallowed, it is not me attacking Government on intention, I am not attacking Government on what their views are and what their objectives are. We do not know what their objectives are because precisely, there was no debate in Parliament to tell us what the aim was. There was never any speech in Parliament. If ever one day, as hon. Uteem rightly informed me a few minutes ago, this matter has to go before a court of law and the superior courts are to ask '*allons voir les travaux préparatoires*', let us look at the *travaux préparatoires*. What would the *travaux préparatoires* be? It would be a legislation, the main Act, the National Identity Card Act of Mauritius as amended, giving the power to the Minister to prescribe in what way applications should be made for mobile identity cards.

Est-ce qu'on a eu l'honneur, l'occasion, la possibilité d'entendre le ministre qui présentait ces amendements à la loi nous expliquer sa pensée, the policy of Government, the objective of Government to make it justifiable in a democratic society ? No, we have not! He simply, if I am not mistaken, came forward with this piece of amendment through the Finance Act of 2023. At no time, did he explain and justify why he was doing it.

Now, when one looks at section 47 of our Constitution, it says –

“(2) A Bill for an Act of Parliament to alter any of the following provisions of this Constitution...”

And I go then to 47(2)(c), Chapter II. In Chapter II you have section 9 of the Constitution –

“(...) shall not be passed by the Assembly unless it is supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly.”

So, allons récapituler.

My Motion is based on the very simple fact that for the Minister to be allowed to do what he has done in terms of regulation, he should, he was obliged when he was moving for an amendment to add that particular clause to the main Act to empower him to prescribe the manner in which, by regulation, a mobile identity card application was going to be made, he should have explained in his debate, in his presentation of that particular amendment why was it being done and how was it justified in a democratic society. When he would have done that, it would have then been open to us in the Parliament to decide and debate whether it was justified in a democratic society to bring up a Bill which would later be an Act that potentially could *enfreindre* section 9 of the Constitution – the right to privacy. And then we have put it to the vote because clearly, section 9 is concerned and when we would have put it to the vote, section 47 says, there should have been not passed by the Assembly unless it is supported at the final voting in the Assembly by the votes of not less than three-quarters of the Members of the Assembly. Was there on that particular date a count that was made for three quarters? The answer is no, Mr Speaker, Sir.

So, imagine now, we go to Court and we say that we have come with a Motion of Disallowance and as I have said to all my friends on both sides of the House, it is possible exceptionally, the Government may see that there is food for thought in this argument which I am putting forward. It is not politics; it is simply doing things in line with the provisions of our Constitution. Policy of Government; Government is in majority, Government decides. It is not for me to come and contest it but I may say I do not agree. But if we are to do it, let us do it properly because imagine that later on this goes to the Supreme Court in order to challenge the very basis upon which it is brought, the constitutionality of it, the Court will ask: 'let us examine what was the main Act that empowered the Minister to make regulations that have a direct bearing on section 9.'

What is the main Act that empowered the Minister to make these regulations? That main Act as I have said, I will have to repeat, is basically brought through the Finance Act of 2023. And through the Finance Act of 2023 that gives him the power to make the regulations, at no time was this voted by three-quarters majority because it has an impact on section 9. So, therefore, the question is: did the Minister act within his powers to bring regulations when the very main Act that empowers him was not voted with three-quarters majority? My late father – allow me to say that – normally when it came from his lips/his mouth, it sounded better because he was a man of experience, but allow me to say that –

« La plus belle femme du monde ne peut donner ce qu'elle a ».

This is what he used to say in Court all the time and most probably, lawyers on the other side will also remember because they have most probably come across what he said in Court but they may not have agreed with him but that was a fact.

So, the Minister cannot do what he is not allowed to do. The only way the Minister could have done it is by ensuring that the provisions of the Constitution are respected. You will note, Mr Speaker, Sir, I am not here to comment on the policies of Government, whether at one point in time... what are the objectives, the dark ... I am not going into that. This is not my aim. My aim is to see if it is in line with the Constitution; has it been done properly. That is all my aim is.

Now, I am of the view that the absence of Parliamentary debate first and foremost – this is what people must understand. *C'est ça ce que la population mauricienne doit aussi*

comprendre, M. le président, c'est qu'il y a plusieurs façons de faire les lois: un, c'est de la voter à l'Assemblée nationale et l'autre c'est de donner le pouvoir au ministre de le faire par regulations, les règlements – une simple signature. Mais, ils doivent comprendre que le ministre ne peut pas faire cela s'il n'a pas le droit constitutionnel de le faire parce que la loi principale n'a pas été votée par trois quart de la majorité. Simple! So, what happens then? The danger of subsidiary legislation – that is the danger.

So, if the policy of Government is clear – and I am not challenging it – does the Government want to take the risk simply for political gain or political convenience or not to lose face politically, let us vote against it? It is possible. It is possible that Government, by simply being a majority, votes against it. They will win the day, but what will posterity say if there is the risk that in Court, it turned out to be wrong? So, as an Assembly, sometimes we have to put aside political differences. I have chosen specifically not to do politics with this matter and I am only saying that this deserves a proper debate in Parliament and three-quarters vote, and once it is three-quarters voted, then, the Minister can make regulations. *On ne peut pas être plus royaliste que le roi! Mais du fait qu'il ne l'a pas fait*, the end result is wrong.

Those are my views. I am tempted to say those are my submissions for friends on both sides of the House. And I would also say here that the concept of democracy, let me basically say what was also stated in the Optional Protocol which was entered on 23 March 1976, Article 17 of the International Covenant on Civil and Political Rights –

“1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference and attacks.”

The hon. Prime Minister himself will remember that there was a Supreme Court judgement, which he was party to. He will remember the details for the judgement. He will remember, legally speaking, what was the strong footing upon which he stood and he was

justified somehow, in a democratic society, to go ahead and enter that case, and it enriched the development of the law.

But, today, we are faced with a situation – and I am not saying here that the intention of Government was wrong because I have no evidence of that – I am only saying, even though your intention was pure, let us not take the risk of this matter being thrown out later on, even if it is after the next general elections. We don't take that risk because we all have a responsibility in view of the future of this country. Hansard – for people to know what we are doing, and we are doing things right.

Those are my views and that is why I invite every single Member of the House and the Prime Minister to give the opportunity for everyone to have a free vote on this – a free vote on this. And if they need time to consider the arguments that I put forward, I also ask them to put in the balance, the fact that I have not made it a political debate but it is only the views of a Parliamentarian that I am sharing with other Parliamentarians today.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Balgobin!

(00.24 a.m.)

The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin): M. le président, je viens directement sur le point. La motion du chef de l'opposition est, à mon avis, non seulement frivole et de mauvaise foi, mais ses arguments ne tiennent pas la route. Cette motion, comme disait mon cher ami, sans queue ni tête, est présentée ce soir dans le seul but de manipuler l'opinion publique.

Mr Speaker, Sir, I have prepared my intervention this evening and early morning on the motion. The motion is very clear, that 'This Assembly resolves that the National Identity Card (Mobile ID) Regulations 2024, and the National Identity Card Regulations 2024, published under Government Notice No. 29 of 2024 be disallowed.' When I hear the hon. Leader of the Opposition, he is making reference to the Human Rights Committee of the United Nations. The Views of the Human Rights Committee of the United Nations, Mr Speaker, Sir, of 2018, are

based on the National Identity Card of 2013, which we call MNIC 2.0, nothing at all to do with the present National Identity Card and eventually, the Mobile ID of 2024. Completely different! *Totalement à côté de la plaque.* That is why I am saying this Motion is only to manipulate public opinion.

Let me, Mr Speaker, Sir, with your permission, give some details about the new identity card, because the Mobile ID, reference made in the Motion, is linked with the new identity card 3.0, the new version. When the new Mauritius Identity Card – as I said, we call it 3.0 – was launched in February this year, the hon. Prime Minister stated that it encapsulates the principles of modernity, innovation and security. The design of the card features various national symbols of the Republic of Mauritius: the national flag; islands forming our Republic, including the Chagos Archipelago; the lyrics of the national anthem; the outline of the Dodo; and the picture of a Kestrel. It is a celebration of the Mauritian culture and our identity.

Mr Speaker, Sir, the MNIC 3.0 represents a significant improvement to the existing card, the MNIC 2.0, issued in 2013. The MNIC 3.0 aligns with international standards and leverages on advanced technologies to enhance security and usability. This is a testimony of Government's commitment to provide the population with the latest technology.

Now, the hon. Leader of the Opposition mentioned numerous times about fingerprints. It should be clear to everybody, Mr Speaker, Sir, that following the judgement of the Supreme Court in 2015, fingerprint data from the ID card database have been removed. There is no storage in whatsoever manner of fingerprint and any database thereof. The fingerprint is only taken for the sole purpose of identification, that is, when a citizen applies for an identity card, the fingerprints are taken for the sole purpose that the person, the citizen will come and collect to ensure that it is the same and one person. Thereafter, the fingerprints are deleted. It is not stored at all, and this is very clear. The hon. Leader of the Opposition is bringing again the topic storage of fingerprints, a Supreme Court judgement, etc. We have followed the Judgment of the Supreme Court in 2015 and no database is kept somewhere, all data has been removed.

Secondly, mentioning about the Human Rights Committee of the United Nations, Mr Speaker, Sir, the new system MNIC 3.0, the security of the new system has been implemented

following the views and recommendations of the Human Rights Committee of the United Nations and let me here list some cutting edge security features –

- First of all, Mr Speaker, Sir, laser engraved high-resolution coloured photos, the new card has now coloured photographs and those photographs are laser engraved with a technology called CLS, Color Laser Shield and that is done in high resolution. Very few countries in the world like Germany have ID Cards with colour photographs and those photographs cannot be tampered with because they are printed on four layers on the card. So, if you need to change any picture, one has to scratch and scratch up till four layers are gone on that card. This is one major security feature.
- Secondly, the design elements on the card, Mr Speaker, Sir, can only be seen with UV lights. When you shine a UV light on your card, you will see the high-quality multiple colours using true vision technology which is not seen without that UV light.
- Moreover, there is a new feature called the VDS, that is, the Visible Digital Seal and by integrating the VDS into the card, which is compliant with International Civil Aviation Organisation standards we are providing for both reading and verifying of the card's data. This system is also present in the latest French Identity Card issued in 2021.
- There is a translucent window and the MNIC 3.0 has a special see-through window on the card. It is a high-tech security feature that makes it harder for anyone to tamper with or copy the card. There are embossed design elements. It is a tactile feature that helps those with visual impairments to identify their cards easily and adds another layer of protection against any counterfeiting. A digital signature in the chip of the card. When a citizen is applying for MNIC Card, the MNIC 3.0 can now opt to have a digital certificate chip on the card. The same digital certificate can be used to digitally sign electronic documents.

Imagine, Mr Speaker, Sir, in a small country like Mauritius, you could now use your new ID Card to digitally sign documents and to make transactions online and these are the few

elements in the new cards to enhance security. But what is more interesting, Mr Speaker, Sir, with a new card, Mauritius now becomes the first country in Africa and enters the country and the league of very few countries on the international landscape to use this modern system. Countries like Estonia, France, Germany, Malta and Belgium have adopted the same modern and secured system for their respective Identity Card just as Mauritius.

The Leader of the Opposition has referred mostly to the previous card, MNIC 2.0 in his intervention but that card had to be replaced due to unavailability of new stocks from the supplier especially with a high cost of maintenance.

Mr Speaker, Sir, one thing that we should also not forget. In 2013, the MNIC 2.0 cost government Rs1.1 billion and the annual maintenance cost amounted to nearly Rs100 million, an expenditure which the then Labour Government thought was right to impose as a burden on the population. On the other hand, this Government has opted for a modern, more secure and innovative card which has cost the government Rs375 million. See the difference, Mr Speaker, Sir! Back then in 2013, Rs1.1 billion was spent, with an annual maintenance of Rs100 million. 10 years later, supposedly it would have cost two or three times more but with more security features, with more modern and innovative cards, that MNIC cost government Rs375 million.

Mr Speaker, Sir, the Leader of the Opposition mentioned the optionality of the Mobile ID and this is what the debate is all about. I was under the impression that the Motion that he is presenting tonight is about the Mobile ID and that regulation that allows us to use a Mobile ID should be disallowed. He did not speak about the Mobile ID at all. Mr Speaker, Sir, this is why I am saying that the Mobile ID is not about imposing a new digital change but is offering a choice to embrace flexibility and innovation. And despite the hon. Leader of the Opposition's legal background, he fails to grasp the fundamental aspect of the Mobile ID. It is of an optional nature. A citizen can decide whether he wants to have a Mobile ID on his mobile phone or not, it is optional. There is no debate about it. There is no discussion about it. I would like all Members of the Opposition to take note that if they want, they can have the Mobile ID. If they do not want it, it is not mandatory. We have the choice to either use or not use this service. As prescribed in the regulation at section 3.1 which says –

“(1) The holder of a valid identity card may register for a Mobile ID.”

Mr Speaker, Sir, the mobile ID itself is simply the digital version of the MNIC. It takes identity card technology to the next level, aligning it with the global shift towards mobile-based identity solutions. The mobile ID, in fact, will be available in the coming weeks to the citizens' mobile devices and enhance accessibility, security and usability. It contains the same information found on the traditional physical ID document but with an added high-tech security feature available only on the mobile ID version of the identity card.

The mobile ID goes just beyond convenience and security for the citizens. It provides a comprehensive infrastructure that safeguards data privacy and integrity. From enrolment all the way to verification, it takes citizens' privacy to brand new heights by putting them in complete control of their data. It is the citizen that controls the data. There are numerous levels of security which not only benefit citizens but also strengthen trust in the government system. If a citizen, for example, has lost his mobile or wishes to change the mobile phone on which the ID is installed, they can use the citizen portal to instantly delete the mobile ID. The citizen can also inform the NIC unit about the loss of his phone.

A mobile ID can be installed only in one device and a mobile device can hold only one mobile ID. This allows for better management and security as it ensures that there is only one copy of citizens' mobile ID at all times. It refreshes automatically whenever there is a data change regarding the citizen. For example, if a citizen has changed his/her address, the mobile ID automatically refreshes and changes that on the system. The citizen when issued a new ID card, forces the mobile ID to be reviewed ensuring that the latest information is available on the mobile ID. The mobile ID also contains several facilities such as reporting a change of address, a loss of the card and digital signing of documents, amongst others.

Mr Speaker, Sir, there is also implementation of a Verifier App based on international standards and this has been set up to reinforce our commitment to data security, privacy and efficient identity verification within the mobile ID ecosystem. The Verifier App will be issued by the MNIC Unit and will be used to verify the authenticity of a mobile ID, which cannot be tampered with, once again. This is based on international ISO standards and any communication between the mobile ID and the Verifier App is based on high-security channel defined by the same ISO standards.

In addition to the above security, each mobile ID has a mobile security object which is digitally signed by a specially design certification authority system. This measure ensures the authenticity and integrity of mobile ID in accordance with recognised industry best practices.

Furthermore, Mr Speaker, Sir, the digital wallet will empower citizens with complete control over their mobile ID. Citizens can leverage existing smartphone's security like fingerprint, face recognition, PIN system or pattern for maximum protection.

So, Mr Speaker, Sir, the Motion that is being debated tonight, as I said, does not hold water because it is being debated here and brought forward by the hon. Leader of the Opposition with the only motive, which is to manipulate public opinion about the mobile ID and which has been said outside. What is he not saying in Parliament today? And he said he doesn't want to do politics. Fair enough! But what they say outside is that with the mobile ID, we are going to *truquer les élections*.

So, Mr Speaker, Sir, let us be frank and honest as he said. The mobile ID is optional if any citizen would like to venture into technology, would like to have convenience with the mobile phone, and would like to move with the fast-growing technological world, they opt to use the mobile ID on their phone. And if they don't want to, as the Members of the Opposition think that they might go and manipulate elections with the mobile ID and whatever, then they have the choice not to venture into it.

The National Identity Card (Mobile ID) Regulations 2024 represent a significant milestone in the Mauritians' journey towards modernising our identity ecosystem. They provide a framework for implementing advanced technologies like mobile ID, which are essential for supporting digital transformation and enhancing the overall efficiency of public service.

With these modern innovative features and enhanced security in the MNIC 3.0, with such an innovative step towards digitalisation with all those various security features which makes Mauritius become the first country in Africa to have introduced such a latest ID card and among the few countries in the world, it did not cost us Rs1.1 billion with Rs100 m. of maintenance per year. We have been able to spend only one-third of that cost that they have spent back then.

This Government, Mr Speaker, Sir, is working smarter for the benefit of all its citizens. The Government's commitment to embracing digital technologies and regulatory advancements

set a strong foundation for future growth and resilience. It positions our country as a dynamic and forward-thinking player in the global technological landscape and to reap the benefits of the digital age while ensuring inclusivity and sustainability for all its citizens.

With this, Mr Speaker, Sir, I thank you for your attention.

Mr Speaker: MP. Reza Uteem!

(00.49 a.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Thank you, Mr Speaker, Sir.

Let me start by thanking the hon. Leader of the opposition to bring this Motion of Disallowance because, at least, it has triggered a debate on these two very important Regulations which not only affect the privacy of every citizen of this country who has reached the age of 18 but also pose a serious risk of abuse.

Before I turn to the regulation, allow me two minutes to just reply to the hon. Minister who kept on going on about how cost-efficient this Government is. May I refer him only to PQ B/989 addressed by my honourable colleague Deven Nagalingum to the hon. Prime Minister on July 2023, where the hon. Prime Minister explained that the previous National ID card which cost Rs1.1 billion did not cover only the Mauritius National Identity Card System but also a Central Population Database Certification Authority and shared infrastructure.

But these new cards, again referring to the same PQ, the Budget Estimates 2021 estimated the cost of this new identity card at Rs230 m. Now it has been agreed to increase the capital cost – this is a very important word, capital cost – to Rs388.5 m. which represents an increase of almost 70% on the initial price of 2021-22 and this covers only the capital cost of the software and the hardware, the cards. Nothing about the annual maintenance cost, about how much it will cost taxpayers every year.

And on top of that, answering to that PQ also, the hon. Prime Minister mentioned that the amount covers only the first batch of 200,000 blank cards. And we know that, under the regulation, it will become compulsory for old citizens, all senior citizens aged more than 60, to register themselves on this new Identity Card. And, we all know that there are more than 260,000 senior citizens. So, even these 200,000 cards that have been paid, that have been included in the

Rs388 m. will not be sufficient. So, I do not think that the hon. Minister did a good job by saying how efficient, how cost-efficient this Government is.

Mr Speaker, Sir, the National Identity Card has been the subject of heated debates both inside and outside this august Assembly. The matter has been not only before the Supreme Court of Mauritius but also before the Privy Council and the United Nations Human Rights Committee in Geneva. And I pause here to pay tribute to all those courageous citizens who have fought against the compulsory storage of fingerprints minutiae. And here I have a special thought for the late Maharajah Madhewoo, who was a personal friend of mine.

As rightly pointed out by the hon. Leader of Opposition, even the hon. Prime Minister when he was in the Opposition, he petitioned in his own personal name to the Supreme Court to declare that certain provisions of the National Identity Card were unconstitutional and he requested the State not to store his fingerprint and biometric information on a database. This was in breach of his constitutional right to privacy guaranteed by section 9 of the Constitution and he was right. He was right because the Supreme Court held two things. The Supreme Court held first of all, that your fingerprint and personal data is guaranteed by the Constitution and cannot be forcibly taken from you. However, there is a derogation if this information is required in a reasonably democratic state. So taking the fingerprint is not anti-constitutional, but the Supreme Court went on to state that storing that fingerprint and biometric data is anti-constitutional and in breach of section 9(2) of the Constitution.

The case of Madhewoo then went to the Privy Council and the Privy Council upheld the decision of the Supreme Court, qualifying that decision as an impressive judgement. But what has to be noted, Mr Speaker, Sir, is that before the Privy Council and the hon. Minister speaking before me mentioned it as well, the State undertook that all fingerprints minutiae which were taken, were kept only on the chip found in the ID card and whatever information was in the register in the database, was destroyed. Government also mentioned that they have not issued any card readers which could give access to the minutiae on the chip. So we were all of the opinion that the register has been destroyed.

Now why is this relevant? This is relevant, Mr Speaker, Sir, because when we look at the National Identity Card Regulations 2024, it provides in section 3, that an application for the new

Identity Card or renewal shall be made electronically in the application form set out in the First Schedule. When we turn to the First Schedule we see a series of information that has to be provided by someone when he is going to register his ID card. There are the personal details of the applicant – his name, surname, marital status, address, – still all fine – his email address, his mobile number, and fingerprints. Fingerprints are captured on each side and also photographs. You have to give your photograph when you are going to register this ID card.

Now you also have a declaration of the applicant. First, I am citizen of Mauritius, the particulars are fine, and I have not concealed any material. Then (d) is very important –

“(d) I have no objection that my fingerprints minutiae be processed and recorded for the purpose of producing my identity card. [My fingerprint minutiae] I understand that this information will be erased permanently from the register once the identity card has been printed.”

So when you make the application, the Application Form informs you that: ‘we are going to take your fingerprint minutiae, but your fingerprint minutiae will be erased permanently from the register’.

Now what is this register? The register is found in section 3 of the National Identity Card 1985. It is a register kept by the Head of the National Identity Card Unit which falls under the purview of the Prime Minister’s Office. Previously, it was kept by the Registrar of Civil Status, but since 2023, the register is kept by the Head of the National Identity Card Unit. According to section 3 of the National Identity Act, on this register shall be kept the sex and name of the person, but also such other reasonable and necessary information as may be prescribed regarding the identity of the person. So we have a register. On this register, there is certain information that is being kept and, is being kept by the Head of the NIC Unit which is in the Office under the purview of the Prime Minister.

Now, we all know that the Privy Council has confirmed the judgement of the Supreme Court to the effect that storage and retention of fingerprints, but also of other personal biometric data – not just fingerprints, fingerprints and other personal biometric data – regarding the identity of a person, is anti-constitutional.

Now, what is the definition of biometric information? Does biometric information mean only your fingerprint? No! Under the Act, the National Identity Card Act 1985 –

““biometric information”, in relation to an individual, means data about his external characteristics, including his fingerprints;”.

Including fingerprints, not limited to his fingerprints. It is all his external characteristics.

Now, what is an external characteristic? What is biometric information? I have gone through the Oxford Dictionary; I have gone through the Internet. Biometric data is defined as a unique behavioural and physical, characteristic of an individual person. His fingerprint, DNA, retinal pattern, iris pattern, eyes, voice matching but also facial image and recognition. Most importantly, my face, the picture of my face is my personal data, my biometric data. It is anti-constitutional to keep a picture of myself in a register in a Unit falling under the purview of the Prime Minister. So great was my surprise Mr Speaker, Sir, when the Information and Communication Technology Registration of Sim Regulations 2023 came out.

Hon. Members will recall that this is the regulation whereby when you have to register your SIM card again, you need to go to a phone operator – Emtel, Mahanagar or Mauritius Telecom and then they take a picture of you and what do they do with this picture? Under the regulation, it states that –

“The operator shall take a coloured photograph of the person and verify the photograph against the national identity card photo, retrieved through the authority from the relevant public body database where the person is a citizen of Mauritius”

For the first time, when this Regulation came out, we found out that despite what has been said in the Supreme Court, despite what has been said in the Privy Council, despite what has just been said by the Hon. Minister for ICT, there is still a database where the picture of every citizen of more than 18 years old are kept and when you’re going to register your sim card, you take a picture of yourself, a selfie, and the operator will compare your selfie to your photograph on that database. But that’s anti-constitutional Mr Speaker, Sir! My photograph is my biodata and today, this Motion of Disallowance is precisely to tell the honourable members of this House that

requiring again, citizens to give their picture which is kept in the register is anti-constitutional. You can't do that!

You can take my picture but after taking my picture and printing my ID card, you have to destroy my picture. You cannot keep my picture! My picture, my photograph is my biodata. It's not just my fingerprint that is my identity; my face is also my identity. And why are the people out there afraid? Because we all have seen what can happen with artificial intelligence; how they can take your face, put it in a video and produce a fake!

We have seen it; deepfake, fake news and you cannot do that with a normal photograph. You should go and take a passport photo, the traditional way, you can't do that. But if you give a digital picture, a selfie, you can use that picture to create deepfake using artificial intelligence. That is why this regulation is very dangerous because there is absolutely no provision in that regulation whereby Government is saying that after taking your picture, they will destroy it and not keep it in the Register that is kept with the Unit which falls under the purview of the Prime Minister and that is why people out there are scared.

They do not have to wait for me to be scared. They know that if someone on the database has their face, it can be manipulated. The system can be hacked, Mr Speaker, Sir. I am not putting any motive. I do not have any doubt about whatever good intention the Government, the hon. Minister may have. But hackers exist! Hackers can hack a database. Hackers can take your picture. So this is why Mr Speaker, Sir, we are against these regulations which, in my humble opinion, is a breach of the right of every citizen under Section 9 of the Constitution.

Now, the Motion of Disallowance also relates to a second regulation which has not been dealt with extensively by the Mover of the Motion but was dealt with extensively by hon. Mr Balgobin – the National Identity Card (Mobile ID) Regulations 2024. Now what is this regulation about? Today, we have a National Identity Card which is in the form of a card; a physical card. With this regulation, every citizen above 18 who has an ID card, can apply to have a Mobile ID which would be installed on a mobile device, most probably a smartphone.

Once you have installed this Mobile ID on your mobile phone, it becomes the same as your identity card. So if ever someone asks you for your ID card, you do not need to produce your physical card, you can just show them your telephone. So, if tomorrow you are going to vote,

you do not have to produce your physical card, you just have to produce this telephone and that is where the danger lies. The danger lies because the regulation does not talk about the risks associated with this Mobile ID and the hon. Minister of ICT also did not say a word about all these articles over the net, criticising the use of Mobile ID and identifying the risks.

The risk is that a phone is a device that can be hacked. You can check how many citizens of this country have had their telephones hacked, their Juice exploited, unauthorised transfers using internet banking; so many cases pending before the police. Why? Because hackers were able to hack into their phones, were able to impersonate them and have access to their personal data which was then used to transfer money using their mobile phones. This is a reality! This is a reality!

Now, I heard the hon. Minister say that this is normal. Is he giving the assurance that this encrypted Mobile ID would be foolproof, that one cannot decrypt it? There used to be a time when everybody would tell you to use WhatsApp. WhatsApp is encrypted from one end to another end. Now, everybody tells you not to use that. People can intercept WhatsApp messages, people can intercept other communication. Not just people. The hon. Prime Minister answered a PQ here for national security. Yes! We have acquired certain equipment to fight terrorism. There have been cases in Court where we know the people who sold it, the Israeli who sold the technology which enables us to intercept communication.

So if the Government, the hon. Prime Minister with the authorisation of the Judge in Chambers can use equipment to hack into anybody's phone with the help, with the authorisation of the Judge in Chambers when there is national security at stake or there is drug trafficking as is permissible under the *Dangerous Drugs Act*, if legalised, authorised hackers can do it, then unauthorised hackers can also do it. Unauthorised hackers can do it! This is the danger that we are talking about here. The hon. Minister is saying that it is optional. Yes, I decide that I am not going to register my Mobile ID and I will travel. I won't be in Mauritius, I'm travelling. Someone else knows that I would not be in Mauritius during the elections, he impersonates me and he has my ID recorded in his phone.

Mr Balgobin: Does he look the same?

Mr Uteem: Well, you can hack people who look the same.

(Interruptions)

Yes! Of course, you can hack people who look the same because you are talking about pictures.

You have so many people who look the same. Because we are talking about pictures! A lot of us hold the same background and have the same features. So, there is a risk. There is a risk that the mobile ID can be hacked.

Now, forget about the mobile ID for the purpose of election. I have registered my mobile ID, I have it on my phone, as the hon. Minister has said, it becomes also an electronic signature. So, tomorrow I go to a website – any website – I decide to buy something online. They want to identify me. I just have to give them my barcode and they will scan it. When they will scan it, they will have a record that I visited that site and they will match that against a public database to verify that it is authentic. So, that enables the website to track my movement, to accumulate data.

And today, Mr Speaker, Sir, time is not money, data is money. Data, people who know how many times such and such person has gone on such and such website and then, that is when you get all these unsolicited mails, e-mails harassing you, asking you for information. Why? Because they know that you have been visiting such and such sites. How did they know it? Because you use your mobile ID. This is a risk which the hon. Minister has to tell people; not just say that it is optional for you to register. You have to explain to the population.

I will finish by what I think is another major problem with this mobile ID: the protection of personal data. There will be this register; the Government has decided they are not going to destroy the register in breach of the Constitution until there is a new judgment of the Privy Council. Who can access that database? We know that the Head of the National Identity Card Unit can do it under the purview of the Prime Minister's Office, but who else? For what purpose can they access this database? In my declaration form, I only authorise you to take my fingerprint and you said that you are going to destroy my fingerprint. I did not authorise you to take my picture and keep my picture, and you have not asked me for what purpose you are going to use that. This in itself is a violation of the Data Protection Act which requires each time someone takes my personal data including my face, he needs to tell me the purpose for which it is going to be used.

And then, will there be any measures taken? There is none in the regulation but as a matter of policy, will there be any monitoring, any audit trail and how often will that audit trail be to determine if anybody has had unauthorised access to the database where there is my picture? And will this database, this audit trail then be audited by an independent third party and how often will that be? We know in the regulation mentioned in the Mobile ID Regulation, there is a provision that there would be an audit every three years. So, in the meantime, what happens between two audits, between these two that are in the National Identity Card Regulation? An independent security audit of the MNIC system shall be carried out every three years. So, every three years, you will have an independent person who will come and check whether my data, my personal data has been accessed by an unauthorised person. So, in the meantime for three years, they can do whatever they want; the independent auditor will not know.

So, is there sufficient protection? And I will leave you with what the Privy Council said, Mr Speaker, Sir. The Privy Council said in the Madhewoo case –

“(...) storage of the data was not sufficiently secure because the safeguards of the Data Protection Act were not sufficient and the storage of the data was not subject to judicial scrutiny and control.”

For all these reasons, Mr Speaker, Sir, I support the Motion because these two regulations are not only anti-constitutional but they are equally dangerous to every citizen of this country.

Thank you.

Mr Speaker: Hon. Maneesh Gobin!

(1.15 a.m.)

The Attorney-General, Minister of Foreign Affairs, Regional Integration and International Trade (Mr M. Gobin): Thank you, Mr Speaker, Sir. Since it is the first time that I am taking the floor since the appointment of the new Leader of the Opposition, I also join in congratulating him on his appointment as the new Leader of the Labour Party.

(Interruptions)

At least in the House! I also join many of my colleagues in wishing him a long and fruitful career as Leader of the Opposition. Also, I congratulate the hon. Leader of the Opposition in his capacity as Leader of Opposition for bringing his first Motion of Disallowance but regretfully, your foot soldiers are not standing behind you. You are a Leader of Opposition tonight with only six-foot soldiers behind you. It is very unfortunate. Let me therefore come to the arguments which have been advanced in support of this Motion.

Firstly, the hon. Leader of Opposition argued that in Mauritius, like in other jurisdictions, there is an abuse of regulation, there is an abuse of subordinate legislation. I have to remind the House and citizens outside the House that the legislative process is prescribed by the Constitution itself. The power given to Parliament to make laws is prescribed in the Constitution itself, that is, the power to make laws emanates from the Constitution and it is that very same Constitution which gives the power to control subordinate legislation. This is exactly what this Motion seeks to achieve, a control over a subordinate legislation. This also comes from the Constitution, which means that the power to make subordinate legislations is provided by the Constitution itself and it goes back to the foundations of society, that norms are established in hierarchies with the Constitution being at the top, Acts of Parliament follow and thereafter comes subordinate legislation. It has been so since time immemorial and will continue to be like that. There is nothing sinister in making regulations, also called subordinate legislation. Where there are technical legislations to be made, recourse is and will be made to the process of making subordinate legislation. This is an example that we have today of subordinate legislation in what is the subject matter of the Motion, that is Government Notices No. 28 and 29 of 2024.

Mr Speaker, Sir, a lot has been said by hon. Mohamed and hon. Uteem on the question of the test of constitutionality. Both Opposition orators seek to challenge the constitutionality of the regulations as well as – insofar as the arguments of hon. Mohamed are concerned – the provisions of the Finance Act of 2023. Let me make this very clear. We already have a pending case before the Supreme Court where constitutional arguments are being offered by the parties. The matter is still before the Court and I am not therefore going to comment on that case. That constitutional application does not, however, concern G.N. 28 and G.N. 29 of 2024. Let us be very clear about that.

I am saying this because if anyone, whether in the Opposition or outside this House, thinks that G.N. 28 or G.N. 29 of 2024 is unconstitutional, well, then the doors of the Supreme Court are wide open for a constitutional challenge. This is the constitutional right of any citizen, not only an elected Member of Parliament but any citizen of this country. They have not done so when it comes to G.N. 28 or G.N. 29 of 2024. Why come to this House and run the constitutional argument when there is no test before the appropriate forum, namely the courts? Why? And I give the answer. It is only for one reason: it is a political game.

An hon. Member: Cheap!

Mr Gobin: It is for fearmongering because they cannot do that before the courts. The only forum they have is here but, we should not allow anybody to waste the time of this House.

An hon. Member: Exactement !

Mr Gobin: They have gone very far in challenging even the provisions of the Finance Act 2023 by saying, it is not reasonably justifiable in a democratic society; it does not pass the constitutional test. Let me reply in one simple sentence, Mr Speaker, Sir. All laws passed by this House and all subordinate legislations made are presumed to be constitutional until a pronouncement of the Supreme Court to the contrary. This is a fundamental principle of our law, that legislations are presumed to be constitutional unless and until the Supreme Court says otherwise. If any person wants to challenge the constitutionality of any legislation, the forum is the Supreme Court and the Supreme Court alone.

And it is unfortunate that an argument has been introduced in this House tonight, in April 2024, to surreptitiously say that the Finance Act 2023 is unconstitutional or is not justifiable in a democratic society. That does not hold water at all, Mr Speaker, Sir.

The next point that the Opposition is trying to make in this House concerns the case of late Mr Maharajah Madhewoo, who was also personally known to me and many Members of this House. Much has been said about the case of Maharajah Madhewoo. Reference has been made extensively to the judgement of the Supreme Court of Mauritius and the judgement of the Judicial Committee of the Privy Council. Let me for the sake of completeness because people out there follow the debates of this House. The judgement for the Supreme Court of Mauritius, the

reference is: 2015 SCJ 177; and for the Judicial Committee, the reference is: [2016] UKPC 30. Hon. Uteem said that the Privy Council had qualified the judgement of the Supreme Court as being an “impressive judgement”. That is correct. The Privy Council said that the Supreme Court of Mauritius had delivered an impressive judgement.

Let us understand the case of Maharajah Madhewoo against the State of Mauritius. I think maybe the Members of the Opposition have forgotten but, we, on this side, have not. Late Maharajah Madhewoo was challenging the legislation of 2013. The Act of 2013 was passed in this House on 09 July 2013. It was the National Identity Card (Miscellaneous Provisions) Act. At the time of being presented before this House, it was the National Identity Card (Miscellaneous Provisions) Bill (No. XVII of 2013). That Act was subject of a challenge in the case of Madhewoo. Furthermore, there was the Mauritius National Identity Card Regulations 2013, also subject matter of a challenge in the case of Madhewoo. Those regulations were known as the Mauritius National Identity Card (Particulars in Register) Regulations 2013.

It is important to understand that the case of Madhewoo concerned that Act and that Regulation. Why am I saying so, is because the people of this country should understand one thing. The National Identity Card (Miscellaneous Provisions) Act was passed on 09 July 2013, Mr Speaker, Sir, and I ask the question: do we remember in what circumstances this Act was passed? This Act was passed with only two orators in this House. The first was the mover of the Bill, the then Prime Minister, hon. Dr. Navinchandra Ramgoolam. The second orator was the Leader of the Opposition who happens to be hon. Ganoo. And that’s it! There was no debate. It was voted and passed on the same day.

More importantly, that Bill had gone through Cabinet on the preceding Friday, and it is very apparent in the Hansard of 09 July 2013. In his speech, the then Leader of the Opposition, hon. Ganoo says as follows, and I quote –

“Mr Speaker, Sir, firstly, I shall be very brief, but *d’emblée*, *M. le président*, I would like to express the disapproval of the Opposition that this Bill is being presented with a Certificate of Urgency.

In fact, on Friday afternoon, we were informed by way of the Cabinet decision of 05 July of this year. The Cabinet communiqué which came out informed the people and the nation that Cabinet has agreed to the introduction of this Bill, whose object was to make better provision in relation to matters pertaining to National Identity Cards. So, it was on Friday evening that the Opposition came to know about this decision of Cabinet and the proposals of Government to introduce this Bill.

On Saturday morning, therefore, all of us, MPs of the Opposition, received the Order Paper, and we learnt that this Bill will be coming today and will be voted, since it is going to pass all the stages.”

It was in those circumstances that that Bill went through this House. And, today, we hear all these fancy arguments of constitutionality, of security, of fingerprints, of dangers.

Let me come to the Regulation. The population should recall what we are talking about when we talk of the Mauritius National Identity Card (Particulars in Register) Regulations 2013. To understand what those Regulations are all about, one should refer to the Hansard of 17 December 2013, PQ B/961 from hon. Jugnauth, First Member for Quartier Militaire and Moka, who today sits in the seat of the Leader of the House, asking the then Minister for IT who had made those regulations – I am not quoting but I am trying to summarise – and when.

Mr Speaker, Sir, you will be surprised to note that the then Government had hosted a beautiful ceremony to launch the Identity Card on 01 October 2013 but then those Regulations were made on 03 October 2013. They had already launched the card but then forgot to make the regulations and they made it on 03 October and then when they realised what had happened when they made the Regulations on 03 October, they made it with a retrospective effect.

(Interruptions)

These are the Regulations we are talking about when we talk of particulars in the system. And they have the cheek tonight to come and quote extensively from the case of Madhewoo.

An. hon. Member: *Klas!*

Mr Gobin: *Bizin ena klas!* You know, for once I will quote hon. Uteem, I very rarely do that. Tonight I heard hon. Uteem say –

“Hon. Prime Minister was also an applicant in challenging the then law and the then regulations.”

And hon. Uteem said, I took that, I noted down –

“He was right.”

When referring to the hon. Prime Minister, yes. Yes, he was right. I agree entirely with you, hon. Uteem. He was right when referring to hon. Prime Minister but I will add he was right then and he is right today.

The Labour Party had done this MNIC 2.0. I will refer everybody, inside and outside the House, to what the hon. Minister of Information Technology has explained tonight in his speech with all the technicalities and the features of the new Identity Card 3.0. It is not the project of 2.0 of the previous Labour Government. Fingerprints or whatever you call it are not going to be stored because we have the benefit of the wisdom of the then applicant who was right then and who is right today, who is Prime Minister today. We are not making the mistakes of the previous government and we are not making the mistakes again. So, therefore, let me come to the regulations themselves.

Let me come back to the National Identity Card Regulations 2013 also, Mr Speaker, Sir. I forgot to add one thing. When we look at GN No. 29 of 2024, it contains regulations 1 to 15 and then there are the Schedules. When we read Regulation 13 of GN 29 of 2024, I quote Regulation 13 –

“The National Identity Card Regulations 2013 are revoked.”

We did not forget to do that. We revoked the 2013 one. As to the features in these regulations, Regulations GN 29 of 2024 concern the application for a new Identity Card. We should understand the difference between the original Identity Card and the new Identity Card. The original Identity Card means the previous one in common parlance, that is, identity cards issued on or after 16 December 2013 but prior to 19 February 2024 and which is set out in the Fourth

Schedule of GN 29 of 2024. The new Identity Card is the MNIC 3.0. The features of which have been explained by the hon. Minister for IT and in the same GN 29 regulation 6(1) reads as follows –

“6. (1) On application of a new identity card, the applicant may opt for the creation of a MauPass account and installation of digital certificates on the identity card.”

The operative words are ‘may opt for the creation of a MauPass’.

In GN 28 of 2024, I quote regulation 3(1) –

“(1) The holder of a valid identity card may register for a Mobile ID.”

It is not compulsory for anyone to register for a Mobile ID. It is an option. Somebody may or may not. *Il n’y a pas plus clair que cela*. And hon. Uteem did make reference to that but he said it in a very low voice, *du bout des lèvres*. He said that an applicant can apply for a Mobile ID. He did not want to quote the words ‘may apply’, he said ‘can apply’ but it means the same. It is an option. You can, it means you may or you may not. Up to you to decide. *C’est le libre arbitre*. Nobody is forcing you to do so. There is no invasion of your private life and whatnot.

The Prime Minister: You can be on and off.

(Interruptions)

Mr Gobin: Indeed you can be on and off as rightly said by the hon. Prime Minister – ‘on or off’. It is an option. So, there are a number of other features which I had noted down but I think these have already been covered by the hon. Minister for IT. I do not propose to add anything more to that.

In conclusion, Mr Speaker, Sir, this Motion is about a Motion for Disallowance which reads as follows –

“This Assembly resolves that the regulation be disallowed.”

On this side of the House, Mr Speaker, Sir, we will vote ‘no’ to that motion. I thank you, Mr Speaker, Sir.

(1.38 a.m.)

Mr Mohamed: Mr Speaker, Sir, I thank the orators who have intervened in this Motion. We have tried, at least on this side, to keep it *apolitique* but then again, the hon. Minister for IT as well as the hon. Attorney General could not resist the temptation to make it a political affair.

So then, since they have opened the door, I will gladly oblige by walking through the open door and I, very rarely in this position, that you wish me to stay in a long time for, I don't often have that opportunity, an honour of having the last word whereas the position of speeches is sometimes monopolised by those in the majority. So, allow me to say the following.

Before I get to the hon. Attorney General, I will try to deal with what the hon. Minister Balgobin, the Minister for Information Technology, Communication and Innovation has stated. Now he has attempted to describe what exactly the Identity Cards are all about as well as the Mobile ID is all about. Now, it's the first time that it seems this Motion has given him an opportunity to do so whereas when he had an opportunity to grab at the time that the Finance Act of 2023 was being debated, did he then describe what he described today? The answer is 'no'.

It is not now at the time of a Motion of Disallowance that uses the ground of disallowance, one of them at least being that it is a constitutional, technical matter that clearly the Minister does not master. It is not his fault; it is not his domain.

He sounded more like someone who is a salesman, trying to sell his product to the people that 'this is a good Identity Card,' mobile or otherwise, 2.0 or 3.0, whatever number you may put there, he is trying to sell his product. That's all he is trying to do. But it is not now that he should have embarked upon a sales pitch. He should have embarked upon a pitch to justify the reason to bring it into a democratic society at the time when the Finance Bill was being voted.

At no time, did I say that the Finance Bill was unconstitutional. This is not the contention of this side of the House. We are saying that the regulation that he has brought is unconstitutional. That is the difference because the main act does not give him the power to bring such a regulation.

Now, he has not been able to answer that part of the argument put forward precisely because it is not within his ability to do so. I totally respect that. I cannot do certain things that he can do and vice-versa.

Now, what is interesting though is that the hon. Minister for IT quickly passes over the definition of biometric data. Why does he do so? As hon. Uteem has said it, and I have to bring it back here *pour résumer*, Statute describes biometric data as – I say it again what hon. Uteem said

–

“Any personal data relating to physical, physiological or behavioural characteristics of an individual which allow his unique identification.”

It is what hon. Uteem has said and I will go straight to the point.

En résumé, biometric data also includes photographs. You cannot deny that! What the hon. Minister Balgobin seems to forget is that there was no need for me to talk about mobile ID because the point I made was that he was not empowered in law by virtue of the fact that there was a Finance Act that amended the National Identity Card Act of Mauritius which did not obtain the three-quarters majority. Full stop! Section 47 of the Constitution was not complied with.

You will note, Mr Speaker, Sir, that, unlike the hon. Minister of IT, the hon. Attorney General, who is well-versed in law, did not comment at all on Section 47 of the Constitution. The argument put forward by me that the Minister was not empowered to bring the regulation because there has been a breach of Section 47 that required a three-quarters majority vote since Chapter 2 was being amended. This has not been addressed by any Members of Government! Minister of IT, hon. Attorney-General, none of them addressed that issue!

The normal way of doing things in Parliament here is, I am the mover of the Motion and the one who speaks immediately after me comes in to rebut my arguments. He did not! Then, hon. Uteem spoke, supported the motion, put in his arguments and developed new issues that I did not tackle. We expect the hon. Attorney-General, the main adviser of Government, to come forward and rebut in law. But what he has chosen to do instead is to do what this Government always does with panache! Look in the rear-view mirror! And because they keep on looking in the rear, they will clearly crash because they don't look forward! That's the problem!

You see, when the hon. Attorney-General said why did you not go for a constitutional challenge, does the hon. Attorney-General pretend to ignore the fact that there is nothing that stops us from going for a constitutional challenge! Or anyone for that matter! There's nothing that prevents us from coming as parliamentarians to the National Assembly precisely to go for the Motion of Disallowance and also to seek to the Supreme Court later on for anyone who wants to challenge those regulations, that precisely there has been a Motion of Disallowance and during the debates of the Motion of Disallowance, there has been no argument whatsoever from the other side to come and defend the position that Section 47 has been breached!

That is what the Supreme Court will see! That is why we chose to come by way of a Motion of Disallowance. It was an opportunity for Government to come and explain itself or to stand up and say: 'I agree. It should be disallowed because we were wrong. We did not intend it to be, but it happened to be that we were wrong.'

Mr Speaker, Sir, why is it that the hon. Attorney-General who had an opportunity to expose his point of view and to rebut the arguments of this side, why is it that he chose to comment on the low tone of hon. Uteem? But he failed to realise, forget low tone or low voice, he failed and was silent about the definition of biometric data!

The point made by hon. Uteem, the hon. Attorney-General was totally silent about that! I interpret that and the people out there should interpret this silence as an admission that he is wrong. You can say a number of times that the hon. Prime Minister is right. You can smile as much as you wish to say that he is right. You can try to convince yourself that he is right, but that does not mean he is! That is called arrogance!

(Interruptions)

What I am asking the hon. Attorney-General to do and what people expected him to do is to also take note that the person he says was right has not also uttered a single word to defend this motion or to attack this motion!

He talks about the time of 2013 when hon. Ganoo was Leader of the Opposition? I see the hon. Deputy Prime Minister, hon. Obeegadoo smiling away, saying: 'oh yes, look at what they did in 2013. Oh God! Very, very bad people!' This is what he was doing! Smiling! Smirking as

though he also doesn't agree! But he forgot to tell everyone that he sat together with all of us in 2014 and was part of the same alliance!

(Interruptions)

An hon. Member: Non ! MSM...

Mr Mohamed: 2014! I am talking about 2014! Were you not in the same alliance with the Labour Party? 2014, you have forgotten?

So today, if you believe the Labour Party was so wrong, why did you agree to sit together in the same alliance in 2014? It is so easy to make politics! When I try to keep this debate above board, you want to satisfy your ally by looking good and sharing their views today! But in actual fact, he sat together, shared the same drinks, shared the same views and criticised the MSM in 2014! Today, he smiles and brings us political hypocrisy!

This was not my aim at the beginning of this motion! It was to keep it above board. Now, you said, you opened the door; now take it! Why do you not, hon. Attorney-General, tell us: does not the judgement of the Privy Council and the Supreme Court say that keeping biometric data, storing it, is a violation of the Constitution?

We all agree on that! The hon. Prime Minister agrees with that! He was right! Yes, he was right. But what is shocking is that when he was right in the judgement, he has forgotten what it was all about. Just simply today because his agenda is different! He was right! He obtained *gain de cause*! And what did the *gain de cause* say? The same application, the ruling and pronouncement, as in the Madhewoo Case! This is what Justice Balancy and other judges said! They said that keeping and storing biometric data is a violation of the Constitution! That is the law today! Because this is a precedent that is binding! So, the issue is if the Prime Minister wants to waste taxpayers' money by getting all of us to go to court and lose the case later on, posterity will judge him!

But the issue is, do we not agree, Mr Speaker, Sir, that storing of biometric data is against the Constitution? No one can deny it because the Supreme Court says so, the Privy Council says so, and the Committee of Experts of the United Nations says so. So, when all those institutions say so, how come the Prime Minister pretends to ignore that today? What is his agenda?

Biometric data, photographs are also included in the definition. Any legal dictionary says that biometric data includes photographs. So, if photographs consist of biometric data, why is it, therefore, that they are being stored, through a confession on the part of the hon. Minister of IT, through his intervention that he was so proud about, where he confessed that this will be stored. The hon. Attorney General agrees through his silence that it will be stored. And no one else on the side of Government says otherwise. The Regulation says it will be stored. The Supreme Court says it is unconstitutional and what I have on the other side, are gentlemen and ladies, who want to politicise every single opportunity instead of seeing what is written in a judgement and understanding what is in that judgement. The hon. Prime Minister says: prove me wrong, go to court! Fair enough! But then again, will not posterity say you have had an opportunity under Section 122 of the Constitution to reconsider your position? Under the Interpretation and General Clauses Act, you had an opportunity to reconsider your position; you failed. There is nothing more dangerous in life than someone knowing he is wrong, but insisting that he is going to proceed for the sake of politics. There is nothing more dangerous. If you ignored and were ignorant, I would say forgive them, but this is knowingly doing something that is against the Constitution. That is *condamnable*!

So, as I have said earlier on, Mr Speaker, Sir, when the judgement of the Supreme Court says on page 22 of the case of Madhewoo, for all those ladies and gentlemen on the other side, those hon. Members who believe what I am saying may not make sense or they cannot really fathom the intricacies of what I am saying, let me refer to the fifth paragraph of page 22. I quote the Supreme Court Judges saying –

“We hold therefore, that the provisions of the NIC Act and Regulations which enforce the compulsory taking and recording of fingerprints of a citizen of Mauritius, disclose an interference with a plaintiff’s right against the search of his person guaranteed under section 9 of the Constitution.”

The hon. Minister of IT and the hon. Attorney General says it is an option, it is not mandatory but the hon. Attorney General fails to stop and listen to his own colleague, his own colleague. The Minister of IT says that if you want to participate in the fast-moving digital modern world then you can opt to go for a mobile National ID. So, if you choose to take part in a modern digital world, you want to be part of it then you have the option and if you have that

option, you are obliged to comply with the Regulation. So, please, let us not be a play on words. So, anyone in this country who wants to participate in a modern digital world has no choice but to give all information that forms part of the biometric data. That is what he has confessed. So, his understanding of the law means: if you do not want to participate in the modern digital world, don't! Stay out of it! But this is, precisely, a violation of section 9. He has just confessed, unknowingly.

Posterity will look at this situation and say, knowingly, without any justification in the democratic society, you violated the Constitution, the judgements of the Supreme Court, the precedents, the Privy Council and what was decided at the United Nations. Violated! Knowingly! Do it, win the day, but you will be judged severely in the future and in the near future. Believe me! That would be all.

Mr Speaker: So, you are withdrawing your Motion?

Mr Mohamed: I am not withdrawing the Motion. I put it to the vote and let posterity decide, and I ask that this Motion be voted upon, Mr Speaker, Sir.

Mr Ganoo: Mr Speaker, Sir, allow me to make a point of order, and I will beg the indulgence of the House and of the Opposition.

Mr Speaker, Sir, although we have reached the early hours of the morning, I wish to raise a point of order.

It is now time for you to put the question on the Motion and I am duty-bound to draw the attention of the House to Section 38 of the Standing Orders which reads as follows –

“38. The question on any motion or amendment shall not be proposed from the Chair in the Assembly unless it shall have been seconded, but in Committee a seconder shall not be required”.

Mr Speaker, Sir, since the time the Motion has been moved by the hon. Leader of the Opposition, no Member of the Opposition – and you can check from the record – has seconded the Motion.

(Interruptions)

We are now at the end of the debate and the hon. Leader of the Opposition has already summed up, and no Member has seconded the Motion.

I will move, Mr Speaker, Sir, that no vote can be taken on the Motion. I insist that Section 38 provides that the Speaker shall not propose the question on the Motion if it has not been seconded. Section 38, especially, mentions, Mr Speaker, Sir, that in Committee – I am using the exact words of the Standing Order – a seconder shall not be required, meaning that since now the House is not sitting in a Committee, a seconder is imperatively required. Therefore, Mr Speaker, Sir, according to me, it is the Motion of the Leader of the Opposition which should be disallowed.

An hon. Member: Yes!

Mr Mohamed: Mr Speaker, Sir, in answer to what is raised as a point of order, I have just confirmed from hon. Uteem that, during his speech, he seconded the Motion. Full stop! So, then? That's it!

Mr Speaker: Hon. Leader of the Opposition, I gave you a chance when I told you: 'do you withdraw your Motion?', and you said no. That question was to indicate to you that neither you nor hon. Uteem, at no point in time, seconded the Motion.

Mr Uteem: I have said I am supporting the Motion!

Mr Speaker: No!

(Interruptions)

So, hon. Ganoo is right raising this point of order, and I ruled. Anyway, you are 4-5 people here!

(Interruptions)

You do not even have a quorum. You have been speaking because they form the quorum. I don't know why Members of the Government have been listening to you. They form the quorum. You don't have a quorum! You don't have a majority! So, what is the point of taking a...

Mr Mohamed: Mr Speaker, Sir, the quorum is of the House, not on one side!

Mr Speaker: No! I am not saying the quorum is on this side or that side.

Mr Mohamed: But you just said that!

Mr Speaker: I said you don't have a quorum!

Mr Mohamed: But we don't need to have a one quorum. The quorum is that of the Assembly!

Mr Speaker: I mean you are only six people here!

Mr Mohamed: So what?

Mr Speaker: You are only six people here...

Mr Mohamed: So what?

Mr Speaker: ... which means that if these additional Members were not here, this House would not have adequate quorum!

Mr Mohamed: But they are!

Mr Speaker: This is my point!

Mr Mohamed: But they are!

Mr Speaker: I don't want to discuss with you. Please, I have ruled. You did not second your own Motion. Nobody seconded the Motion here and so I rule...

Mr Mohamed: Hon. Uteem said he seconded.

An hon. Member: No! No!

Mr Speaker: And so, I rule that hon. Ganoo is right. So, I suspend the Sitting unless the House is adjourned.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 07 May 2024 at 11.30 a.m.

The Deputy Prime Minister seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned!

At 2.00 a.m., the Assembly was, on its rising, adjourned to Tuesday 07 May 2024 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

MURDER OFFENCE – REPORTED & DETECTED CASES – STATISTICS

(No. B/232) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) 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 offence of murder, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported/detected cases thereof, since January 2015 to date, indicating the number thereof which –

- (a) are still under inquiry, and
- (b) have been tried, indicating the outcome thereof in terms of conviction and acquittal.

Reply: I am informed by the Commissioner of Police that since January 2015 to date, the following cases of murder have been reported to Police –

- In 2015, 9 cases;
- In 2016, 21 cases;
- In 2017, 34 cases;
- In 2018, 33 cases;
- In 2019, 24 cases;
- In 2020, 35 cases;

- In 2021, 26 cases;
- In 2022, 28 cases;
- In 2023, 23 cases, and finally,
- From January of this year to date there has been 15 cases reported.

242 of the cases have been detected, that is where suspects have been arrested and the remaining six cases are undetected, that is, where no suspect has been arrested so far.

Out of the 242 cases,

- 36 cases have already been tried before Court;
- 49 cases are on trial before court;
- 57 cases are pending the advice of the Office of the Director of Public Prosecutions, and
- 100 cases are under enquiry.

As regards part (b) of the question, I am further informed by the Commissioner of Police that out of the 36 cases which have already been tried before Court, convictions were secured against accused parties in 34 cases. The accused were acquitted in the remaining two cases.

PUBLIC OFFICERS – ESSENTIAL SERVICES SECTOR – SUNDAYS SHIFT/ROSTER – DOUBLE PAY

(No. B/233) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) 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 payment of double-pay to public officers of the essential services sector working on Sundays, he will state where matters stand as to the implementation thereof, indicating if same will apply to officers working on both day and night shift.

Reply (The Minister of Public Service, Administrative and Institutional Reforms):
The hon. Prime Minister, in his Address to the Nation on the occasion of the New Year 2024,

announced that pending the publication of the next Pay Research Bureau (PRB) Report, due in January 2026, public officers working on a shift or roster basis, as well as Police Officers, Firefighters, Prisons Officers and employees working in hospitals would be granted an allowance equivalent to twice the daily rate for work performed on Sundays.

This announcement was made to redress an anomaly. Indeed, the hon. Prime Minister referred to an injustice which has been left unattended over the years. This injustice refers to officers on shift or roster who work on Sundays and are not paid double pay although Sunday is defined as a Public Holiday in the Public Holidays Act.

There are a number of such public officers who are unfairly penalised. Some of them are Police Officers, Prisons Officers, Officers working in hospitals and Firefighters.

The main rationale is to do away with such a discriminatory practice in the work system and to correct an injustice, as declared by the hon. Prime Minister. Public Officers who work during public holidays are paid twice whereas the same Public Officers who work on Sundays are not paid at the same rate, although Sunday is declared a Public Holiday, as per the provisions of the Public Holidays Act.

Sunday was considered as a normal working day for public officers working on shift or on roster basis. Officers whose shift or roster falls on a Sunday were, therefore, remunerated on the same basis as a normal working day, as per the provisions of the Pay Research Bureau Report 2021.

Double Pay on Sunday applies to officers working during both day and night shift, provided the shift falls on a Sunday, which is considered a Public Holiday and based on the number of hours put in by the officer.

This measure will compensate officers who do not always work in a normal 9 to 4 work schedule. By the mere fact that they work on shift and roster, brings disturbance in their work-life balance. The financial compensation granted to them will certainly act as an incentive to allow them to perform in the best interest of the population.

Government has approved, with effect from 01 January 2024, the grant of an allowance equivalent to twice the daily rate for work performed on Sunday to public officers working on a shift or roster basis and whose shift or roster falls on a Sunday. A circular letter has been issued on 19 April 2024 to Ministries/Departments, including parastatal organisations, local authorities and the Rodrigues Regional Assembly, authorising payment of the appropriate allowance with effect from 01 January 2024. Necessary arrangements have been made for payment to be effected as from May 2024.

The PRB will be requested to look into this measure in a holistic manner in its forthcoming report.

A dedicated team under the responsibility of the Director, Human Resource Management has been set up at the level of the Ministry of Public Service, Administrative and Institutional Reforms to consider any representation/clarification/query that may arise regarding this issue.

NEW MOBILE IDENTITY CARD – NUMBER OF USERS – ELECTRONIC DEVICES READING

(No. B/234) Mr F. David (First Member for GRNW & Port Louis West) 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 new mobile identity card, he will, for the benefit of the House, obtain information as to the –

- (a) number of users thereof to date, and
- (b) number and type of public institutions equipped with appropriate devices for the electronic reading thereof.

Reply: The House is aware that a Mauritius National Identity Card Scheme was introduced in Mauritius in 2013 (the MNIC 2.0) under a G to G Agreement with the Government of Singapore to replace the laminated Identity Card that existed at that time. However, in around March 2020, following in-depth discussions that my Office had with the Ministry of Information Technology, Communication and Innovation, Government decided to revamp the MNIC 2.0 system on ground that after almost 8 years of operation, the hardware and software of the whole system have reached their end-of-support and end-of-life.

As stated in my reply to Parliamentary Questions B/989 and B/1001 at the National Assembly Sitting of Tuesday 11 July 2023, the Mauritius National Identity Card 3.0 project includes four new components other than the National Identity card, namely Card Reading, Storage of Digital Certificates, Digital ID and Mobile ID.

The Mobile ID is a digital version of the Identity Card of the citizen which is stored in the digital wallet on the smartphone of the citizen. The digital wallet is a digital application issued by the National Identity Card Unit to store digital documents and the Mobile ID will be the first document to be stored in the digital wallet. The introduction of Mobile ID will complement the advancement in identity card technology, reflecting global trends in mobile-based identity solutions and digital transformation initiatives.

The Mobile ID which will be available on the citizens' mobile devices, enhancing accessibility, security, and usability will contain the same information found on his physical ID card and with high-tech security features available through digital technology. The Mobile ID not only delivers a convenient and secured technology for citizens, but also a complete infrastructure to ensure security, privacy and integrity of data.

To allow the use of the Mobile ID card within a well-established legal framework, the National Identity Card Act has been consolidated through the Finance (Miscellaneous Provisions) Act 2023 and so far, two Regulations to the Act, regulating the operationalisation of the system have been promulgated, namely –

- (i) the National Identity Card Regulations 2024, and
- (ii) the National Identity Card (Mobile ID) Regulations 2024.

Furthermore, in accordance with regulation 5(g) of the Mobile ID Regulations, all verification and data sharing processes should be carried out only upon the consent of the citizen.

On 26 February 2024, I launched the new State- of-the-Art ID card, that is the MNIC 3.0 card only. Regarding the two components of the project, namely, Card Reading and Mobile ID, I am informed that same are still being finalised by the Consortium Thales/Harel Mallac Technologies Ltd. I am further informed that the development of the Mobile ID application and Card Reading Solution, has been nearly completed and testing is scheduled to start in the coming week. Once the Mobile ID is successfully tested and commissioned, it would be made available to the public on Google Playstore and Apple Appstore, after its launching. In addition, agencies

would be able to register with the Mauritius National Identity Card Unit to avail of the card reading services once the Card Reading Solution has been implemented and tested.

Thus, given that the Mobile ID and Card reading solution are not yet in operation, parts (a) and (b) of the question are therefore, premature.

EXCLUSIVE ECONOMIC ZONE – SURVEILLANCE OPERATION – LOGISTICS INVOLVED

(No. B/235) **Mr N. Bodha (Second Member for Vacoas & Floréal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to our Exclusive Economic Zone, he will state when surveillance operation therefor will start from the facilities recently put in place in Agaléga, indicating the –

- (a) logistics involved, and
- (b) authority responsible for the command and control thereof.

(Withdrawn)

ANTI-DRUG AND SMUGGLING UNIT – SPECIALISED EQUIPMENT ACQUISITION

(No. B/236) **Mr D. Ramful (First Member for Mahebourg & Plaine Magnien)** 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 acquisition of specialised equipment for the Anti-Drug and Smuggling Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions taken/being envisaged following the findings of the Director of Audit in his 2022-2023 Report thereon.

Reply: In its report released in July 2018, the Commission of Inquiry on Drug Trafficking recommended that Drug Enforcement Agencies should be equipped with modern technological tools to improve their operational effectiveness. Hence, the Anti-Drug Smuggling Unit (ADSU) decided to procure a sophisticated apparatus that would meet its operational requirements. However, for safety and security reasons, details on the equipment cannot be disclosed.

Subsequently, an amount of Rs25 million was earmarked under the Police budget for the Financial Year from July 2018 to June 2019 for the procurement of the specialised equipment. A

Technical team was set up at ADSU to carry out a market survey in order to identify potential suppliers.

After the survey, it was found that the equipment was not available on the local market. Hence, an online market survey was carried out for the identification of potential foreign suppliers. One foreign supplier responded positively and after necessary approval from concerned authorities, the equipment was purchased on 24 April 2019 at the cost of Rs20 million under Section 3 (1) of the Public Procurement Act 2006.

As per the terms and conditions of the agreement, 90% of the sum that is, approximately Rs18,465,000 was paid to the supplier as down payment and the remaining 10%, that is, approximately Rs2,495,000 will be paid after commissioning of the equipment.

Thereafter, on 21 January 2020, the Sales Director of the foreign company from which the equipment was acquired came to Mauritius for the conduct of a training course with a dedicated team of ADSU Officers. At the very outset of the training, the Sales Director noticed that an important component was missing from the equipment. On 25 January 2020, he left Mauritius in an endeavour to recover the missing component.

Due to COVID-19 pandemic, the Sales Director returned to Mauritius on 13 November 2022 with the missing component to continue the training course. In so doing, he encountered with a technical problem as a result of which he left Mauritius on 20 November 2022 with the defective part for repairs. He undertook to bear the cost of repairs. On 08 January 2024, he came back with the repaired part for the continuation of the training.

In the course of training, he once again, encountered another technical problem with the equipment. On 13 January 2024, he left Mauritius with the defective part for repairs and informed ADSU that he would come back after the repairs in order to complete the training course and commissioning of the equipment. However, as at 19 April 2024, despite several reminders sent to him, he has not replied.

In the light of the foregoing, the Police Department has sought the advice of the Attorney General's Office regarding legal action to be contemplated against the supplier for non-compliance with the terms and conditions of the contract.

RODRIGUES PORT AREA – CONTAINERS’ ACCOMODATION

(No. B/250) Mr J. B. Léopold (Second Member for Rodrigues) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, he will state if he has been made aware of the lack of space to accommodate containers in the Rodrigues port area in view of the increasing number thereof and, if so, indicate the measures his Ministry proposes to take in relation thereto.

Reply (The Prime Minister): The management and operation of the Container Park at Port Mathurin are undertaken by Associated Containers Services Limited. The Container Park of an extent of 7,000 square metres has been developed over a plot of land leased from the Mauritius Ports Authority. This Park can accommodate some 295 containers.

Based on the container traffic per vessel trip, the space available at the Container Park is adequate to cater for the traffic. Before the arrival of a ship at Port Mathurin, empty containers to be sent back to Mauritius, are removed from the Container Park and stacked at a dedicated space near the quay for easy unloading. Thus, necessary space is created for the stacking of incoming containers at the Container Park.

The newly acquired vessel, MV Peros Banhos, has a carrying capacity of 240 containers per trip and it effects three such trips to Rodrigues per month. In spite of this increase, the total number of containers has been stored in the Container Park.

With the enhanced economic development of Rodrigues and the implementation of the long-awaited new runway project at Plaine Corail, it is expected that container traffic to Rodrigues will increase over the coming years.

In this respect, there is a need to increase the storage capacity of the Container Park. To that effect, the Mauritius Ports Authority would discuss with Associated Containers Services Limited on the possibility of increasing the stacking height in the Park from presently two levels to three. This measure would result in an immediate increase in storage capacity to some 355 containers.

In addition, the Mauritius Ports Authority has identified additional land of an extent of 5,500 square metres, adjacent to the existing Park, for the development of a Container Park with a storage capacity of some 250 containers. The Mauritius Ports Authority will have consultations with the relevant stakeholders on the way forward.

CONSTITUENCY NO. 3 – HOUSING UNITS – CONSTRUCTION

(No. A/18) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the construction of housing units at Riche Terre, for the inhabitants of Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the New Social Living Development Ltd., information as to the number of –

- (a) units to be constructed, and
- (b) applications received therefor.

Reply: I am informed by the New Social Living Development Ltd. that within the first phase of the 12,000 housing units project, that is, the construction of 8,000 housing units across the island, some 400 housing units, to be allocated to inhabitants of Constituency No. 3, Port Louis Maritime and Port Louis East, are under construction as follows –

- (i) 176 housing units on a plot of land of 7A16 at Riche Terre, and
- (ii) 224 housing units on a plot of land of 10A40 at Arsenal.

In regard to part (b), all applications for a social housing unit are made to the National Housing Development Company Ltd. As at 23 April 2024, the number of applications for Constituency No. 3 stood at 1,525.

PORT LOUIS, LATANIERS RIVER – OVERFLOODING – REMEDIAL MEASURES

(No. A/19) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of National Infrastructure and Community Development whether, in regard to the Lataniers River, Port Louis, he will state if he has been informed of the overflowing thereof after each torrential rainfall, in the vicinity of the NHDC Complex and, if so, indicate the urgent remedial measures being envisaged therefor.

Reply: The region of Vallée des Prêtres is surrounded by mountains and the main river, River Lataniers which starts from Upper Vallée des Prêtres up to the outlet at Roche

Bois/Quartier Shell. The region is heavily affected by rainfall event during the rainy season and, as such, has been declared as a high-risk flood prone area.

The NHDC Complex at lower Vallée des Prêtres is situated adjacent to River Lataniers and is affected by riverine flooding.

In line with the recommendations of the Audit of Rivers (AoR), the Land Drainage Authority (LDA) had circulated a maintenance plan to each local authority to be included in the list of rivers/watercourses to be desilted as part of their respective soft measures. The maintenance plans are circulated to each local authority every financial year and these include the desilting of River Lataniers.

In fact, the desilting of River Lataniers was undertaken in July 22 over a total stretch of 5.25 kilometres for the Financial Year 2022/2023.

As urgent measures for the Financial Year 2023/2024, the cleaning/desilting of River Lataniers was earmarked from Ally Lane up to its outlet at Roche Bois/Quartier Shell over a total stretch of 8.6km. The works are currently ongoing and is currently at 90%.

As a long term measure, in order to mitigate flooding in the region of Vallée des Prêtres, including River Lataniers, a consultant has been appointed to undertake a holistic study which covers the region of Vallée des Prêtres and to propose measures to prevent flows emanating from the higher grounds (upstream catchment) from inundating the residential areas downstream.